THE SEVENTY-NINTH DAY

CARSON CITY (Tuesday), April 21, 2015

Assembly called to order at 11:33 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Norm Milz.

Almighty God, we are here on this important day in the Legislature. After much soul-searching and much discussion, we are at the deadline point of bills and action. Thank You for Your guidance and leadership throughout this process.

With funding and budget concerns before us, give us a spirit of compromise, listening ears, and open minds as we as a Chamber discuss and vote. May we always look for decisions that will be best for the citizens of this great state. Many times, some of these decisions will not match what we individually would want, but help us put those we represent ahead of ourselves or our political position.

Thank You for placing Your presence here and guide us today in everything we do. All these things we bring to You, in the glorious name of Your Son, Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 302, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 380, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, but without recommendation.

Also, your Committee on Taxation, to which was referred Assembly Bill No. 412, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, without recommendation, and rerefer to the Committee on Ways and Means.

DEREK ARMSTRONG, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 20, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 427, 469.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 67, 137, 223, 241, 247, 248, 257, 285, 286, 305, 310, 373, 384, 394, 406, 481; Senate Joint Resolution No. 21.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that all rules be suspended, reading so far had considered second reading, rules further suspended, and all Assembly bills and resolutions be declared emergency measures under the *Constitution* and placed on third reading and final passage.

Motion carried.

Assemblyman Paul Anderson moved that the Assembly dispense with the reprinting of all Assembly bills and resolutions for this legislative day.

Motion carried.

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

Assembly in recess at 11:39 a.m.

ASSEMBLY IN SESSION

At 11:42 a.m.

Mr. Speaker presiding.

Quorum present.

NOTICE OF EXEMPTION

April 20, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 328.

MARK KRMPOTIC
Fiscal Analysis Division

April 21, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 5.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 234 and 445.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 302.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 394.

CINDY JONES
Fiscal Analysis Division

Assemblyman Paul Anderson moved that Assembly Bills Nos. 4, 177, 191, 193, 292, and 312 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 302, 380, and 412, just reported out of committee be placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 114, 239, and 386 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 91, be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 5, 217, 218, 234, 280, 332, 359, 378, 394, and 445 be taken from their positions on the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Senate Joint Resolution No. 21.

Assemblyman Paul Anderson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 67.

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

Motion carried.

Senate Bill No. 137.

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

Motion carried.

Senate Bill No. 223.

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

Motion carried.

Senate Bill No. 241.

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

Motion carried.

Senate Bill No. 247.

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

Motion carried.

Senate Bill No. 248.

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

Motion carried.

Senate Bill No. 257.

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

Motion carried.

Senate Bill No. 285.

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

Motion carried.

Senate Bill No. 286.

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

Motion carried.

Senate Bill No. 305.

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

Motion carried.

Senate Bill No. 310.

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

Motion carried.

Senate Bill No. 373.

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

Motion carried.

Senate Bill No. 384.

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

Motion carried.

Senate Bill No. 394.

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

Motion carried.

Senate Bill No. 406.

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

Motion carried.

Senate Bill No. 427.

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

Motion carried.

Senate Bill No. 469.

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

Motion carried.

Senate Bill No. 481.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 91.

Bill read third time.

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

Assembly in recess at 12:01 p.m.

ASSEMBLY IN SESSION

At 12:02 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 91 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 114.

Bill read third time.

The following amendment was proposed by Assemblywomen Shelton and Diaz:

Amendment No. 623.

AN ACT relating to restitution; providing that a judgment requiring the payment of restitution ~~[does not expire until it is satisfied;]~~ **expires 10 years after the date on which the judgment is rendered;** exempting such a judgment from the time limitation for commencing an action upon or seeking the renewal thereof ~~[.]~~ **until the judgment expires;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a judgment which, among other things, requires a defendant in a criminal action to pay restitution constitutes a lien which is enforceable as a judgment in a civil action. (NRS 176.275) Existing law also provides that an action upon a judgment or decree or for the renewal of such judgment or decree must be commenced within 6 years. (NRS 11.190) This bill: (1) provides that a judgment requiring a defendant in a criminal action or a parent or guardian of a child to pay restitution ~~[does not expire until it is satisfied;]~~ **expires 10 years after the date on which the judgment is rendered;** and (2) exempts such a judgment from the time limitation for commencing an action or seeking the renewal thereof ~~[.]~~ **until the judgment expires.**

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

Section 1. NRS 176.275 is hereby amended to read as follows:

176.275 ***1.*** A judgment which imposes a fine or administrative assessment or requires a defendant to pay restitution or repay the expenses of a defense constitutes a lien in like manner as a judgment for money rendered in a civil action.

2. A judgment which requires a defendant to pay restitution:

(a) May be recorded, docketed and enforced as any other judgment for money rendered in a civil action.

(b) ~~[Does not expire until the judgment is satisfied.]~~ Expires 10 years after the date on which the judgment is rendered.

3. An independent action to enforce a judgment which requires a defendant to pay restitution may be commenced at any time ~~[.]~~ before the judgment expires.

Sec. 2. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

(a) Has fulfilled the conditions of probation for the entire period thereof;

(b) Is recommended for earlier discharge by the Division; or

(c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court,

➥ may be granted an honorable discharge from probation by order of the court.

2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge ~~[.]~~ ***and is enforceable pursuant to NRS 176.275.***

3. Except as otherwise provided in subsection 4, a person who has been honorably discharged from probation:

(a) Is free from the terms and conditions of probation.

(b) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(c) Four years after the date of honorable discharge from probation, is restored to the right to hold office.

(d) Six years after the date of honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.

(e) If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.

(f) Must be informed of the provisions of this section and NRS 179.245 in the person's probation papers.

(g) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

(h) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

(i) Except as otherwise provided in paragraph (h), need not disclose the conviction to an employer or prospective employer.

4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of the honorable discharge from probation.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of honorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of civil rights as set forth in subsection 3.

5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. Except for a person subject to the limitations set forth in subsection 4, upon honorable discharge from probation, the person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge from probation;

(b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of honorable discharge from probation;

(c) The date on which the person's civil right to hold office will be restored pursuant to paragraph (c) of subsection 3; and

(d) The date on which the person's civil right to serve as a juror in a criminal action will be restored pursuant to paragraph (d) of subsection 3.

7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.

8. A person who has been honorably discharged from probation in this State or elsewhere may present:

(a) Official documentation of honorable discharge from probation, if it contains the provisions set forth in subsection 6; or

(b) A court order restoring the person's civil rights,

➥ as proof that the person has been restored to the civil rights set forth in subsection 3.

Sec. 3. NRS 176A.870 is hereby amended to read as follows:

176A.870 A defendant whose term of probation has expired and:

1. Whose whereabouts are unknown;

2. Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or

3. Who has otherwise failed to qualify for an honorable discharge as provided in NRS 176A.850,

➥ is not eligible for an honorable discharge and must be given a dishonorable discharge. A dishonorable discharge releases the probationer from any further obligation, except a civil liability arising on the date of discharge for any unpaid restitution ~~[,]~~ ***which is enforceable pursuant to NRS 176.275,*** but does not entitle the probationer to any privilege conferred by NRS 176A.850.

Sec. 4. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) ~~[An]~~ ***Except as otherwise provided in NRS 62B.420 and 176.275, an*** action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 4.5. NRS 62B.420 is hereby amended to read as follows:

62B.420 1. Except as otherwise provided in this subsection, if, pursuant to this title, a child or a parent or guardian of a child is ordered by the juvenile court to pay a fine, administrative assessment, fee or restitution or to make any other payment and the fine, administrative assessment, fee, restitution or other payment or any part of it remains unpaid after the time established by the juvenile court for its payment, the juvenile court may enter a civil judgment against the child or the parent or guardian of the child for the amount due in favor of the victim, the state or local entity to whom the amount is owed or both. The juvenile court may not enter a civil judgment against a person who is a child unless the person has attained the age of 18 years, the person is a child who is determined to be outside the jurisdiction of the juvenile court pursuant to NRS 62B.330 or 62B.335 or the person is a child who is certified for proper criminal proceedings as an adult pursuant to NRS 62B.390.

2. Notwithstanding the termination of the jurisdiction of the juvenile court pursuant to NRS 62B.410 or the termination of any period of supervision or probation ordered by the juvenile court, the juvenile court retains jurisdiction over any civil judgment entered pursuant to subsection 1 and retains jurisdiction over the person against whom a civil judgment is entered pursuant to subsection 1. The juvenile court may supervise the civil judgment and take any of the actions authorized by the laws of this State.

3. A civil judgment entered pursuant to subsection 1 may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action. ***A judgment which requires a parent or guardian of a child to pay restitution ~~[does not expire until the]~~ expires 10 years after the date on which the judgment is ~~[satisfied.]~~ rendered. An independent action to enforce a judgment that requires a parent or guardian of a child to pay restitution may be commenced at any time ~~[.]~~ before the judgment expires.***

4. If the juvenile court enters a civil judgment pursuant to subsection 1, the person or persons against whom the judgment is issued is liable for a collection fee, to be imposed by the juvenile court at the time the civil judgment is issued, of:

(a) Not more than $100, if the amount of the judgment is less than $2,000.

(b) Not more than $500, if the amount of the judgment is $2,000 or greater, but is less than $5,000.

(c) Ten percent of the amount of the judgment, if the amount of the judgment is $5,000 or greater.

5. In addition to attempting to collect the judgment through any other lawful means, a victim, a representative of the victim or a state or local entity that is responsible for collecting a civil judgment entered pursuant to subsection 1 may take any or all of the following actions:

(a) Except as otherwise provided in this paragraph, report the judgment to reporting agencies that assemble or evaluate information concerning credit. If the judgment was entered against a person who was less than 21 years of age at the time the judgment was entered, the judgment cannot be reported pursuant to this paragraph until the person reaches 21 years of age.

(b) Request that the juvenile court take appropriate action pursuant to subsection 6.

(c) Contract with a collection agency licensed pursuant to NRS 649.075 to collect the judgment and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 4, in accordance with the provisions of the contract.

6. If the juvenile court determines that a child or the parent or guardian of a child against whom a civil judgment has been entered pursuant to subsection 1 has failed to make reasonable efforts to satisfy the civil judgment, the juvenile court may take any of the following actions:

(a) Order the suspension of the driver's license of a child for a period not to exceed 1 year. If the child is already the subject of a court order suspending the driver's license of the child, the juvenile court may order the additional suspension to apply consecutively with the previous order. At the time the juvenile court issues an order suspending the driver's license of a child pursuant to this paragraph, the juvenile court shall require the child to surrender to the juvenile court all driver's licenses then held by the child. The juvenile court shall, within 5 days after issuing the order, forward to the

Department of Motor Vehicles the licenses, together with a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the driving record of a child, but such a suspension must not be considered for the purpose of rating or underwriting.

(b) If a child does not possess a driver's license, prohibit the child from applying for a driver's license for a period not to exceed 1 year. If the child is already the subject of a court order delaying the issuance of a license to drive, the juvenile court may order any additional delay in the ability of the child to apply for a driver's license to apply consecutively with the previous order. At the time the juvenile court issues an order pursuant to this paragraph delaying the ability of a child to apply for a driver's license, the juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order.

(c) If the civil judgment was issued for a delinquent fine or administrative assessment, order the confinement of the person in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

(d) Enter a finding of contempt against a child or the parent or guardian of a child and punish the child or the parent or guardian for contempt in the manner provided in NRS 62E.040. A person who is indigent may not be punished for contempt pursuant to this subsection.

7. Money collected from a collection fee imposed pursuant to subsection 4 must be deposited and used in the manner set forth in subsection 4 of NRS 176.064.

8. If the juvenile court enters a civil judgment pursuant to subsection 1 and the person against whom the judgment is entered is convicted of a crime before he or she satisfies the civil judgment, the court sentencing the person for that crime shall include in the sentence the civil judgment or such portion of the civil judgment that remains unpaid.

Sec. 5. NRS 213.154 is hereby amended to read as follows:

213.154 1. The Division shall issue an honorable discharge to a parolee whose term of sentence has expired if the parolee has:

(a) Fulfilled the conditions of his or her parole for the entire period of his or her parole; or

(b) Demonstrated his or her fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court.

2. The Division shall issue a dishonorable discharge to a parolee whose term of sentence has expired if:

(a) The whereabouts of the parolee are unknown;

(b) The parolee has failed to make full restitution as ordered by the court, without a verified showing of economic hardship; or

(c) The parolee has otherwise failed to qualify for an honorable discharge pursuant to subsection 1.

3. Any amount of restitution that remains unpaid by a person after the person has been discharged from parole constitutes a civil liability as of the date of discharge ~~[.]~~ ***and is enforceable pursuant to NRS 176.275.***

Sec. 6. The amendatory provisions of this act apply to any judgment which requires a defendant to pay restitution which is rendered before, on or after October 1, 2015.

Assemblywoman Shelton moved the adoption of the amendment.

Remarks by Assemblywoman Shelton.

ASSEMBLYWOMAN SHELTON:

This amendment changes the expiration date of a judgement for restitution from "in perpetuity" to "ten years."

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 239.

Bill read third time.

The following amendment was proposed by Assemblyman Elliot Anderson:

Amendment No. 640.

AN ACT relating to aircraft; regulating operators of unmanned aerial vehicles in this State; revising the definition of "aircraft" to include unmanned aerial vehicles; prohibiting the operation or use of an unmanned aerial vehicle under certain circumstances or for certain purposes; authorizing a law enforcement agency to operate an unmanned aerial vehicle at certain locations without a warrant under certain circumstances and for any other lawful purpose; prohibiting a law enforcement agency from operating an unmanned aerial vehicle without first obtaining a warrant under certain circumstances; authorizing a public agency to operate an unmanned aerial vehicle only under certain circumstances; requiring the Department of Public Safety, to the extent that money is available, to establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State; requiring the Department to report certain information to the Legislature with respect to the operation of unmanned aerial vehicles by public agencies in this State; requiring the Department to adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle in this State; providing certain criminal and civil penalties for the unlawful operation or use of an unmanned aerial vehicle in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of aeronautics, including the operation of aircraft, in this State. (Title 44 of NRS) This bill revises the definition of "aircraft" to include unmanned aerial vehicles for the purpose of regulating unmanned aerial vehicles. This bill generally regulates the operators of unmanned aerial vehicles in this State in a manner similar to that of traditional aircraft by: (1) establishing the right to operate an unmanned aerial

vehicle in this State, with certain exceptions; (2) clarifying that the provisions of this bill are not to be interpreted in a manner inconsistent with federal law or apply to unmanned aerial vehicles owned or operated by the Federal Government; (3) clarifying the applicability of state law to torts and crimes resulting from the operation of unmanned aerial vehicles; and (4) prohibiting a person from operating or using an unmanned aerial vehicle under certain circumstances or for certain purposes.

Section 18 of this bill prohibits a person from weaponizing an unmanned aerial vehicle. **Section 18.5** of this bill prohibits a person from operating an unmanned aerial vehicle within a certain distance from critical facilities or ~~[a public]~~ **an** airport except under certain circumstances in which the person obtains the consent of the owner of a critical facility or the airport authority of ~~[a public]~~ **an** airport or authorization from the Federal Aviation Administration. **Section 19** of this bill authorizes a person who owns or lawfully occupies real property to bring an action for trespass against the owner or operator of an unmanned aerial vehicle under certain circumstances and provides an exception to bringing such an action against an operator lawfully operating an unmanned aerial vehicle within the scope of a business or for the purposes of surveying land. **Sections 20-22** of this bill prescribe certain restrictions on the operation and use of unmanned aerial vehicles by law enforcement agencies and public agencies. **Section 20** specifically prohibits, with limited exceptions, a law enforcement agency from operating an unmanned aerial vehicle for the purpose of gathering evidence or other information at any location or upon any property in this State at which a person has a reasonable expectation of privacy without first obtaining a warrant. **Section 20** authorizes a law enforcement agency to operate an unmanned aerial vehicle without a warrant: (1) if exigent circumstances exist and there is probable cause to believe that a person has committed, is committing or is about to commit a crime; (2) if a person consents in writing to the activity; (3) for the purpose of conducting search and rescue operations; (4) if the law enforcement agency believes that an imminent threat exists to the life and safety of an individual person or to the public at large, including the threat of an act of terrorism; and (5) upon the declaration of a state of emergency or disaster by the Governor. **Section 21** authorizes a public agency, other than a law enforcement agency, to operate an unmanned aerial vehicle for certain public purposes as prescribed by regulations adopted by the Department of Public Safety if the public agency registers the unmanned aerial vehicle with the Department. **Sections 20 and 21** provide that any photograph, image, recording or other information acquired unlawfully by a law enforcement agency or public agency, or otherwise acquired in a manner inconsistent with **section 20**, and any evidence that is derived therefrom, is inadmissible in any judicial, administrative or other adjudicatory proceeding and may not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense. **Section 22** requires the Department, to the extent that money is available for this purpose, to establish

and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State and requires the Department to adopt regulations prescribing the public purposes for which an agency may operate an unmanned aerial vehicle. **Section 22** further requires the Department to prepare and submit an annual report to the Legislature outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles in this State. **Section 24.4** of this bill revises provisions relating to the liability of the operator of an aircraft, including an unmanned aerial vehicle, with respect to the operation of the aircraft over heavily populated areas or public gatherings. **Section 24.8** of this bill prohibits a person from operating an unmanned aerial vehicle while intoxicated or in a careless or reckless manner so as to endanger the life or property of another person.

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

Section 1. Chapter 493 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 22, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. ***1. A person shall not weaponize an unmanned aerial vehicle or operate a weaponized unmanned aerial vehicle. A person who violates this section is guilty of a category D felony and shall be punished as provided in NRS 193.130.***

2. A person who weaponizes an unmanned aerial vehicle in violation of subsection 1 and who discharges the weapon is guilty of a category C felony and shall be punished as provided in NRS 193.130.

Sec. 18.5. ***1. A person shall not operate an unmanned aerial vehicle within:***

(a) A horizontal distance of 500 feet or a vertical distance of 250 feet from a critical facility without the written consent of the owner of the critical facility.

(b) Except as otherwise provided in subsection 2, 5 miles of ~~[a public]~~ an airport.

2. A person may operate an unmanned aerial vehicle within 5 miles of ~~[a public]~~ an airport only if the person obtains the consent of the airport authority or the operator of the ~~[public]~~ airport, or if the person has otherwise obtained a waiver, exemption or other authorization for such operation pursuant to any rule or regulation of the Federal Aviation Administration. A person who is authorized to operate an unmanned aerial vehicle within 5 miles of an airport pursuant to this subsection shall, at all times during such operation, maintain on his or her person documentation of any waiver, exemption, authorization or consent permitting such operation.

3. A person who violates this section is guilty of a misdemeanor.

4. As used in this section, ~~["public airport"]~~ "airport" means any ~~[publicly owned airport that boards not fewer than 2,500 passengers per calendar year and that has a scheduled passenger service.]~~ area of land or water owned, operated or maintained by an airport authority that is designed and set aside for the landing and taking off of aircraft and that is utilized in the interest of the public for such purposes.

Sec. 19. *1. Except as otherwise provided in subsection 2, a person who owns or lawfully occupies real property in this State may bring an action for trespass against the owner or operator of an unmanned aerial vehicle that is flown at a height of less than 250 feet over the property if:*

(a) The owner or operator of the unmanned aerial vehicle has flown the unmanned aerial vehicle over the property at a height of less than 250 feet on at least one previous occasion; and

(b) The person who owns or occupies the real property notified the owner or operator of the unmanned aerial vehicle that the person did not authorize the flight of the unmanned aerial vehicle over the property at a height of less than 250 feet. For the purposes of this paragraph, a person may place the owner or operator of an unmanned aerial vehicle on notice in the manner prescribed in subsection 2 of NRS 207.200.

2. A person may not bring an action pursuant to subsection 1 if:

(a) The unmanned aerial vehicle is lawfully in the flight path for landing at an airport, airfield or runway.

(b) The unmanned aerial vehicle is in the process of taking off or landing.

(c) The unmanned aerial vehicle was under the lawful operation of a law enforcement agency in accordance with section 20 of this act.

(d) The unmanned aerial vehicle was under the lawful operation of a business licensed in this State or a land surveyor if:

(1) The operator is licensed or otherwise approved to operate the unmanned aerial vehicle by the Federal Aviation Administration;

(2) The unmanned aerial vehicle is being operated within the scope of the lawful activities of the business or surveyor; and

(3) The operation of the unmanned aerial vehicle does not unreasonably interfere with the existing use of the real property.

3. A plaintiff who prevails in an action for trespass brought pursuant to subsection 1 is entitled to recover treble damages for any injury to the person or the real property as the result of the trespass. In addition to the recovery of damages pursuant to this subsection, a plaintiff may be awarded reasonable attorney's fees and costs and injunctive relief.

Sec. 20. ***1. Except as otherwise provided in this section, nothing in this section shall be deemed to otherwise prohibit the operation of an unmanned aerial vehicle by a law enforcement agency for any lawful purpose in this State.***

2. Except as otherwise provided in subsection 3, a law enforcement agency shall not operate an unmanned aerial vehicle for the purpose of gathering evidence or other information within the curtilage of a residence or at any other location or upon any property in this State at which a person has a reasonable expectation of privacy, unless the law enforcement agency first obtains a warrant from a court of competent jurisdiction authorizing the use of the unmanned aerial vehicle for that purpose. A warrant authorizing the use of an unmanned aerial vehicle must specify the period for which operation of the unmanned aerial vehicle is authorized. A warrant must not authorize the use of an unmanned aerial vehicle for a period of more than 10 days. Upon motion and a showing of probable cause, a court may renew a warrant after the expiration of the period for which the warrant was initially issued.

3. A law enforcement agency may operate an unmanned aerial vehicle without obtaining a warrant issued pursuant to subsection 2:

(a) If the law enforcement agency has probable cause to believe that a person has committed a crime, is committing a crime or is about to commit a crime, and exigent circumstances exist that make it unreasonable for the law enforcement agency to obtain a warrant authorizing the use of the unmanned aerial vehicle.

(b) If a person provides written consent to the law enforcement agency authorizing the law enforcement agency to acquire information about the person or the real or personal property of the person. The written consent must specify the information to be gathered and the time, place and manner in which the information is to be gathered by the law enforcement agency.

(c) For the purpose of conducting search and rescue operations for persons and property in distress.

(d) Under circumstances in which the law enforcement agency believes that an imminent threat exists to the life and safety of an individual person or to the public at large, including, without limitation, the threat of an act of terrorism. A law enforcement agency that operates an unmanned aerial vehicle pursuant to this paragraph shall document the factual basis for its belief that such an imminent threat exists and shall, not later than 2 business days after initiating operation, file a sworn statement with a court of

competent jurisdiction describing the nature of the imminent threat and the need for the operation of the unmanned aerial vehicle.

(e) Upon the declaration of a state of emergency or disaster by the Governor. A law enforcement agency that operates an unmanned aerial vehicle pursuant to this paragraph shall not use the unmanned aerial vehicle outside of the geographic area specified in the declaration or for any purpose other than the preservation of public safety, the protection of property, or the assessment and evaluation of environmental or weather-related damage, erosion or contamination.

4. Any photograph, image, recording or other information that is acquired by a law enforcement agency through the operation of an unmanned aerial vehicle in violation of this section, or that is acquired from any other person or governmental entity, including, without limitation, a public agency and any department or agency of the Federal Government, that obtained the photograph, image, recording or other information in a manner inconsistent with the requirements of this section, and any evidence that is derived therefrom:

(a) Is not admissible in and must not be disclosed in a judicial, administrative or other adjudicatory proceeding; and

(b) May not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense.

Sec. 21. *1. A public agency:*

(a) May operate an unmanned aerial vehicle only if:

(1) Before the operation of the unmanned aerial vehicle, the public agency registers the unmanned aerial vehicle with the Department pursuant to subsection 2 of section 22 of this act.

(2) The public agency operates the unmanned aerial vehicle in accordance with the regulations adopted by the Department pursuant to subsection 4 of section 22 of this act.

(b) Must not operate an unmanned aerial vehicle for the purposes of assisting a law enforcement agency with law enforcement or conducting a criminal prosecution.

2. Any photograph, image, recording or other information that is acquired by a public agency through the operation of an unmanned aerial vehicle in violation of this section, and any evidence that is derived therefrom:

(a) Is not admissible in, and must not be disclosed in, a judicial, administrative or other adjudicatory proceeding; and

(b) May not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense.

Sec. 22. *1. The Department shall, to the extent that money is available for this purpose, establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State. The Department shall include on its Internet website the information that is maintained in the registry.*

2. A public agency shall, for each unmanned aerial vehicle the public agency intends to operate, submit to the Department, on a form provided by the Department, for inclusion in the registry:

(a) The name of the public agency;

(b) The name and contact information of each operator of the unmanned aerial vehicle;

(c) Sufficient information to identify the unmanned aerial vehicle; and

(d) A statement describing the use of the unmanned aerial vehicle by the public agency.

3. The Department shall, on or before February 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles in this State.

4. The Department shall adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle that is registered with the Department pursuant to this section, including, without limitation:

(a) The provision of fire services.

(b) The provision of emergency medical services.

(c) The protection of a critical facility that is public property.

(d) Search and rescue operations conducted for persons and property in distress.

Sec. 22.5. NRS 493.010 is hereby amended to read as follows:

493.010 NRS 493.010 to 493.120, inclusive, ***and sections 18 to 22, inclusive, of this act*** may be cited as the Uniform State Law for Aeronautics.

Sec. 23. NRS 493.020 is hereby amended to read as follows:

493.020 As used in NRS 493.010 to 493.120, inclusive, ***and sections 18 to 22, inclusive, of this act,*** unless the context otherwise requires:

1. "Aircraft" includes ***a*** balloon, airplane, hydroplane ***, unmanned aerial vehicle*** and any other vehicle used for navigation through the air. A hydroplane, while at rest on water and while being operated on or immediately above water, is governed by the rules regarding water navigation. A hydroplane while being operated through the air other than immediately above water, is an aircraft.

2. ***"Critical facility" means a petroleum refinery, a petroleum or chemical production, transportation, storage or processing facility, a chemical manufacturing facility, a pipeline and any appurtenance thereto, a water treatment facility, a mine as that term is defined in subsection 5 of NRS 512.006, a power generating station, plant or substation and any appurtenances thereto, any transmission line that is owned in whole or in part by an electric utility as that term is defined in subsection 5 of NRS 704.187 , a county, city or town jail or detention facility and any prison, facility or institution under the control of the Department of Corrections.***

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

4. "Law enforcement agency" means an agency, office, bureau, board, commission, department or division of this State or a political subdivision of this State, the primary duty of which is to enforce the law.

5. "Operator" includes aviator, pilot, balloonist and any other person having any part in the operation of aircraft while in flight.

~~[3.]~~ ***6.*** "Passenger" includes any person riding in an aircraft, but having no part in its operation.

7. "Public agency" means an agency, office, bureau, board, commission, department or division of this State or a political subdivision of this State other than a law enforcement agency.

8. "Unmanned aerial vehicle" means a powered aircraft of any size without a human operator aboard the vehicle and that is operated remotely or autonomously.

Sec. 24. (Deleted by amendment.)

Sec. 24.2. NRS 493.050 is hereby amended to read as follows:

493.050 1. Flight ~~[in]~~ ***of an*** aircraft over the lands and waters of this state is lawful:

(a) Unless at such a low altitude as to interfere with the then existing use to which the land or water, or the space over the land or water, is put by the owner.

(b) Unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath.

(c) Unless specifically prohibited by the provisions of NRS 493.010 to 493.120, inclusive, and sections 18 to 22, inclusive, of this act, or any regulations adopted pursuant thereto.

2. The landing of an aircraft on the lands or waters of another, without his or her consent, is unlawful, except in the case of a forced landing. For damages caused by a forced landing, the owner, lessee or operator of the aircraft is liable as provided in NRS 493.060.

Sec. 24.4. NRS 493.100 is hereby amended to read as follows:

493.100 ***1.*** Any operator or passenger, while ***an aircraft is*** in flight over a heavily populated area or over a public gathering within this state, who:

~~[1. Engages]~~

(a) Except as otherwise provided in subsection 2, engages in trick or acrobatic flying, or in any acrobatic feat;

~~[2.]~~ ***(b)*** Except while in landing or taking off, flies at such a low level as to endanger the persons on the surface beneath; or

~~[3.]~~ ***(c)*** Drops any object ~~[except loose water or loose sand ballast,]~~ ***with reckless disregard for the safety of other persons and willful indifference to injuries that could reasonably result from dropping the object,***

➥ is guilty of a misdemeanor.

2. The provisions of paragraph (a) of subsection 1 do not apply to the operator of an unmanned aerial vehicle in a park unless the operator is operating the unmanned aerial vehicle with reckless disregard for the safety

of other persons and with willful indifference to injuries that could reasonably result from such operation.

Sec. 24.6. NRS 493.120 is hereby amended to read as follows:

493.120 NRS 493.010 to 493.120, inclusive, ***and sections 18 to 22, inclusive, of this act*** shall be so interpreted and construed as to effectuate their general purpose to make uniform the law of those states which enact them, and to harmonize, as far as possible, with federal laws and regulations on the subject of aeronautics. They shall not be interpreted or construed to apply in any manner to aircraft owned and operated by the Federal Government.

Sec. 24.8. NRS 493.130 is hereby amended to read as follows:

493.130 ***1.*** Any person operating an aircraft in the air, or on the ground or water:

~~[1.]~~ ***(a)*** While under the influence of intoxicating liquor or a controlled substance, unless in accordance with a lawfully issued prescription; or

~~[2.]~~ ***(b)*** In a careless or reckless manner so as to endanger the life or property of another,

➥ is guilty of a gross misdemeanor.

2. As used in this section:

(a) "Aircraft" includes an unmanned aerial vehicle as that term is defined in subsection 8 of NRS 493.020.

(b) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

(c) "Prescription" has the meaning ascribed to it in NRS 453.128.

Sec. 25. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 26. This act becomes effective:

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

2. On October 1, 2015, for all other purposes.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Amendment 640 adds a provision that was left out of the mock-up for critical facilities and also changes the definition of "airport."

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 386.

Bill read third time.

The following amendment was proposed by Assemblyman Flores:

Amendment No. 641.

AN ACT relating to real property; establishing supplemental procedures for the retaking of a dwelling subject to housebreaking or unlawful entry; establishing procedures for the retaking of a dwelling subject to forcible entry or forcible detainer; revising provisions relating to unlawful detainer; revising the procedures for removing a tenant who is guilty of an unlawful detainer; establishing the criminal offenses of housebreaking, unlawful entry and unlawful reentry; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth procedures for the removal of a person who is guilty of forcible entry, forcible detainer or unlawful detainer. (NRS 40.230, 40.240, 40.280-40.420) **Section 23** of this bill revises provisions governing the service of a notice to surrender by: (1) providing for different posting and mailing requirements; (2) eliminating the requirement that a witness be present for service if notice is served by a sheriff, constable or licensed process server; and (3) revising the contents of proof of service that must be filed with a court.

Existing law authorizes and sets forth a summary procedure for eviction of a tenant of certain types of properties who is guilty of unlawful detainer for: (1) continuing in possession of real property after the expiration of a specific term; (2) continuing in possession after expiration of a notice to surrender; (3) waste, nuisance, violation of certain lease terms and committing certain unlawful activities; and (4) failure to perform lease or agreement conditions or covenants. (NRS 40.254) **Section 20** of this bill revises this summary procedure as it relates to the contents of certain notices served upon a tenant and the commencement and conduct of court proceedings in contested cases.

Existing law provides that a tenant's neglect or failure to perform any condition or covenant of the lease or agreement under which property is held constitutes unlawful detainer and warrants the commencement of proceedings to remove the tenant. (NRS 40.2516) **Section 17** of this bill revises the types of property to which these provisions apply and specifies the regular and summary procedures, if applicable, by which a landlord may remove a tenant from the property.

Existing law describes conduct which constitutes forcible entry and forcible detainer. (NRS 40.230, 40.240) **Sections 11 and 12** of this bill revise the definitions of "forcible entry" and "forcible detainer," establish requirements relating to a notice to surrender that must be served upon a person who commits forcible entry or forcible detainer and authorize the entry of judgment for three times the amount of actual damages for such offenses under certain circumstances. **Section 2** of this bill establishes a procedure by which an owner of a dwelling that is the object of a housebreaking or unlawful occupancy may retake possession of and change the locks on the dwelling. **Section 4** of this bill establishes a procedure by which an occupant who has been locked out of a dwelling may seek to recover possession of the dwelling.

Sections 45-48 of this bill set forth the acts which constitute the criminal offenses of housebreaking, unlawful occupancy and unlawful reentry and the

penalties that attach upon conviction. **Section 3** of this bill establishes a procedure by which the owner of a dwelling that was subject to forcible entry or forcible detainer may seek to recover possession of the dwelling.

Section 56 of this bill repeals a provision that authorizes treble damages in a recovery for a forcible or unlawful entry to certain types of real property.

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***1. Except as otherwise provided in subsection 4, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, this section and sections 3 and 4 of this act, when all known unlawful or unauthorized adult occupants of a dwelling have been arrested for housebreaking or unlawful occupancy and all minor occupants are taken into the custody of the State, the owner of the dwelling may retake possession and change the locks on the dwelling.***

2. At the time an owner of a dwelling retakes possession or changes the locks of a dwelling pursuant to subsection 1, the owner or an authorized representative of the owner shall post a written notice on the dwelling. The notice must:

(a) Identify the address of the dwelling;

(b) Identify the court that has jurisdiction over any matter relating to the dwelling;

(c) Identify the date on which the owner took possession of the dwelling pursuant to subsection 1 or changed the locks; and

(d) Advise the unlawful or unauthorized occupant that:

(1) One or more locks on the dwelling have been changed as the result of an arrest for housebreaking or unlawful occupancy.

(2) The unlawful or unauthorized occupant has the right to contest the matter by filing a verified complaint for reentry with the court within 21 calendar days after the date indicated in paragraph (c). The complaint must be served upon the owner of the dwelling or the authorized representative of the owner at the address provided to the court with the filing of the written notice pursuant to subsection 3.

(3) Reentry of the property without a court order is a criminal offense, punishable by up to 4 years in prison.

(4) Except as otherwise provided in this subparagraph, the owner of the dwelling shall provide safe storage of any personal property which remains on the property. The owner may dispose of any personal property which remains on the property after 21 calendar days from the date indicated in paragraph (c) unless within that time the owner receives an affidavit or notice of hearing pursuant to section 3 of this act. The unlawful or unauthorized occupant may recover his or her personal property by filing an affidavit with the court pursuant to section 3 of this act within 21 calendar

days after the date indicated in paragraph (c). The owner is entitled to payment of the reasonable and actual costs of inventory, moving and storage before releasing the personal property to the occupant.

3. The notice posted pursuant to subsection 2 must remain posted on the dwelling for not less than 21 calendar days. A copy of the notice must be filed with the court not later than 1 day after any locks are changed on the dwelling and must be accompanied by a statement which includes an address for service of any documents on the owner of the dwelling or an authorized representative of the owner.

4. This section does not apply if one or more unlawful or unauthorized occupants is occupying the dwelling.

5. As used in this section:

(a) "Housebreaking" has the meaning ascribed to it in section 46 of this act.

(b) "Unlawful entry" has the meaning ascribed to it in section 48 of this act.

Sec. 3. ***1. In addition to the remedy provided in NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act, when a person who is guilty of forcible entry or forcible detainer fails, after the expiration of a written notice to surrender which was served pursuant to NRS 40.230 or 40.240, to surrender the real property to the owner of the real property or the occupant who is authorized by the owner to be in possession of the real property, the owner or occupant who is authorized by the owner may seek to recover possession of the real property pursuant to this section.***

2. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property shall serve the notice to surrender on the unlawful or unauthorized occupant in accordance with the provisions of NRS 40.280.

3. In addition to the requirements set forth in subsection 2 of NRS 40.230 and subsection 2 of NRS 40.240, a written notice to surrender must:

(a) Identify the court that has jurisdiction over the matter.

(b) Advise the unlawful or unauthorized occupant:

(1) Of his or her right to contest the matter by filing, before the court's close of business on the fourth judicial day following service of the notice of surrender, an affidavit with the court that has jurisdiction over the matter stating the reasons why the unlawful or unauthorized occupant is not guilty of a forcible entry or forcible detainer.

(2) That if the court determines that the unlawful or unauthorized occupant is guilty of a forcible entry or forcible detainer, the court may issue a summary order for removal of the unlawful or unauthorized occupant or an order providing for the nonadmittance of the unlawful or unauthorized occupant, directing the sheriff or constable of the county to remove the unlawful or unauthorized occupant within 24 hours after the sheriff's or constable's receipt of the order from the court.

(3) That, except as otherwise provided in this subparagraph, the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner of the real property to be in possession of the real property shall provide safe storage of any personal property of the unlawful or unauthorized occupant which remains on the property. The owner, an authorized representative of the owner or occupant may dispose of any personal property of the unlawful or unauthorized occupant remaining on the real property after 14 calendar days from the execution of an order for removal of the unlawful or unauthorized occupant or the compliance of the unlawful or unauthorized occupant with the notice to surrender, whichever comes first. The unlawful or unauthorized occupant must pay the owner, authorized representative of the owner or occupant for the reasonable and actual costs of inventory, moving and storage of the personal property before the personal property will be released to the unlawful or unauthorized occupant.

4. Upon service of the written notice to surrender pursuant to subsection 3, the unlawful or unauthorized occupant shall:

(a) Before the expiration of the notice, surrender the real property to the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property, in which case an affidavit of complaint may not be filed pursuant to subsection 5 and a summary order for removal may not be issued pursuant to subsection 6;

(b) Request that the court stay the execution of a summary order for removal, stating the reasons why such a stay is warranted; or

(c) Contest the matter by filing, before the court's close of business on the fourth judicial day following service of the notice to surrender, an affidavit with the court that has jurisdiction over the matter stating the reasons that the unlawful or unauthorized occupant is not guilty of a forcible entry or forcible detainer. A file-stamped copy of the affidavit must be served by mail upon the issuer of the notice to surrender.

5. Upon expiration of the written notice to surrender, the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may apply by affidavit of complaint for eviction to the justice court of the township in which the real property is located or the district court of the county in which the real property is located, whichever has jurisdiction over the matter. The affidavit of complaint for eviction must state or contain:

(a) The date on which the unlawful or unauthorized occupant forcibly entered or detained the real property or the date on which the applicant first became aware of the forcible entry or forcible detainer.

(b) A summary of the specific facts detailing how the alleged forcible entry or forcible detainer was or is being committed.

(c) A copy of the written notice to surrender that was served on the unlawful or unauthorized occupant.

(d) Proof of service of the written notice to surrender in compliance with NRS 40.280.

6. Upon the filing of the affidavit of complaint by the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property pursuant to subsection 5, the justice court or the district court, as applicable, shall determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If:

(a) The unlawful or unauthorized occupant has failed to timely file an affidavit contesting the matter pursuant to paragraph (c) of subsection 4 and the court determines that sufficient evidence has been set forth in the affidavit of complaint to demonstrate that a forcible entry or forcible detainer has been committed by the unlawful or unauthorized occupant, the court must issue an order directing the sheriff or constable of the county to remove the unlawful or unauthorized occupant within 24 hours after the sheriff's or constable's receipt of the order from the court.

(b) The unlawful or unauthorized occupant has timely filed an affidavit contesting the matter pursuant to paragraph (c) of subsection 4 and the court determines that the affidavit fails to raise an element of a legal defense regarding the alleged forcible entry or forcible detainer, the court may rule on the matter without a hearing. If the court determines that sufficient evidence has been set forth in the affidavit of complaint to demonstrate that a forcible entry or forcible detainer has been committed by the unlawful or unauthorized occupant, the court must issue an order directing the sheriff or constable of the county to remove the unlawful or unauthorized occupant within 24 hours after the sheriff's or constable's receipt of the order from the court, unless the court has stayed the execution of the order pursuant to a request pursuant to paragraph (b) of subsection 4.

(c) The unlawful or unauthorized occupant has timely filed an affidavit contesting the matter pursuant to paragraph (c) of subsection 4 and the court determines that the affidavit raises an element of a legal defense regarding the alleged forcible entry or forcible detainer, the court must require the parties to appear at a hearing to determine the truthfulness and sufficiency of the evidence set forth in any affidavit. Such a hearing must be held within 7 judicial days after the filing of the affidavit of complaint.

(d) Upon review of the affidavits of any party or upon hearing, the court determines that:

(1) There is a legal defense as to the alleged forcible entry or forcible detainer, the court must refuse to grant either party any relief and, except as otherwise provided in this subsection, must require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.

(2) The unlawful or unauthorized occupant gained entry or possession of the real property peaceably and as a result of an invalid lease, fraudulent act or misrepresentation by a person without the authority of the owner of

the real property, the court may issue a summary order for the removal of the unlawful or unauthorized occupant but also may, within the discretion of the court, stay such order for a period sufficient to allow the unlawful or unauthorized occupant to vacate and remove his or her personal property. This period may not exceed 20 days.

7. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may, without incurring any civil or criminal liability, dispose of personal property abandoned on the real property by an unlawful or unauthorized occupant who is ordered removed by this section in the following manner:

(a) The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property shall reasonably provide for the safe storage of the abandoned personal property for 21 calendar days after the removal of the unlawful or unauthorized occupant or the surrender of the real property in compliance with a written notice to surrender, whichever comes first, and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the abandoned personal property to the unlawful or unauthorized occupant or his or her authorized representative rightfully claiming the property within that period. The owner or the occupant is liable to the unlawful or unauthorized occupant only for negligent or wrongful acts in storing the abandoned personal property.

(b) After the expiration of the 21-day period, the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may dispose of the abandoned personal property and recover his or her reasonable costs out of the personal property or the value thereof.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

(d) Any dispute relating to the amount of the costs claimed by the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property pursuant to paragraph (a) may be resolved by the court pursuant to a motion filed by the unlawful or unauthorized occupant and the payment of the appropriate fees relating to the filing and service of the motion. The motion must be filed within 14 calendar days after the removal of the unlawful or unauthorized occupant or the surrender of the real property in compliance with a written notice to surrender, whichever comes first. Upon the filing of a motion by the unlawful or unauthorized occupant pursuant to this paragraph, the court shall schedule a hearing on the motion. The hearing must be held within 10 judicial days after the filing of the motion. The court shall affix the date of the hearing to the motion and mail a copy to the owner, an authorized representative of the owner or the occupant at the address on file with the court.

Sec. 4. ***1. If the owner of a dwelling or an authorized representative of the owner locks an occupant out of the dwelling pursuant to section 2 of this act, the occupant may recover possession of the dwelling as provided in this section.***

2. The occupant must file with the justice court of the township in which the dwelling is located a verified complaint for reentry, specifying:

(a) The facts of the lockout by the owner of the dwelling or the authorized representative of the owner; and

(b) The legal basis upon which reentry into the dwelling is warranted.

3. The court shall, after notice to both parties, hold a trial on the occupant's verified complaint for reentry not later than 10 judicial days after the date on which the occupant files the verified complaint for reentry.

4. If the court finds that an unjustified lockout has occurred, the court must issue a writ of restitution, restoring possession of the dwelling to the occupant.

5. A party may appeal from the court's judgment at the trial on the verified complaint for reentry in the same manner as a party may appeal a judgment in an action for forcible detainer.

6. If the owner of the dwelling or the person on whom a writ of restitution is served fails to immediately comply with the writ or later disobeys the writ, the failure is grounds for contempt of court against the owner or the person on whom the writ was served, under chapter 22 of NRS.

7. This section does not affect:

(a) The right of any party to pursue a separate cause of action under this chapter or chapter 118A of NRS if the court finds that a landlord and tenant relationship exists between the parties; or

(b) The rights of an owner or occupant in a forcible detainer, unlawful detainer or forcible entry and detainer action.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 40.215 is hereby amended to read as follows:

40.215 As used in NRS 40.215 to 40.425, inclusive, ***and sections 2 to 7, inclusive, of this act,*** unless the context requires otherwise:

1. ***"Dwelling" or "dwelling unit" means a structure or part thereof that is occupied, or designed or intended for occupancy, as a residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.***

2. "Landlord's agent" means a person who is hired or authorized by the landlord or owner of real property to manage the property or dwelling unit, to enter into a rental agreement on behalf of the landlord or owner of the property or who serves as a person within this State who is authorized to act for and on behalf of the landlord or owner for the purposes of service of process or receiving notices and demands. A landlord's agent may also

include a successor landlord or a property manager as defined in NRS 645.0195.

3. "Mobile home" means every vehicle, including equipment, which is constructed, reconstructed or added to in such a way as to have an enclosed room or addition occupied by one or more persons as a ~~[dwelling]~~ ***residence*** or sleeping place and which has no foundation other than wheels, jacks, skirting or other temporary support.

~~[2.]~~ ***4.*** "Mobile home lot" means a portion of land within a mobile home park which is rented or held out for rent to accommodate a mobile home.

~~[3.]~~ ***5.*** "Mobile home park" or "park" means an area or tract of land where two or more mobile homes or mobile home lots are rented or held out for rent. "Mobile home park" or "park" does not include those areas or tracts of land, whether within or outside of a park, where the lots are held out for rent on a nightly basis.

~~[4.]~~ ***6.*** "Premises" includes a mobile home.

~~[5.]~~ ***7.*** "Recreational vehicle" means a vehicular structure primarily designed as temporary living quarters for travel, recreational or camping use, which may be self-propelled or mounted upon or drawn by a motor vehicle.

~~[6.]~~ ***8.*** "Recreational vehicle lot" means a portion of land within a recreational vehicle park, or a portion of land so designated within a mobile home park, which is rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

~~[7.]~~ ***9.*** "Recreational vehicle park" means an area or tract of land where lots are rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

10. "Short-term tenancy" means a tenancy in which rent is reserved by a period of 1 week and the tenancy has not continued for more than 45 days.

Sec. 10. NRS 40.220 is hereby amended to read as follows:

40.220 No entry shall be made ***upon or*** into any ~~[lands, tenements]~~ ***real property*** or other possessions but in cases where entry is given by law; and in such cases, only in a peaceable manner, not with strong hand nor with multitude of people.

Sec. 11. NRS 40.230 is hereby amended to read as follows:

40.230 ***1.*** Every person is guilty of a forcible entry who ~~[either:~~

~~1. By breaking open doors, windows or other parts of a house, or by fraud, intimidation or stealth, or by]~~ ***unlawfully enters any real property:***

(a) By means of physical force resulting in damage to a structure on the real property;

(b) By any kind of violence or circumstance of terror ~~[, enters upon or into any]~~ ***;***

(c) Peaceably or otherwise and:

(1) Thereafter prevents the owner of the real property ~~[,]~~ ***from access or occupancy of the property by changing a lock;*** or

~~[2. Who, after entering peaceably upon real property, turns]~~

(2) Turns out by force, threats ***of violence*** or menacing conduct, the ~~[~~party in natural~~]~~ ***owner of the real property or an occupant who is authorized by the owner to be in*** possession ~~[.]~~ ***of the real property.***

2. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may seek to recover possession of the property pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act, after the expiration of the notice to surrender served by the owner, authorized representative of the owner or authorized occupant upon the person who committed the forcible entry. The notice must:

(a) Inform the person who committed the forcible entry that he or she is guilty of forcible entry; and

(b) Afford the person who committed the forcible entry 4 judicial days to surrender the property.

3. If an owner of real property or an authorized representative of the owner recovers damages for a forcible entry, judgment may be entered for three times the amount at which the actual damages are assessed. As used in this section, "actual damages" means damages to real property and personal property.

Sec. 12. NRS 40.240 is hereby amended to read as follows:

40.240 ***1.*** Every person is guilty of a forcible detainer who either:

~~[1. By]~~

(a) Unlawfully holds and keeps the possession of any real property by force ~~[, or by menaces]~~ or threats of violence ~~[, unlawfully holds and keeps the possession of any real property,]~~ ***, or*** whether the ~~[same]~~ ***possession*** was acquired peaceably or otherwise; or

~~[2. Who, in the nighttime, or during the absence of the occupant of]~~

(b) Enters any real property ~~[, unlawfully enters thereon,]~~ ***without the authority of the owner of the property, an authorized representative of the owner or an occupant who is authorized by the owner to be in possession of the real property*** and who, after ~~[demand made for the]~~ ***receiving written notice to*** surrender ~~[thereof, refuses for a period of 3 days]~~ ***pursuant to subsection 2, fails*** to surrender the ~~[same to such former occupant. The occupant of real property within the meaning of this subsection is one who, within 5 days preceding such unlawful entry, was in the peaceable and undisturbed possession of such lands.]~~ ***property.***

2. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may seek to recover possession of the property pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act, after the expiration of the notice to surrender served by the owner or authorized occupant upon the person who committed the forcible detainer. The notice must:

(a) Inform the person who committed the forcible detainer that he or she is guilty of a forcible detainer; and

(b) Afford the person who committed the forcible detainer 4 judicial days to surrender the property.

3. If an owner of real property or an authorized representative of the owner recovers damages for a forcible detainer, judgment may be entered for three times the amount at which the actual damages are assessed. As used in this section, "actual damages" means damages to real property and personal property.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. NRS 40.2516 is hereby amended to read as follows:

40.2516 ***1.*** A tenant of real property ***, a dwelling unit, a recreational vehicle*** or a mobile home ***other than a mobile home lot or a recreational vehicle lot*** for a term less than life is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, after a neglect or failure to perform any condition or covenant of the lease or agreement under which the ***real*** property ***, dwelling unit, recreational vehicle*** or mobile home is held, other than those mentioned in NRS 40.250 to ~~[~~40.252,~~]~~ ***40.254,*** inclusive, ~~[~~and NRS 40.254,~~]~~ and after notice in writing, requiring in the alternative the performance of the condition or covenant or the surrender of the ***real*** property, ***dwelling unit, recreational vehicle or mobile home,*** served upon the tenant, and, if there is a subtenant in actual occupation of the premises ~~[~~,~~]~~ ***or property,*** also upon the subtenant, remains uncomplied with for 5 days after the service thereof. Within ~~[~~3~~]~~ ***5*** days after the service, the tenant, or any subtenant in actual occupation of the premises ~~[~~,~~]~~ ***or property,*** or any mortgagee of the term, or other person, interested in its continuance, may perform the condition or covenant and thereby save the lease from forfeiture; but if the covenants and conditions of the lease, violated by the lessee, cannot afterwards be performed, then no notice need be given.

2. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the real property, dwelling unit, recreational vehicle or mobile home pursuant to the provisions of NRS 40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 40.254 is hereby amended to read as follows:

40.254 ***1.*** Except as otherwise provided by specific statute, in addition to the remedy provided in ~~[~~NRS 40.251 and in~~]~~ NRS 40.290 to 40.420, inclusive, ***and sections 2, 3 and 4 of this act*** when the tenant of a dwelling unit ***,*** ~~[~~which is subject to the provisions of chapter 118A of NRS,~~]~~ part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer ~~[~~,~~]~~ ***pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516,*** the landlord ~~[~~is entitled to~~]~~ ***or the***

landlord's agent may utilize the summary procedures ***for eviction as*** provided in NRS 40.253 except that ~~[~~:

~~1. Written]~~ ***written*** notice to surrender the premises must:

(a) Be given to the tenant in accordance with the provisions of NRS 40.280;

(b) Advise the tenant of the court that has jurisdiction over the matter; and

(c) Advise the tenant of the tenant's right to ~~[contest]~~ ***:***

(1) Contest the notice by filing ~~[within 5 days]~~ ***before the court's close of business on the fifth judicial day after the day of service of the notice*** an affidavit with the court that has jurisdiction over the matter ~~[that]~~ ***stating the reasons why*** the tenant is not guilty of an unlawful detainer ~~[~~.

~~2.]~~ ***; or***

(2) Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

2. The affidavit of the landlord or the landlord's agent submitted to the justice court or the district court must ***state or*** contain:

(a) The date when the tenancy commenced, the term of the tenancy ~~[,]~~ and, if any, a copy of the rental agreement ***.*** ~~[~~.

~~(b) The]~~ ***If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.***

(b) The date when the tenancy or rental agreement allegedly terminated.

(c) The date when ***written notice to surrender was given to*** the tenant ~~[became subject]~~ ***pursuant*** to the provisions of NRS 40.251 ~~[to]~~ ***, 40.2514 or*** 40.2516, ~~[inclusive,]~~ together with any ~~[supporting]~~ facts ~~[~~.

~~(d) The date when the]~~ ***supporting the notice.***

(d) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with ~~[NRS 40.280.]~~ ***NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.***

(e) A statement that the claim for relief was authorized by law.

3. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

Sec. 21. NRS 40.255 is hereby amended to read as follows:

40.255 1. Except as otherwise provided in subsections 2 and 7, in any of the following cases, a person who holds over and continues in possession of real property or a mobile home after a 3-day written notice to ~~[quit]~~ ***surrender*** has been served upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive ~~[.]~~ ***, and sections 2, 3 and 4 of this act:***

(a) Where the property or mobile home has been sold under an execution against the person, or against another person under whom the person claims, and the title under the sale has been perfected;

(b) Where the property or mobile home has been sold upon the foreclosure of a mortgage, or under an express power of sale contained therein, executed by the person, or by another person under whom the person claims, and the title under the sale has been perfected;

(c) Where the property or mobile home has been sold under a power of sale granted by NRS 107.080 to the trustee of a deed of trust executed by the person, or by another person under whom the person claims, and the title under such sale has been perfected; or

(d) Where the property or mobile home has been sold by the person, or by another person under whom the person claims, and the title under the sale has been perfected.

2. If the property has been sold as a residential foreclosure, a tenant or subtenant in actual occupation of the premises, other than a person whose name appears on the mortgage or deed, who holds over and continues in possession of real property or a mobile home in any of the cases described in paragraph (b) or (c) of subsection 1 may be removed as prescribed in NRS 40.290 to 40.420, inclusive, ***and sections 2, 3 and 4 of this act*** after receiving a notice of the change of ownership of the real property or mobile home and after the expiration of a notice period beginning on the date the notice was received by the tenant or subtenant and expiring:

(a) For all periodic tenancies with a period of less than 1 month, after not less than the number of days in the period; and

(b) For all other periodic tenancies or tenancies at will, after not less than 60 days.

3. During the notice period described in subsection 2:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property; and

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property.

4. The notice described in subsection 2 must contain a statement:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the notice period described in subsection 2; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law

constitutes a breach of the lease or rental agreement and may result in eviction proceedings ~~[.]~~ ***, including, without limitation, proceedings conducted pursuant to NRS 40.253 and 40.254.***

5. If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1, no person may enter a record of eviction for a tenant or subtenant who vacates a property during the notice period described in subsection 2.

6. If the property has been sold as a residential foreclosure in any of the cases described in paragraphs (b) or (c) of subsection 1, nothing in this section shall be deemed to prohibit:

(a) The tenant from vacating the property at any time before the expiration of the notice period described in subsection 2 without any obligation to the new owner of a property purchased pursuant to a foreclosure sale or trustee's sale; or

(b) The new owner of a property purchased pursuant to a foreclosure sale or trustee's sale from:

(1) Negotiating a new purchase, lease or rental agreement with the tenant or subtenant; or

(2) Offering a payment to the tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection 2.

7. This section does not apply to the tenant of a mobile home lot in a mobile home park.

8. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430 or under a power of sale granted by NRS 107.080. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 22. NRS 40.260 is hereby amended to read as follows:

40.260 In all cases of tenancy upon agricultural land where the tenant has held over and retained possession for more than 60 days after the expiration of the tenant's term, without any demand of possession or notice to ~~[quit]~~ ***surrender*** by the landlord, or the successor in estate of the landlord, if any there be, the tenant shall be deemed to be holding by permission of the landlord, or the successor in the estate of the landlord, if any there be, and shall be entitled to hold under the terms of the lease for another full year, and shall not be guilty of an unlawful detainer during the year, and such holding over for the period aforesaid shall be taken and construed as a consent on the part of the tenant to hold for another year.

Sec. 23. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS 40.253, the notices required by NRS 40.251 to 40.260, inclusive, ~~[may]~~ ***must*** be served:

(a) By delivering a copy to the tenant personally, in the presence of a witness ***.*** ~~[,]~~ ***If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required . [;]***

(b) If the tenant is absent from the tenant's place of residence or from the tenant's usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at the tenant's place of residence or place of business. ~~[, or]~~

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. ***The notices required by NRS 40.230 and 40.240 and section 3 of this act must be served upon an unlawful or unauthorized occupant:***

(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.

(b) If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

(c) If a person of suitable age or discretion cannot be found at the real property, by posting a copy in ~~[at least two separate and]~~ a conspicuous ~~[places]~~ place on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

3. Service upon a subtenant may be made in the same manner as provided in subsection 1.

~~[3. Before an]~~

4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, must be filed with the court before:

(a) An order ~~[to remove]~~ ***for removal of*** a tenant is issued ~~[pursuant to subsection 5 of NRS 40.253, a landlord shall file with the court a proof of service of any notice required by that section. Before a person may be removed as prescribed in NRS 40.290 to 40.420, inclusive, a landlord shall file with the court proof of service of any notice required pursuant to NRS 40.255. Except as otherwise provided in subsection 4, this proof]~~ ***pursuant to NRS 40.253 or 40.254;***

(b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to section 3 of this act; or

(c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive, and sections ~~[2.3]~~ 2, 3 and 4 of this act.

5. Proof of service of an order or writ filed pursuant to subsection 4 must consist of:

(a) ~~[A statement,]~~ ***Except as otherwise provided in paragraphs (b) and (c):***

(1) If the notice was served pursuant to paragraph (a) of subsection 1 or paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant ***or the unlawful or unauthorized occupant, as applicable,*** and a witness, ***signed under penalty of perjury by the server,*** acknowledging that the tenant ***or occupant*** received the notice on a specified date ***.*** ~~[~~;

~~(b) A~~]

(2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1 or paragraph (b) or (c) of subsection 2, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service ~~[~~;~~]~~ or ***confirmation of actual delivery by a private postal service.***

~~[(c) The endorsement of~~]

(b) If the notice was served by a sheriff, ***a*** constable or ~~[other]~~ ***a person who is licensed as a*** process server ***pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice,*** stating the ~~[time]~~ ***date*** and manner of service.

~~[4. If]~~ ***The statement must also include the number of the badge or license of the person who served the notice.***

(c) For a short-term tenancy, if service of the notice was not delivered in person ~~[to a tenant whose rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, proof of service must include:~~

~~(a) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or~~

~~(b) The endorsement of a~~] ***:***

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

~~[(1)~~] ***(I)*** Time and date the request for service was made by the landlord or the landlord's agent;

~~[(2)~~] ***(II)*** Time, date and manner of the service; and

~~[(3) Fees paid for the service.]~~

(III) Fees paid for the service.

Sec. 24. NRS 40.330 is hereby amended to read as follows:

40.330 When, upon the trial of any proceeding under NRS 40.220 to 40.420, inclusive, ***and sections 2 to 7, inclusive, of this act,*** it appears from the evidence that the defendant has been guilty of either a forcible entry or forcible or unlawful detainer, and other than the offense charged in the complaint, the judge must order that such complaint be forthwith amended to conform to such proofs. Such amendment must be without any imposition of terms. No continuance must be permitted upon account of such amendment, unless the defendant, by affidavit filed, shows to the satisfaction of the court good cause therefor.

Sec. 25. NRS 40.340 is hereby amended to read as follows:

40.340 The court or justice of the peace may for good cause shown adjourn the trial of any cause under NRS 40.220 to 40.420, inclusive, ***and sections 2 to 7, inclusive, of this act*** not exceeding 5 days; and when the defendant, or the defendant's agent or attorney, shall make oath that the defendant cannot safely proceed to trial for want of some material witness, naming that witness, stating the evidence that the defendant expects to obtain, showing that the defendant has used due diligence to obtain such witness and believes that if an adjournment be allowed the defendant will be able to procure the attendance of such witness, or the witness's deposition, in time to produce the same upon the trial, in which case, if such person or persons will give bond, with one or more sufficient sureties, conditioned to pay the ~~[complainant]~~ ***plaintiff*** for all rent that may accrue during the pending of such suit, and all costs and damages consequent upon such adjournment, the court or justice of the peace shall adjourn the cause for such reasonable time as may appear necessary, not exceeding 30 days.

Sec. 26. NRS 40.350 is hereby amended to read as follows:

40.350 If the ~~[complainant]~~ ***plaintiff*** admit that the evidence stated in the affidavit mentioned in NRS 40.340 would be given by such witness, and agree that it be considered as actually given on the trial, or offered and overruled as improper, the trial shall not be adjourned.

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 40.390 is hereby amended to read as follows:

40.390 In all cases of appeal under NRS 40.220 to 40.420, inclusive, ***and sections 2 to 7, inclusive, of this act,*** the appellate court shall not dismiss or quash the proceedings for want of form, provided the proceedings have been conducted substantially according to the provisions of NRS 40.220 to 40.420, inclusive; ***and sections 2 to 7, inclusive, of this act,*** and amendments to the complaint, answer or summons, in matters of form only, may be allowed by the court at any time before final judgment upon such terms as may be just; and all matters of excuse, justification or avoidance of the allegations in the complaint may be given in evidence under the answer.

Sec. 29. NRS 40.400 is hereby amended to read as follows:

40.400 The provisions of NRS, Nevada Rules of Civil Procedure ***, Justice Court Rules of Civil Procedure*** and Nevada Rules of Appellate Procedure relative to civil actions, appeals and new trials, so far as they are not inconsistent with the provisions of NRS 40.220 to 40.420, inclusive, ***and sections 2 to 7, inclusive, of this act,*** apply to the proceedings mentioned in those sections.

Sec. 30. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed $2,500 ..... $50.00
If the sum claimed exceeds $2,500 but does not exceed $5,000 ..... 100.00
If the sum claimed exceeds $5,000 but does not exceed $10,000 ..... 175.00
In a civil action for unlawful detainer pursuant to NRS 40.290 to 40.420, inclusive, ***and sections 2, 3 and 4 of this act*** in which a notice to ~~[quit]~~ ***surrender*** has been served pursuant to NRS 40.255 ..... $225.00
In all other civil actions 50.00

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed $1,000 ..... $45.00
If the sum claimed exceeds $1,000 but does not exceed $2,500 ..... 65.00
If the sum claimed exceeds $2,500 but does not exceed $5,000 ..... 85.00
If the sum claimed exceeds $5,000 but does not exceed $7,500 ..... 125.00

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:

In all civil actions $50.00
For every additional defendant, appearing separately 25.00

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention $25.00

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court, other than a writ of restitution $25.00

(g) For the issuance of any writ of restitution $75.00

(h) For filing a notice of appeal, and appeal bonds $25.00
One charge only may be made if both papers are filed at the same time.

(i) For issuing supersedeas to a writ designed to enforce a judgment or order of the court $25.00

(j) For preparation and transmittal of transcript and papers on appeal $25.00

(k) For celebrating a marriage and returning the certificate to the county recorder or county clerk $75.00

(l) For entering judgment by confession $50.00

(m) For preparing any copy of any record, proceeding or paper, for each page..... $.50

(n) For each certificate of the clerk, under the seal of the court..... $3.00

(o) For searching records or files in his or her office, for each year ... $1.00

(p) For filing and acting upon each bail or property bond $50.00

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph (k) of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected pursuant to subsection 1 during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to $5 of each fee collected pursuant to paragraph (k) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph (p) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

6. Except as otherwise provided in subsection 7, the county treasurer shall deposit 25 percent of the fees received pursuant to subsection 4 into a special account administered by the county and maintained for the benefit of each justice court within the county. The money in that account must be used only to:

(a) Acquire land on which to construct additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(b) Construct or acquire additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(c) Renovate, remodel or expand existing facilities or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or a portion of a facility or the renovation, remodeling or expansion of an existing facility or a portion of

an existing facility for a justice court or a multi-use facility that includes a justice court;

(e) Acquire advanced technology for the use of a justice court;

(f) Acquire equipment or additional staff to enhance the security of the facilities used by a justice court, justices of the peace, staff of a justice court and residents of this State who access the justice courts;

(g) Pay for the training of staff or the hiring of additional staff to support the operation of a justice court;

(h) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or for the construction, renovation, remodeling or expansion of facilities for a justice court or a multi-use facility that includes a justice court; and

(i) Pay for one-time projects for the improvement of a justice court.

➥ Any money remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.

7. The county treasurer shall, if necessary, reduce on an annual basis the amount deposited into the special account pursuant to subsection 6 to ensure that the total amount of fees collected by a justice court pursuant to this section and paid by the justice of the peace to the county treasurer pursuant to subsection 4 is, for any fiscal year, not less than the total amount of fees collected by that justice court and paid by the justice of the peace to the county treasurer for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

8. Each justice court that collects fees pursuant to this section shall submit to the board of county commissioners of the county in which the justice court is located an annual report that contains:

(a) An estimate of the amount of money that the county treasurer will deposit into the special account pursuant to subsection 6 from fees collected by the justice court for the following fiscal year; and

(b) A proposal for any expenditures by the justice court from the special account for the following fiscal year.

Sec. 31. NRS 21.130 is hereby amended to read as follows:

21.130 1. Before the sale of property on execution, notice of the sale, in addition to the notice required pursuant to NRS 21.075 and 21.076, must be given as follows:

(a) In cases of perishable property, by posting written notice of the time and place of sale in three public places at the township or city where the sale is to take place, for such a time as may be reasonable, considering the character and condition of the property.

(b) In case of other personal property, by posting a similar notice in three public places of the township or city where the sale is to take place, not less than 5 or more than 10 days before the sale, and, in case of sale on execution issuing out of a district court, by the publication of a copy of the notice in a newspaper, if there is one in the county, at least twice, the first publication being not less than 10 days before the date of the sale.

(c) In case of real property, by:

(1) Personal service upon each judgment debtor or by registered mail to the last known address of each judgment debtor and, if the property of the judgment debtor is operated as a facility licensed under chapter 449 of NRS, upon the State Board of Health;

(2) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;

(3) Publishing a copy of the notice three times, once each week, for 3 successive weeks, in a newspaper, if there is one in the county. The cost of publication must not exceed the rate for legal advertising as provided in NRS 238.070. If the newspaper authorized by this section to publish the notice of sale neglects or refuses from any cause to make the publication, then the posting of notices as provided in this section shall be deemed sufficient notice. Notice of the sale of property on execution upon a judgment for any sum less than $500, exclusive of costs, must be given only by posting in three public places in the county, one of which must be the courthouse;

(4) Recording a copy of the notice in the office of the county recorder; and

(5) If the sale of property is a residential foreclosure, posting a copy of the notice in a conspicuous place on the property. In addition to the requirements of NRS 21.140, the notice 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.

2. If the sale of property is a residential foreclosure, the notice must include, without limitation:

(a) The physical address of the property; and

(b) The contact information of the party who is authorized to provide information relating to the foreclosure status of the property.

3. If the sale of property is a residential foreclosure, 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 judgment debtor, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection 1. 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.]~~ ***surrender.***

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 ~~[;]~~ ***, unless service is accomplished by a sheriff, constable or licensed process server, in which case the presence of a witness is not required;***

(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 ~~[;]~~ ***and to the place where the leased property is situated, if different;*** 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 ~~[.]~~ ***situated.***

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 sheriff shall not conduct a sale of the property on execution or deliver the judgment debtor's property to the judgment creditor if the judgment debtor or any other person entitled to notice has not been properly notified as required in this section and NRS 21.075 and 21.076.

5. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 32. 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 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.]~~ ***surrender.***
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 ~~[,]~~ ***, unless service is accomplished by a sheriff, constable or licensed process server, in which case the presence of a witness is not required;***

(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 ~~[,]~~ ***and to the place where the leased property is situated, if different;*** 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 ~~[.]~~ ***situated.***

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 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. 33. NRS 116.4112 is hereby amended to read as follows:

116.4112 1. A declarant of a common-interest community containing converted buildings, and any dealer who intends to offer units in such a common-interest community, shall give each of the residential tenants and any residential subtenant in possession of a portion of a converted building notice of the conversion and provide those persons with the public offering statement no later than 120 days before the tenants and any subtenant in possession are required to vacate. The notice must set forth generally the rights of tenants and subtenants under this section and must be hand-delivered to the unit or mailed by prepaid United States mail to the tenant and subtenant at the address of the unit or any other mailing address provided by a tenant. No tenant or subtenant may be required to vacate upon less than 120 days' notice, except by reason of nonpayment of rent, waste or conduct that disturbs other tenants' peaceful enjoyment of the premises, and the terms of the tenancy may not be altered during that period. Failure to give notice as required by this section is a defense to an action for possession. If, during the 6-month period before the recording of a declaration, a majority of the tenants or any subtenants in possession of any portion of the property described in such declaration has been required to vacate for reasons other than nonpayment of rent, waste or conduct that disturbs other tenants' peaceful enjoyment of the premises, a rebuttable presumption is created that the owner of such property intended to offer the vacated premises as units in a common-interest community at all times during that 6-month period.

2. For 60 days after delivery or mailing of the notice described in subsection 1, the person required to give the notice shall offer to convey each unit or proposed unit occupied for residential use to the tenant who leases that unit. If a tenant fails to purchase the unit during that 60-day period, the offeror may not offer to dispose of an interest in that unit during the following 180 days at a price or on terms more favorable to the offeree than the price or terms offered to the tenant. This subsection does not apply to any unit in a converted building if that unit will be restricted exclusively to nonresidential use or the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

3. If a seller, in violation of subsection 2, conveys a unit to a purchaser for value who has no knowledge of the violation, the recordation of the deed conveying the unit or, in a cooperative, the conveyance of the unit, extinguishes any right a tenant may have under subsection 2 to purchase that

unit if the deed states that the seller has complied with subsection 2, but the conveyance does not affect the right of a tenant to recover damages from the seller for a violation of subsection 2.

4. If a notice of conversion specifies a date by which a unit or proposed unit must be vacated and otherwise complies with the provisions of NRS 40.251 and 40.280, the notice also constitutes a notice to ~~[vacate]~~ ***surrender*** specified by those sections.

5. This section does not permit termination of a lease by a declarant in violation of its terms.

Sec. 34. (Deleted by amendment.)

Sec. 35. NRS 118A.180 is hereby amended to read as follows:

118A.180 1. Except as otherwise provided in subsection 2, this chapter applies to, regulates and determines rights, obligations and remedies under a rental agreement, wherever made, for a dwelling unit or premises located within this State.

2. This chapter does not apply to:

(a) A rental agreement subject to the provisions of chapter 118B of NRS;

(b) Low-rent housing programs operated by public housing authorities and established pursuant to the United States Housing Act of 1937, 42 U.S.C. §§ 1437 et seq.;

(c) Residence in an institution, public or private, incident to detention or the provision of medical, geriatric, educational, counseling, religious or similar service;

(d) Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or his or her successor in interest;

(e) Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;

(f) Occupancy in a hotel or motel for less than 30 consecutive days unless the occupant clearly manifests an intent to remain for a longer continuous period;

(g) Occupancy by an employee of a landlord whose right to occupancy is solely conditional upon employment in or about the premises;

(h) Occupancy by an owner of a condominium unit or by a holder of a proprietary lease in a cooperative apartment; ~~[or]~~

(i) Occupancy under a rental agreement covering premises used by the occupant primarily for agricultural purposes ~~[.]~~ ***; or***

(j) Occupancy by a person who is guilty of a forcible entry, as defined in NRS 40.230, or a forcible detainer, as defined in NRS 40.240.

Sec. 36. (Deleted by amendment.)

Sec. 37. NRS 118B.086 is hereby amended to read as follows:

118B.086 1. Each manager and assistant manager of a manufactured home park which has 2 or more lots shall complete annually 6 hours of continuing education relating to the management of a manufactured home park.

2. The Administrator shall adopt regulations specifying the areas of instruction for the continuing education required by subsection 1.

3. The instruction must include, but is not limited to, information relating to:

(a) The provisions of chapter 118B of NRS;

(b) Leases and rental agreements;

(c) Unlawful detainer and eviction as set forth in NRS 40.215 to 40.425, inclusive ~~[,]~~ ***, and sections 2 to 7, inclusive, of this act;***

(d) The resolution of complaints and disputes concerning landlords and tenants of manufactured home parks; and

(e) The adoption and enforcement of the rules and regulations of a manufactured home park.

4. Each course of instruction and the instructor of the course must be approved by the Administrator. The Administrator shall adopt regulations setting forth the procedure for applying for approval of an instructor and course of instruction. The Administrator may require submission of such reasonable information by an applicant as the Administrator deems necessary to determine the suitability of the instructor and the course. The Administrator shall not approve a course if the fee charged for the course is not reasonable. Upon approval, the Administrator shall designate the number of hours of credit allowable for the course.

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. NRS 118B.190 is hereby amended to read as follows:

118B.190 1. A written agreement between a landlord and tenant for the rental or lease of a manufactured home lot in a manufactured home park in this State, or for the rental or lease of a lot for a recreational vehicle in an area of a manufactured home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection ~~[6]~~ ***8*** of NRS 40.215, must not be terminated by the landlord except upon notice in writing to the tenant served in the manner provided in NRS 40.280:

(a) Except as otherwise provided in paragraph (b), 5 days in advance if the termination is because the conduct of the tenant constitutes a nuisance as defined in NRS 40.140 or violates a state law or local ordinance.

(b) Three days in advance upon the issuance of temporary writ of restitution pursuant to NRS 40.300 on the grounds that a nuisance as defined in NRS 40.140 has occurred in the park by the act of a tenant or any guest, visitor or other member of a tenant's household consisting of any of the following specific activities:

(1) Discharge of a weapon.

(2) Prostitution.

(3) Illegal drug manufacture or use.

(4) Child molestation or abuse.

(5) Property damage as a result of vandalism.

(6) Operating a vehicle while under the influence of alcohol or any other controlled substance.

(7) Elder molestation or abuse.

(c) Except as otherwise provided in subsection 6, 10 days in advance if the termination is because of failure of the tenant to pay rent, utility charges or reasonable service fees.

(d) One hundred eighty days in advance if the termination is because of a change in the use of the land by the landlord pursuant to NRS 118B.180.

(e) Forty-five days in advance if the termination is for any other reason.

2. The landlord shall specify in the notice the reason for the termination of the agreement. The reason relied upon for the termination must be set forth with specific facts so that the date, place and circumstances concerning the reason for the termination can be determined. The termination must be in accordance with the provisions of NRS 118B.200 and reference alone to a provision of that section does not constitute sufficient specificity pursuant to this subsection.

3. The service of such a notice does not enhance the landlord's right, if any, to enter the tenant's manufactured home. Except in an emergency, the landlord shall not enter the manufactured home of the tenant served with such a notice without the tenant's permission or a court order allowing the entry.

4. If a tenant remains in possession of the manufactured home lot after expiration of the term of the rental agreement, the tenancy is from week to week in the case of a tenant who pays weekly rent, and in all other cases the tenancy is from month to month. The tenant's continued occupancy is on the same terms and conditions as were contained in the rental agreement unless specifically agreed otherwise in writing.

5. The landlord and tenant may agree to a specific date for termination of the agreement. If any provision of this chapter specifies a period of notice which is longer than the period of a particular tenancy, the required length of the period of notice is controlling.

6. Notwithstanding any provision of NRS 40.215 to 40.425, inclusive, ***and sections 2 to 7, inclusive, of this act,*** if a tenant who is not a natural person has received three notices for nonpayment of rent in accordance with subsection 1, the landlord is not required to give the tenant a further 10-day notice in advance of termination if the termination is because of failure to pay rent, utility charges or reasonable service fees.

Sec. 41. NRS 118B.200 is hereby amended to read as follows:

118B.200 1. Notwithstanding the expiration of a period of a tenancy or service of a notice pursuant to subsection 1 of NRS 118B.190, the rental agreement described in NRS 118B.190 may not be terminated except on one or more of the following grounds:

(a) Failure of the tenant to pay rent, utility charges or reasonable service fees within 10 days after written notice of delinquency served upon the tenant in the manner provided in NRS 40.280;

(b) Failure of the tenant to correct any noncompliance with a law, ordinance or governmental regulation pertaining to manufactured homes or recreational vehicles or a valid rule or regulation established pursuant to NRS 118B.100 or to cure any violation of the rental agreement within a reasonable time after receiving written notification of noncompliance or violation;

(c) Conduct of the tenant in the manufactured home park which constitutes an annoyance to other tenants;

(d) Violation of valid rules of conduct, occupancy or use of park facilities after written notice of the violation is served upon the tenant in the manner provided in NRS 40.280;

(e) A change in the use of the land by the landlord pursuant to NRS 118B.180;

(f) Conduct of the tenant which constitutes a nuisance as defined in NRS 40.140 or which violates a state law or local ordinance, specifically including, without limitation:

(1) Discharge of a weapon;

(2) Prostitution;

(3) Illegal drug manufacture or use;

(4) Child molestation or abuse;

(5) Elder molestation or abuse;

(6) Property damage as a result of vandalism; and

(7) Operating a motor vehicle while under the influence of alcohol or any other controlled substance; or

(g) In a manufactured home park that is owned by a nonprofit organization or housing authority, failure of the tenant to meet qualifications relating to age or income which:

(1) Are set forth in the lease signed by the tenant; and

(2) Comply with federal, state and local law.

2. A tenant who is not a natural person and who has received three or more 10-day notices to ~~[quit]~~ ***surrender*** for failure to pay rent in the preceding 12-month period may have his or her tenancy terminated by the landlord for habitual failure to pay timely rent.

Sec. 42. (Deleted by amendment.)

Sec. 43. NRS 203.110 is hereby amended to read as follows:

203.110 ***Except as otherwise provided in sections 46 and 47 of this act:***

1. Every person who shall unlawfully use, or encourage or assist another in unlawfully using, any force or violence in entering upon or detaining any lands or other possessions of another; and ~~[every]~~

2. Every person who, having removed or been removed ~~[therefrom]~~ ***from any lands or possessions of another*** pursuant to the order or direction of any court, tribunal or officer, shall afterward unlawfully return to settle or reside upon, or take possession of, such lands or possessions,

➥ shall be guilty of a misdemeanor.

Sec. 44. Chapter 205 of NRS is hereby amended by adding thereto the provisions set forth as sections 45 to 48, inclusive, of this act.

Sec. 45. ***As used in sections 45 to 48, inclusive, of this act, "dwelling" means a structure or part thereof that is designed or intended for occupancy as a residence or sleeping place.***

Sec. 46. ***1. A person who forcibly enters an uninhabited or vacant dwelling, knows or has reason to believe that such entry is without permission of the owner of the dwelling or an authorized representative of the owner and has the intent to take up residence or provide a residency to another therein is guilty of housebreaking.***

2. A person convicted of housebreaking is guilty of:

(a) For a first offense, a gross misdemeanor; and

(b) For a second and any subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.

3. A person convicted of housebreaking and who has previously been convicted three or more times of housebreaking must not be released on probation or granted a suspension of sentence.

4. As used in this section, "forcibly enters" means an entry involving:

(a) Any act of physical force resulting in damage to the structure; or

(b) The changing or manipulation of a lock to gain access.

Sec. 47. ***1. A person who takes up residence in an uninhabited or vacant dwelling and knows or has reason to believe that such residency is without permission of the owner of the dwelling or an authorized representative of the owner is guilty of unlawful occupancy.***

2. A person convicted of unlawful occupancy is guilty of a gross misdemeanor. A person convicted of unlawful occupancy and who has been convicted three or more times of unlawful occupancy is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. A person who is accused of unlawful occupancy pursuant to subsection 1 and has previously been convicted two times of housebreaking, unlawful occupancy or any lesser included or related offense, or any combination thereof, arising from the same set of facts is presumed to have obtained residency of the dwelling with the knowledge that:

(a) Any asserted lease is invalid; and

(b) Neither the owner nor an authorized representative of the owner permitted the residency.

Sec. 48. ***1. A person is guilty of unlawful reentry if:***

(a) An owner of real property has recovered possession of the property from the person pursuant to section 2 or 3 of this act; and

(b) Without the authority of the court or permission of the owner, the person reenters the property.

2. A person convicted of unlawful reentry is guilty of a gross misdemeanor.

Sec. 49. (Deleted by amendment.)

Sec. 50. (Deleted by amendment.)

Sec. 51. (Deleted by amendment.)

Sec. 52. (Deleted by amendment.)

Sec. 53. NRS 315.041 is hereby amended to read as follows:

315.041 1. Except as otherwise required by federal law or regulation, or as a condition to the receipt of federal money, a housing authority or a landlord shall, immediately upon learning of facts indicating that a tenant is required pursuant to NRS 315.031 to vacate public housing, serve upon the tenant a written notice which:

(a) States that the tenancy is terminated at noon of the fifth full day following the day of service, and that the tenant must surrender the premises at or before that time;

(b) Sets forth the facts upon which the tenant is required to vacate the premises pursuant to NRS 315.031;

(c) Advises the tenant of the tenant's right to contest the matter by filing, within 5 days, an affidavit with the justice of the peace denying the occurrence of the conditions set forth in NRS 315.031; and

(d) Contains any other matter required by federal law or regulation regarding the eviction of the tenant from those premises, or as a condition to the receipt of federal money.

➥ If the tenant timely files the affidavit and provides the housing authority or the landlord with a copy of the affidavit, stamped as filed with the justice of the peace, the housing authority or the landlord shall not refuse the tenant, or any person who resides with the tenant, access to the premises.

2. Upon noncompliance with the notice:

(a) The housing authority or the landlord shall apply by affidavit to the justice of the peace of the township where the premises are located. If it appears to the justice of the peace that the conditions set forth in NRS 315.031 have occurred and that the tenant is required by that section to vacate the premises, the justice of the peace shall issue an order directing the sheriff or constable of the county to remove the tenant and any other person on the premises within 24 hours after receipt of the order. The affidavit required by this paragraph must contain:

(1) The date when, and the facts upon which, the tenant became required to vacate the premises.

(2) The date when the written notice was given, a copy of the notice and a statement that the notice was served as provided in NRS 315.051.

(b) Except when the tenant has timely filed the affidavit described in subsection 1 and provides the housing authority or the landlord with a copy of the affidavit, stamped as filed with the justice of the peace, the housing authority or the landlord may, in a peaceable manner, refuse the tenant, and any person who resides with the tenant, access to the premises.

3. Upon the filing by the tenant of the affidavit authorized by subsection 1 and the filing by the housing authority or the landlord of the affidavit required by subsection 2, the justice of the peace 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 justice of the peace determines that the conditions set forth in NRS 315.031 have

occurred and that the tenant is required by that section to vacate the premises, the justice of the peace shall issue a summary order for removal of the tenant and any other person on the premises, or an order refusing the tenant, and any person who resides with the tenant, admittance to the premises. If the justice of the peace determines that the conditions set forth in NRS 315.031 have not occurred and that the tenant is not required by that section to vacate the premises, the justice of the peace shall refuse to grant any relief.

4. The provisions of NRS 40.215 to 40.425, inclusive, ***and sections 2 to 7, inclusive, of this act*** do not apply to any proceeding brought pursuant to the provisions of NRS 315.011 to 315.071, inclusive.

Sec. 54. NRS 326.070 is hereby amended to read as follows:

326.070 1. All lands in this state shall be deemed and regarded as public lands until the legal title is known to have passed from the government to private persons.

2. Every person who shall have complied with the provisions of NRS 326.010 to 326.070, inclusive, shall be deemed and held to have the right or title of possession of all the lands embraced within the survey, not to exceed 160 acres; and any person who shall thereafter, without the consent of the person so complying, enter into or upon such lands adversely, shall be deemed and held guilty of an unlawful and fraudulent entry thereon, and may be removed therefrom by proceedings had before any justice of the peace of the township in which the lands are situated. Such proceedings may be commenced and prosecuted under the provisions of NRS 40.220 to 40.420, inclusive, ***and sections 2 to 7, inclusive, of this act*** and all the provisions contained in those sections are made applicable to proceedings under NRS 326.010 to 326.070, inclusive.

Sec. 55. (Deleted by amendment.)

Sec. 56. NRS 40.170 is hereby repealed.

TEXT OF REPEALED SECTION

40.170 Damages in actions for forcible or unlawful entry may be trebled.

1. If a person recovers damages for a forcible or unlawful entry in or upon, or detention of, any building or any uncultivated or cultivated real property, judgment may be entered for three times the amount at which the actual damages are assessed.

2. As used in this section, "actual damages" means damages to real property and personal property.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

This amendment removes a requirement for a second notice in section 23 of the bill.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 302.

Bill read third time.

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

Amendment No. 515.

SUMMARY—Makes various changes relating to ~~[statewide]~~ **political parties and presidential preference** primary elections. (BDR 24-801)

AN ACT relating to elections; **making various changes relating to political parties and presidential preference primary elections; revising provisions governing the organization and operation of major political parties;** providing in certain circumstances for a presidential preference primary election to be held ~~[in conjunction with the statewide primary election; revising the date of the statewide primary election to the Tuesday immediately preceding the last Tuesday in January of each even-numbered year; requiring the Secretary of State, under certain circumstances and with the approval of the Legislative Commission, to select an earlier date for the statewide primary election; making corresponding changes to various pre-election deadlines; revising requirements for the reporting of campaign contributions and expenditures; establishing requirements for participation]~~ **when requested** by **a** major political ~~[parties and candidates in a presidential preference primary election;]~~ **party; requiring delegates to a national party convention to vote according to the results of the state party's presidential preference process in certain circumstances; providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Sections 1, 2, 18-21 and 32-38 of this bill provide for a statewide presidential preference primary election to be held in conjunction with the statewide primary election in January of a presidential election year. Section 32 provides that a presidential preference primary election is generally governed by the same statutory provisions applicable to the existing statewide primary. Pursuant to section 33, a presidential preference primary election is initiated by the submission of a notice to the Secretary of State from the state central committee of any major political party. After the submission of this notice, the election must be held if two or more presidential candidates of that party timely file declarations of candidacy with the Secretary of State.~~

~~Under existing law, the election of delegates at precinct meetings scheduled by the state central committee of each major political party, commonly known as "party caucuses," may be a part of expressing preferences for candidates for the party's nomination for President of the United States. (NRS 293.137) In any year in which a presidential preference primary election is held for the party, section 4 of this bill requires that the precinct meetings not be held until after the presidential preference primary election has been conducted and the~~

~~results of the election have been certified by the Secretary of State. Sections 5 and 6 of this bill further require that any rule of a party governing the election of delegates at a precinct meeting, the selection of delegates and alternates to a national party convention, or the voting of delegates at the national convention, must reasonably reflect the results of the presidential preference primary election, if one has been held for the party.~~

~~Section 7 of this bill changes the date of the statewide primary election from the second Tuesday in June of each even-numbered year to the Tuesday immediately preceding the last Tuesday in January of each even-numbered year. To provide an example, if the provisions of this bill had been in effect in 2014, the primary election would have been held on January 21, 2014, instead of June 10, 2014. If another state in the Western United States (an area defined to encompass Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming) schedules its presidential preference primary election for a date earlier in January than the date otherwise prescribed for the statewide primary election in Nevada, section 7 requires the Secretary of State, with the approval of the Legislative Commission, to select a date for the primary election which is not earlier than January 2 and not a Saturday, Sunday or legal holiday. As a result of changing the date of the statewide primary election, sections 3, 8-13, 17, 22 and 23 of this bill amend various other dates relating to elections, such as the date for filing a declaration of candidacy.~~

~~Sections 16 and 24 of this bill delete certain existing but obsolete statutory references to the presidential preference primary election.~~

~~Various provisions of existing law provide for the submission to the Secretary of State of periodic reports relating to campaign contributions and expenditures. The reporting periods and the deadlines for submitting these reports are based, in part, on the date of the relevant primary election or primary city election. (NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220) Sections 25-30 of this bill revise these reporting requirements as they relate to a primary election or primary city election held on or before February 1.~~**]**

Under existing law, a major political party must: (1) hold precinct meetings in each county; (2) select delegates to the county, state and national party conventions; (3) provide certain types of notice regarding its meetings and conventions; and (4) follow certain procedural requirements when conducting its affairs. (NRS 293.130-293.163) Sections 3.5-6 of this bill revise various aspects of the organization and operation of major political parties.

Sections 3.5 and 4 authorize major political parties to adopt rules for providing notice of meetings and conventions through an Internet website or other social media. Section 4 also provides that precinct meetings may be consolidated or held for the county at large. Section 5 allows delegates to be selected through a nomination process instead of being selected at precinct meetings and permits the county central committee to provide

for forms to be prepared and delivered electronically. Section 6 provides that until the end of the first ballot at the national party convention, the state party's delegates are bound to vote at each stage of the presidential nomination process according to the results of the state party's presidential preference process.

Sections 1-3, 31.1-31.9 and 42 of this bill authorize the state central committee of a major political party to submit a request to the Secretary of State to cause a presidential preference primary election to be held for the party in February of a presidential year. The election would be conducted on a single weekday from 8 a.m. until at least 8 p.m. without any period of early voting but with voting by absent ballot. Sections ~~[37]~~ 31.9 and 42 of this bill provide that the cost of **~~[any]~~ such a** presidential preference primary election **~~[is]~~ would be** a charge against the State and must be paid from the Reserve for Statutory Contingency Account in the State General Fund.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

"Presidential preference primary election" means an election held in a presidential election ~~[years]~~ year pursuant to sections ~~[32 to 38,]~~ 31.1 to 31.9, inclusive, of this act ~~[.]~~ to determine the preferences of the registered voters of a major political party regarding the party's nominee for President of the United States.

Sec. 2. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 2.5. **NRS 293.080 is hereby amended to read as follows:**

293.080 ***1.*** "Primary election" means the election held pursuant to NRS 293.175.

2. Except as otherwise provided in sections 31.1 to 31.9, inclusive, of this act, the term includes a presidential preference primary election.

Sec. 3. ~~**[**NRS 293.128 is hereby amended to read as follows:~~

~~293.128 1. To qualify as a major political party, any organization must, under a common name:~~

~~(a) On **[**January 1**]** ***August 1 of the year*** preceding any primary election, have been designated as a political party on the applications to register to vote of at least 10 percent of the total number of registered voters in this State; or~~

~~(b) File a petition with the Secretary of State not later than the last Friday in **[**February before**]** ***September of the year preceding*** any primary election signed by a number of registered voters equal to or more than 10 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.~~

~~2. If a petition is filed pursuant to paragraph (b) of subsection 1, the names of the voters need not all be on one document, but each document of the petition must be verified by the circulator thereof to the effect that the signers are registered voters of this State according to the circulator's best information and belief and that the signatures are genuine and were signed in the circulator's presence. Each document of the petition must bear the name of a county, and only registered voters of that county may sign the document. The documents which are circulated for signature must then be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last Friday in [February] *September of the year* preceding a primary election.~~

~~3. In addition to the requirements set forth in subsection 1, each organization which wishes to qualify as a political party must file with the Secretary of State a certificate of existence which includes the:~~

~~(a) Name of the political party;~~

~~(b) Names and addresses of its officers;~~

~~(c) Names of the members of its executive committee; and~~

~~(d) Name of the person who is authorized by the party to act as registered agent in this State.~~

~~4. A political party shall file with the Secretary of State an amended certificate of existence within 5 days after any change in the information contained in the certificate.]~~ **(Deleted by amendment.)**

Sec. 3.5. **NRS 293.130 is hereby amended to read as follows:**

293.130 1. On the dates set by the respective state central committees in each year in which a general election is to be held, a county convention of each major political party must be held at the county seat of each county or at such other place in the county as the county central committee designates.

2. The county central committee of each major political party shall cause notice of the holding of the county convention of its party to be ~~[published]~~ **:**

(a) Published in one or more newspapers, if any, published in the county ~~[.]~~ ***; or***

(b) If consistent with the rules of the party, posted on an Internet website or other social media.

3. The notice must be in substantially the following form:

NOTICE OF.....(NAME OF PARTY).....CONVENTION

Notice is hereby given that the county Convention of the ..... Party for ..... County will be held at ..... in ....., on the ……..day of the month of …… of the year ……; that at the convention delegates to the ..... State Convention will be elected, a county central committee to serve for the ensuing 2 years will be chosen, and other party affairs may be considered; that delegates to such county convention will be chosen at .....(name of party)..... precinct meetings to be held in each voting precinct in the county on or before the ..... day of the month of …… of the year ……..; and that a voting precinct

is entitled to a number of delegates in proportion to the number of registered voters of the ..... Party residing in the precinct as set forth in NRS 293.133.

County Central Committee of ..... County, Nevada
By ..... (Its Chair)
And ..... (Its Secretary)

Sec. 4. NRS 293.135 is hereby amended to read as follows:

293.135 1. ~~[The]~~ ***Except as otherwise provided in this subsection ~~[,]~~ and subsection 3 of NRS 293.137, the*** county central committee of each major political party in each county shall have a precinct meeting of the registered voters of the party residing in each voting precinct entitled to delegates in the county convention called and held on the dates set for the precinct meeting by the respective state central committees in each year in which a general election is held. ***If consistent with the rules of the party, the county central committee may have precinct meetings consisting of two or more precincts or may have a precinct meeting for the county at large. In any year in which a presidential preference primary election is held for the party, the precinct ~~[meeting must]~~ meetings may not be held until after the results of that election are certified by the Secretary of State pursuant to ~~[subsection 5 of NRS 293.387.]~~ sections 31.1 to 31.9, inclusive, of this act.***

2. ~~[The]~~ ***Each*** meeting ***regarding one or more precincts*** must be held in one of the following places in the following order of preference:

(a) Any public building within the precinct if the meeting is for a single precinct, or any public building which is in reasonable proximity to the precincts and will accommodate a meeting of two or more precincts; or

(b) Any private building within the precinct or one of the precincts.

3. ~~[The]~~ ***On the date set by the respective state central committees for giving notice of the precinct meetings, the*** county central committee shall give notice of ~~[the]~~ ***each*** meeting by:

(a) Posting in a conspicuous place outside the building where the meeting is to be held; and

(b) Publishing in one or more newspapers of general circulation in the precinct, published in the county, if any are so published ~~[,~~
~~* on the date set for giving notice of the meeting by the respective state central committees.]~~ ***or, if consistent with the rules of the party, posting on an Internet website or other social media.***

4. The notice must be ~~[printed]~~ ***prepared*** in conspicuous display advertising format of not less than 10 column inches, and must include the following language, or words of similar import:

Notice to All Voters Registered
in the (State Name of Major Political Party)

Nevada state law requires each major political party, in every year during which a general election is held, to have ~~[a]~~ precinct ~~[meeting held~~

~~for each precinct.]~~ ***meetings.*** All persons registered in the party and residing in ~~[the]~~ ***your*** precinct are entitled to attend the ~~[precinct meeting.]~~ ***meeting regarding your precinct.*** Delegates to your party's county convention will be elected at the meeting ***regarding your precinct*** by those in attendance. Set forth below are the time and place at which ***the meeting regarding*** your precinct ~~[meeting]~~ will be held, together with the number of delegates to be elected from each precinct. If you wish to participate in the organization of your party for the coming 2 years, attend ***the meeting regarding*** your precinct ***.*** ~~[meeting.]~~

5. The notice must specify:

(a) The date, time and place of the meeting; ~~[and]~~

(b) The number of delegates to the county convention to be chosen at the meeting ~~[.]~~ ***; and***

(c) Any fees which may be charged to attend the county or state convention.

Sec. 5. NRS 293.137 is hereby amended to read as follows:

293.137 1. ~~[Promptly]~~ ***Except as otherwise provided in subsection 3, promptly*** at the time and place appointed therefor, the ~~[mass]~~ meeting ***regarding one or more precincts*** must be convened and organized ***.*** ~~[for each precinct.]~~ If access to the premises appointed for any such meeting is not available, the meeting may be convened at an accessible place immediately adjacent thereto. The meeting must be conducted openly and publicly and in such a manner that it is freely accessible to any registered voter of the party calling the meeting who resides in ***one of*** the ~~[precinct]~~ ***precincts*** and is desirous of attending the meeting, until the meeting is adjourned. At the meeting, the delegates to which the members of the party residing in ***one of*** the ~~[precinct]~~ ***precincts*** are entitled in the party's county convention must be elected pursuant to the rules of the state central committee of ~~[that]~~ ***the*** party. In presidential election years ~~[,]~~ ***in which a presidential preference primary election is not held for the party,*** the election of delegates may be a part of expressing preferences for candidates for the party's nomination for President of the United States if the rules of the party permit such conduct. ~~***[rules of the state central committee must reasonably reflect the results of the presidential preference primary election, if one has been held for the party.]***~~ The result of the election must be certified to the county convention of the party by the chair and the secretary of the meeting upon the forms specified in subsection ~~[3.]~~ ***5.***

2. ~~[At]~~ ***Except as otherwise provided in subsection 3, at*** the precinct meetings, the delegates and alternates to the party's convention must be elected. If a meeting is not held for a particular precinct at the location specified, that precinct must be without representation at the county convention unless the meeting was scheduled, with proper notice, and no registered voter of the party appeared. In that case, the meeting shall be deemed to have been held and the position of delegate is vacant. If a position of delegate is vacant, it must be filled by the designated alternate, if any. If there

is no designated alternate, the vacancy must be filled pursuant to the rules of the party, if the rules of the party so provide, or, if the rules of the party do not so provide, the county central committee shall appoint a delegate from among the qualified members of the party residing in the precinct in which the vacancy occurred, and the secretary of the county central committee shall certify the appointed delegate to the county convention.

3. ***If consistent with the rules of the party, the delegates and alternates to the party's convention may be elected through a nomination process and may be chosen by precinct or at large. The number of delegates elected may not exceed the number authorized pursuant to NRS 293.133. In presidential election years in which a presidential preference primary election is held for the party, the rules must reasonably reflect the results of the presidential preference primary election. The results of the nomination process must be certified to the county convention of the party by the chair and the secretary overseeing the process upon the forms specified in subsection 5.***

4. If the county central committee elects to nominate delegates and alternates to the party's convention pursuant to subsection 3, the county central committee shall give notice of the nomination process. The notice:

(a) May be given, without limitation, by:

(1) Publishing in one or more newspapers of general circulation published in the precinct or county, if any; or

(2) If consistent with the rules of the party, posting on an Internet website or other social media.

(b) Must include, without limitation:

(1) The name of the party;

(2) The purpose of the nomination process;

(3) The process that will be used to elect delegates and alternates;

(4) Any relevant dates, times or locations for the process;

(5) The number of delegates to be chosen; and

(6) Any fees which may be charged to attend the county or state convention.

5. The county central committee shall prepare and number serially a number of certificate forms equal to the total number of delegates to be elected throughout the county, and deliver the appropriate number to ~~[each precinct meeting.]~~ ***the precinct meetings.*** Each certificate must be in duplicate. The original must be given to the elected delegate, and the duplicate transmitted to the county central committee. ***The county central committee may provide for such forms to be prepared and delivered electronically pursuant to the rules of the party.***

~~[4.]~~ ***6.*** All duplicates must be delivered to the chair of the preliminary credentials committee of the county convention. Every delegate who presents a certificate matching one of the duplicates must be seated without dispute.

~~[5.]~~ ***7.*** Each state central committee shall adopt written rules governing, but not limited to, the following procedures:

(a) The selection, rights and duties of committees of a convention;

(b) Challenges to credentials of delegates; and

(c) Majority and minority reports of committees.

Sec. 5.5. **NRS 293.143 is hereby amended to read as follows:**

293.143 1. The county central committee of a major political party to be elected by the county convention of the party must consist of such number of members as may be determined by the convention, but each voting precinct, entitled to one or more delegates in the convention, is entitled to have at least one committeeman or committeewoman and no precinct may have more committeemen or committeewomen than its authorized number of delegates to the county convention.

2. After the county convention of the party, the composition of the county central committee may be changed ***, and during a presidential election year, must be changed,*** by the county central committee to reflect changes in the organization of precincts and in the number of registered voters of the party, using the same standards adopted by the party to elect delegates to the county convention.

Sec. 6. NRS 293.163 is hereby amended to read as follows:

293.163 1. In presidential election years, on the call of a national party convention, but one set of party conventions and but one state convention shall be held on such respective dates and at such places as the state central committee of the party shall designate. If no earlier dates are fixed, the state convention shall be held 30 days before the date set for the national convention and the county conventions shall be held 60 days before the date set for the national convention.

2. Delegates to such conventions shall be selected in the same manner as prescribed in NRS 293.130 to 293.160, inclusive, and each convention shall have and exercise all of the power granted it under NRS 293.130 to 293.160, inclusive. In addition to such powers granted it, the state convention shall select the necessary delegates and alternates to the national convention of the party and, if consistent with the rules and regulations of the party, shall select the national committeeman and committeewoman of the party from the State of Nevada. ***Any rule or regulation of the party governing the election of delegates and alternates to the national convention of the party, or directing the votes of delegates at the national convention, must reasonably reflect the results of*** ~~***[the]***~~ ***any presidential preference primary election*** ~~***[, if one has been]***~~ ***held for the party.***

3. Until the end of the first ballot at the national convention of the party, a delegate or alternate to the national convention of the party is bound to vote at each stage of the presidential nomination process at the national convention in accordance with:

(a) The preference expressed by the members of the state party through any presidential preference process prescribed by NRS 293.130 to 293.160, inclusive, or any presidential preference primary election held for the party; and

(b) Any rule or regulation of the party adopted pursuant to subsection 4.

4. The state central committee of the party shall adopt a rule or regulation of the party to govern whether the delegates or alternates to the national convention of the party are bound to vote:

(a) For the presidential candidate receiving the highest percentage of votes during the presidential candidate selection process; or

(b) In a proportional manner in relation to the presidential preferences expressed during the presidential candidate selection process.

5. If a delegate violates the provisions of subsection 3, the delegate and the party:

(a) Shall each pay to the candidate for whom the vote of the delegate was bound, an amount equal to the fee paid by the candidate to file with the state party; or

(b) If the candidate did not pay a fee to file with the state party, shall each pay a civil penalty in an amount not to exceed $1,000 for each violation. This penalty must be recovered in a civil action brought in the name of the State of Nevada by the Attorney General in a court of competent jurisdiction. Any civil penalty collected pursuant to this section must be deposited by the Attorney General for credit to the State General Fund in the bank designated by the State Treasurer.

Sec. 7. ~~[~~NRS 293.175 is hereby amended to read as follows:~~]~~

~~293.175 1. [~~The~~]~~ ***Except as otherwise provided in this subsection, the*** ~~primary election must be held on the [~~second Tuesday in June~~]~~ ***Tuesday immediately preceding the last Tuesday in January*** ~~of each even-numbered year.~~ ***If any other state in the Western United States schedules a presidential preference primary election in that state for a date in January of an even-numbered year that is earlier than the date otherwise prescribed for the primary election by this subsection, the Secretary of State shall, as soon as practicable and with the approval of the Legislative Commission, select a date for the primary election which is not earlier than January 2 of that year and is not a Saturday, Sunday or legal holiday.***

~~2. [~~Candidates~~]~~ ***Except as otherwise provided in this subsection, candidates*** ~~for partisan office of a major political party and candidates for nonpartisan office must be nominated at the primary election.~~ ***The provisions of this subsection do not apply to candidates for nomination for President of the United States.***

~~3. Candidates for partisan office of a minor political party must be nominated in the manner prescribed pursuant to NRS 293.171 to 293.174, inclusive.~~

~~4. Independent candidates for partisan office must be nominated in the manner provided in NRS 293.200.~~

~~5. The provisions of NRS 293.175 to 293.203, inclusive:~~

~~(a) Apply to a special election to fill a vacancy, except to the extent that compliance with the provisions is not possible because of the time at which the vacancy occurred.~~

~~(b) Do not apply to the nomination of the officers of incorporated cities.~~

~~(c) Do not apply to the nomination of district officers whose nomination is otherwise provided for by statute.~~

~~*6. As used in this section, "Western United States" means the area of the United States composed of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~**[**NRS 293.176 is hereby amended to read as follows:~~

~~293.176 1. Except as otherwise provided in subsection 2, no person may be a candidate of a major political party for partisan office in any election if the person has changed:~~

~~(a) The designation of his or her political party affiliation; or~~

~~(b) His or her designation of political party from nonpartisan to a designation of a political party affiliation,~~

~~→ on an application to register to vote in the State of Nevada or in any other state during the time beginning on **[**December**]** *July* 31 preceding the closing filing date for that election and ending on the date of that election whether or not the person's previous registration was still effective at the time of the change in party designation.~~

~~2. The provisions of subsection 1 do not apply to any person who is a candidate of a political party that is not organized pursuant to NRS 293.171 on the **[**December**]** *July* 31 next preceding the closing filing date for the election.**]**~~ **(Deleted by amendment.)**

Sec. 9. ~~**[**NRS 293.177 is hereby amended to read as follows:~~

~~293.177 1. Except as otherwise provided in NRS 293.165,~~ ~~*and section 34 of this act,*~~ ~~a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:~~

~~(a) For a candidate for judicial office, the first Monday in **[**January of the year in which the election is to be held**]** *August* nor later than 5 p.m. on the second Friday after the first Monday in **[**January;**]** *August of the year preceding the primary election;* and~~

~~(b) For all other candidates, the first Monday in **[**March of the year in which the election is to be held**]** *October* nor later than 5 p.m. on the second Friday after the first Monday in **[**March.**]** *October of the year preceding the primary election.*~~

~~2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:~~

~~(a) For partisan office:~~

~~DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....~~

~~State of Nevada~~

~~County of .....~~

~~For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since [December] *July* 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.~~

~~.....~~
~~(Designation of name)~~

~~.....~~
~~(Signature of candidate for office)~~

~~Subscribed and sworn to before me~~
~~this ..... day of the month of ..... of the year .....~~

~~.....~~
~~Notary Public or other person~~
~~authorized to administer an oath~~

~~(b) For nonpartisan office:~~

~~DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....~~

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is .....; and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

.....

(Designation of name)

.....

(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....

Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his or her residence; or

~~(b) The candidate does not present to the filing officer:~~

~~(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or~~

~~(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.~~

~~4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:~~

~~(a) May not be withheld from the public; and~~

~~(b) Must not contain the social security number or driver's license or identification card number of the candidate.~~

~~5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.~~

~~6. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer:~~

~~(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and~~

~~(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.~~

~~7. The receipt of information by the Attorney General or district attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the~~

~~office for which the candidate filed the declaration of candidacy or acceptance of candidacy.~~**]** **(Deleted by amendment.)**

Sec. 10. ~~**[**NRS 293.180 is hereby amended to read as follows:~~

~~"293.180 1. Ten or more registered voters may file a certificate of candidacy designating any registered voter as a candidate for:~~

~~(a) Their major political party's nomination for any partisan elective office~~ **~~[,]~~** ~~***other than President of the United States,*** or as a candidate for nomination for any nonpartisan office other than a judicial office, not earlier than the first Monday in **[**February of the year in which the election is to be held**]** ***September*** nor later than 5 p.m. on the first Friday in **[**March;**]** ***October of the year preceding the year in which the election is to be held;*** or~~

~~(b) Nomination for a judicial office, not earlier than the first Monday in **[**December of the year immediately preceding the year in which the election is to be held**]** ***July*** nor later than 5 p.m. on the first Friday in **[**January**]** ***August*** of the year ***preceding the year*** in which the election is to be held.~~

~~2. When the certificate has been filed, the officer in whose office it is filed shall notify the person named in the certificate. If the person named in the certificate files an acceptance of candidacy and pays the required fee, as provided by law, he or she is a candidate in the primary election in like manner as if he or she had filed a declaration of candidacy.~~

~~3. If a certificate of candidacy relates to a partisan office, all of the signers must be of the same major political party as the candidate designated.~~**]** **(Deleted by amendment.)**

Sec. 11. ~~**[**NRS 293.205 is hereby amended to read as follows:~~

~~"293.205 1. Except as otherwise provided in NRS 293.208, on or before the third Wednesday in **[**March of every even-numbered**]** ***October of each odd-numbered*** year, the county clerk shall establish election precincts, define the boundaries thereof, abolish, alter, consolidate and designate precincts as public convenience, necessity and economy may require.~~

~~2. The boundaries of each election precinct must follow visible ground features or extensions of visible ground features, except where the boundary coincides with the official boundary of the State or a county or city.~~

~~3. Election precincts must be composed only of contiguous territory.~~

~~4. As used in this section, "visible ground feature" includes a street, road, highway, river, stream, shoreline, drainage ditch, railroad right-of-way or any other physical feature which is clearly visible from the ground.~~**]** **(Deleted by amendment.)**

Sec. 12. ~~**[**NRS 293.206 is hereby amended to read as follows:~~

~~"293.206 1. On or before the last day in **[**March of every even-numbered**]** ***October of each odd-numbered*** year, the county clerk shall provide the Secretary of State and the Director of the Legislative Counsel Bureau with a copy or electronic file of a map showing the boundaries of all election precincts in the county.~~

~~2. If the Secretary of State determines that the boundaries of an election precinct do not comply with the provisions of NRS 293.205, the Secretary of~~

~~State must provide the county clerk with a written statement of noncompliance setting forth the reasons the precinct is not in compliance. Within 15 days after receiving the notice of noncompliance, the county clerk shall make any adjustments to the boundaries of the precinct which are required to bring the precinct into compliance with the provisions of NRS 293.205 and shall submit a corrected copy or electronic file of the precinct map to the Secretary of State and the Director of the Legislative Counsel Bureau.~~

~~3. If the initial or corrected election precinct map is not filed as required pursuant to this section or the county clerk fails to make the necessary changes to the boundaries of an election precinct pursuant to subsection 2, the Secretary of State may establish appropriate precinct boundaries in compliance with the provisions of NRS 293.205 to 293.213, inclusive. If the Secretary of State revises the map pursuant to this subsection, the Secretary of State shall submit a copy or electronic file of the revised map to the Director of the Legislative Counsel Bureau and the appropriate county clerk.~~

~~4. As used in this section, "electronic file" includes, without limitation, an electronic data file of a geographic information system.~~**]** **(Deleted by amendment.)**

Sec. 13. **[**~~NRS 293.208 is hereby amended to read as follows:~~

~~293.208 1. Except as otherwise provided in subsections 2, 3 and 5 and in NRS 293.206, no election precinct may be created, divided, abolished or consolidated, or the boundaries thereof changed, during the period between the third Wednesday in~~ **[**~~March~~**]** ***October*** ~~of any year whose last digit is~~ **[**~~6~~**]** ***5*** ~~and the time when the Legislature has been redistricted in a year whose last digit is 1, unless the creation, division, abolishment or consolidation of the precinct, or the change in boundaries thereof, is:~~

~~(a) Ordered by a court of competent jurisdiction;~~

~~(b) Required to meet objections to a precinct by the Attorney General of the United States pursuant to the Voting Rights Act of 1965, 42 U.S.C. §§ 1971 and 1973 et seq., and any amendments thereto;~~

~~(c) Required to comply with subsection 2 of NRS 293.205;~~

~~(d) Required by the incorporation of a new city; or~~

~~(e) Required by the creation of or change in the boundaries of a special district.~~

~~As used in this subsection, "special district" means any general improvement district or any other quasi-municipal corporation organized under the local improvement and service district laws of this State as enumerated in title 25 of NRS which is required by law to hold elections or any fire protection district which is required by law to hold elections.~~

~~2. If a city annexes an unincorporated area located in the same county as the city and adjacent to the corporate boundary, the annexed area may be included in an election precinct immediately adjacent to it.~~

~~3. A new election precinct may be established at any time if it lies entirely within the boundaries of any existing precinct.~~

~~4. If a change in the boundaries of an election precinct is made pursuant to this section during the time specified in subsection 1, the county clerk must:~~

~~(a) Within 15 days after the change to the boundary of a precinct is established by the county clerk or ordered by a court, send to the Director of the Legislative Counsel Bureau and the Secretary of State a copy or electronic file of a map showing the new boundaries of the precinct; and~~

~~(b) Maintain in his or her office an index providing the name of the precinct and describing all changes which were made, including any change in the name of the precinct and the name of any new precinct created within the boundaries of an existing precinct.~~

~~5. Cities of population categories two and three are exempt from the provisions of subsection 1.~~

~~6. As used in this section, "electronic file" includes, without limitation, an electronic data file of a geographic information system.~~**]** **(Deleted by amendment.)**

Sec. 14. ~~**[**NRS 293.209 is hereby amended to read as follows:~~

~~293.209 A political subdivision of this State shall not create, divide, change the boundaries of, abolish or consolidate an election district **[**after**]** ***at any time during the period between*** the first day of filing by candidates **[**during any year in which a**]** ***and the date of the*** general election or city general election **[**is held**]** for that election district. This section does not prohibit a political subdivision from annexing territory **[**in a year in which a general election or city general election is held for that election district.**]** ***during that period.]*** **(Deleted by amendment.)**

Sec. 15. ~~**[**NRS 293.260 is hereby amended to read as follows:~~

~~293.260 1. ***Except as otherwise provided in subsection 2:***~~

~~***(a)*** Where there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot.~~

~~**[**2.**]** ***(b)*** If more than one major political party has candidates for a particular office, the persons who receive the highest number of votes at the primary elections must be declared the nominees of those parties for the office.~~

~~**[**3.**]** ***(c)*** If only one major political party has candidates for a particular office and a minor political party has nominated a candidate for the office or an independent candidate has filed for the office, the candidate who receives the highest number of votes in the primary election of the major political party must be declared the nominee of that party and his or her name must be placed on the general election ballot with the name of the nominee of the minor political party for the office and the name of the independent candidate who has filed for the office.~~

~~**[**4.**]** ***(d)*** If only one major political party has candidates for a particular office and no minor political party has nominated a candidate for the office and no independent candidate has filed for the office:~~

~~**[**(a)**]** ***(1)*** If there are more candidates than twice the number to be elected to the office, the names of the candidates must appear on the ballot for a~~

~~primary election. Except as otherwise provided in this [paragraph,] *subparagraph,* the candidates of that party who receive the highest number of votes in the primary election, not to exceed twice the number to be elected to that office at the general election, must be declared the nominees for the office. If only one candidate is to be elected to the office and a candidate receives a majority of the votes in the primary election for that office, that candidate must be declared the nominee for that office and his or her name must be placed on the ballot for the general election.~~

~~[(b)] *(2)* If there are no more than twice the number of candidates to be elected to the office, the candidates must, without a primary election, be declared the nominees for the office.~~

~~[5.] *(e)* Where no more than the number of candidates to be elected have filed for nomination for:~~

~~[(a)] *(1)* Any partisan office, the office of judge of the Court of Appeals or the office of justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election;~~

~~[(b)] *(2)* Any nonpartisan office, other than the office of justice of the Supreme Court, office of judge of the Court of Appeals or the office of member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election; and~~

~~[(c)] *(3)* The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.~~

~~[6.] *(f)* If there are more candidates than twice the number to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.~~

~~*2. The provisions of subsection 1 do not apply to candidates for nomination for President of the United States.]~~ **(Deleted by amendment.)**

Sec. 16. ~~[NRS 293.3604 is hereby amended to read as follows:~~

~~293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election : [other than a presidential preference primary election:]~~

~~1. At the close of each voting day, the election board shall:~~

~~(a) Prepare and sign a statement for the polling place. The statement must include:~~

~~(1) The title of the election;~~

~~(2) The number of the precinct or voting district;~~

~~(3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;~~

~~(4) The number of ballots voted on the mechanical recording device for that day; and~~

~~(5) The number of signatures in the roster for early voting for that day.~~

~~(b) Secure:~~

~~(1) The ballots pursuant to the plan for security required by NRS 293.3594; and~~

~~(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.~~

~~2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:~~

~~(a) The statements for all polling places for early voting;~~

~~(b) The voting rosters used for early voting;~~

~~(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and~~

~~(d) Any other items as determined by the county clerk.~~

~~3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:~~

~~(a) Sort the items by precinct or voting district;~~

~~(b) Count the number of ballots voted by precinct or voting district;~~

~~(c) Account for all ballots on an official statement of ballots; and~~

~~(d) Place the items in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the items to the central counting place.~~**]**

(Deleted by amendment.)

Sec. 17. **[**~~NRS 293.368 is hereby amended to read as follows:~~

~~293.368 1. Except as otherwise provided in subsection 4 of NRS 293.165, if a candidate on the ballot at a primary election dies after 5 p.m. of the second Tuesday in~~ **[**April,**]** ***November of the year preceding the election,*** ~~the deceased candidate's name must remain on the ballot and the votes cast for the deceased candidate must be counted in determining the nomination for the office for which the decedent was a candidate.~~

~~2. If the deceased candidate on the ballot at the primary election receives the number of votes required to receive the nomination to the office for which he or she was a candidate, except as otherwise provided in subsection 2 of NRS 293.165, the deceased candidate shall be deemed nominated and the vacancy in the nomination must be filled as provided in NRS 293.165 or 293.166. If the deceased person was a candidate for a nonpartisan office, the nomination must be filled pursuant to subsection 2 of NRS 293.165.~~

~~3. Whenever a candidate whose name appears upon the ballot at a general election dies after 5 p.m. on the fourth Friday in June of the year in which the general election is held, the votes cast for the deceased candidate must be~~

~~counted in determining the results of the election for the office for which the decedent was a candidate.~~

~~4. If the deceased candidate on the ballot at the general election receives the majority of the votes cast for the office, the deceased candidate shall be deemed elected and the office to which he or she was elected shall be deemed vacant at the beginning of the term for which he or she was elected. The vacancy thus created must be filled in the same manner as if the candidate had died after taking office for that term.]~~ **(Deleted by amendment.)**

Sec. 18. ~~[NRS 293.387 is hereby amended to read as follows:~~

~~293.387 1. As soon as the returns from all the precincts and districts in any county have been received by the board of county commissioners, the board shall meet and canvass the returns. The canvass must be completed on or before the sixth working day following the election.~~

~~2. In making its canvass, the board shall:~~

~~(a) Note separately any clerical errors discovered; and~~

~~(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.~~

~~3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate. The board, after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:~~

~~(a) A copy of the certified abstract; and~~

~~(b) A mechanized report of the abstract in compliance with regulations adopted by the Secretary of State,~~

~~↵ and transmit them to the Secretary of State not more than 7 working days after the election.~~

~~4. The Secretary of State shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. The Secretary of State shall make out and file in his or her office an abstract thereof, and shall certify to the county clerk of each county the name of each person nominated, and the name of the office for which the person is nominated.~~

~~*5. The Secretary of State shall, immediately after any presidential preference primary election, compile the returns for all the candidates. The Secretary of State shall make out and file in his or her office an abstract thereof, and shall certify to the state central committee and, if necessary to comply with the rules and regulations of the party, to the national committee of each major political party for which a presidential preference primary election was held, the number of votes received by each candidate.]*~~ **(Deleted by amendment.)**

Sec. 19. ~~[NRS 293.400 is hereby amended to read as follows:~~

~~293.400 1. If, after the completion of the canvass of the returns of any election, two or more persons receive an equal number of votes, which is sufficient for the election of one or more but fewer than all of them to the office, the person or persons elected must be determined as follows:~~

~~(a) In a general election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Legislature shall, by joint vote of both houses, elect one of those persons to fill the office.~~

~~(b) In a primary election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Secretary of State shall summon the candidates~~ ***, or in the case of a presidential preference primary election, the candidates or their representatives,*** ~~who have received the tie votes to appear before the Secretary of State at a time and place designated by the Secretary of State and the Secretary of State shall determine the tie by lot. If the tie vote is for the office of Secretary of State, the Governor shall perform these duties.~~

~~(c) For any office of a county, township, incorporated city, city organized under a special charter where the charter is silent as to determination of a tie vote, or district which is wholly located within one county, the county clerk shall summon the candidates who have received the tie votes to appear before the county clerk at a time and place designated by the county clerk and determine the tie by lot. If the tie vote is for the office of county clerk, the board of county commissioners shall perform these duties.~~

~~2. The summons mentioned in this section must be mailed to the address of the candidate as it appears upon the candidate's declaration of candidacy at least 5 days before the day fixed for the determination of the tie vote and must contain the time and place where the determination will take place.~~

~~3. The right to a recount extends to all candidates in case of a tie.~~**] (Deleted by amendment.)**

Sec. 20. **[**~~NRS 293.407 is hereby amended to read as follows:~~

~~293.407 1. A candidate at any election, or any registered voter of the appropriate political subdivision, may contest the election of any candidate, except for the office of United States Senator or Representative in Congress.~~

~~2. Except where the contest involves the general election for the office of Governor, Lieutenant Governor, Assemblyman, Assemblywoman, State Senator, justice of the Supreme Court or judge of the Court of Appeals, a candidate or voter who wishes to contest an election, including~~ ***a presidential preference primary election or an*** ~~election to the office of presidential elector, must, within the time prescribed in NRS 293.413, file with the clerk of the district court a written statement of contest, setting forth:~~

~~(a) The name of the contestant and~~ ***, unless the contestant is a candidate in a presidential preference primary election,*** ~~that the contestant is a registered voter of the political subdivision in which the election to be contested or part of it was held;~~

~~(b) The name of the defendant;~~

~~(c) The office to which the defendant was declared elected;~~

~~(d) The particular grounds of contest and the section of Nevada Revised Statutes pursuant to which the statement is filed; and~~

~~(e) The date of the declaration of the result of the election and the body or board which canvassed the returns thereof.~~

~~3. The contestant shall verify the statement of contest in the manner provided for the verification of pleadings in civil actions.~~

~~4. All material regarding a contest filed by a contestant with the clerk of the district court must be filed in triplicate.~~**] (Deleted by amendment.)**

Sec. 21. **[**~~NRS 293.417 is hereby amended to read as follows:~~

~~293.417 1. If, in any contest, the court finds from the evidence that a person other than the defendant received the greatest number of legal votes, the court, as a part of the judgment, shall declare that person elected or nominated.~~

~~2. The person declared nominated or elected by the court is entitled to a certificate of nomination or election. If a certificate has not been issued to that person, the county clerk, city clerk or Secretary of State shall execute and deliver to the person a certificate of election or a certificate of nomination.~~

~~3. If a certificate of election or nomination to the same office has been issued to any person other than the one declared elected by the court, that certificate must be annulled by the judgment of the court.~~

~~4. Whenever an election is annulled or set aside by the court, and the court does not declare some candidate elected, the certificate of election or the commission, if any has been issued, is void and the office is vacant.~~

~~*5. In a contest over a presidential preference primary election, the Secretary of State shall correct, in accordance with the judgment of the court, any certification previously issued pursuant to subsection 5 of NRS 293.387. If such a certification has not been issued, the Secretary of State shall issue the certification in accordance with the judgment.*~~**] (Deleted by amendment.)**

Sec. 22. **[**~~NRS 293.481 is hereby amended to read as follows:~~

~~293.481 1. Except as otherwise provided in subsection 3, every governing body of a political subdivision, public or quasi-public corporation, or other local agency authorized by law to submit questions to the qualified electors or registered voters of a designated territory, when the governing body decides to submit a question:~~

~~(a) At a general election, shall provide to each county clerk within the designated territory on or before the third Monday in July preceding the election:~~

~~(1) A copy of the question, including an explanation of the question; and~~

~~(2) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 295.230.~~

~~(b) At a primary election, shall provide to each county clerk within the designated territory on or before the second Friday after the first Monday in [March] *October of the year* preceding the election:~~

~~(1) A copy of the question, including an explanation of the question; and~~

~~(2) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 295.230.~~

~~(c) At any election other than a primary or general election at which the county clerk gives notice of the election or otherwise performs duties in connection therewith other than the registration of electors and the making of records of registered voters available for the election, shall provide to each county clerk at least 60 days before the election:~~

~~(1) A copy of the question, including an explanation of the question; and~~

~~(2) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 295.230.~~

~~(d) At any city election at which the city clerk gives notice of the election or otherwise performs duties in connection therewith, shall provide to the city clerk at least 60 days before the election:~~

~~(1) A copy of the question, including an explanation of the question; and~~

~~(2) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 295.230.~~

~~2. An explanation of a question required to be provided to a county clerk pursuant to subsection 1 must be written in easily understood language and include a digest. The digest must include a concise and clear summary of any existing laws directly related to the measure proposed by the question and a summary of how the measure proposed by the question adds to, changes or repeals such existing laws. For a measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the measure creates, generates, increases or decreases, as applicable, public revenue.~~

~~3. A question may be submitted after the dates specified in subsection 1 if the question is expressly privileged or required to be submitted pursuant to the provisions of Article 19 of the Constitution of the State of Nevada, or pursuant to the provisions of chapter 295 of NRS or any other statute except NRS 295.230, 354.59817, 354.5982, 387.3285 or 387.3287 or any statute that authorizes the governing body to issue bonds upon the approval of the voters.~~

~~4. A question that is submitted pursuant to subsection 1 may be withdrawn if the governing body provides notification to each of the county or city clerks within the designated territory of its decision to withdraw the particular~~

~~question on or before the same dates specified for submission pursuant to paragraph (a), (b), (c) or (d) of subsection 1, as appropriate.~~

~~5. A county or city clerk:~~

~~(a) Shall assign a unique identification number to a question submitted pursuant to this section; and~~

~~(b) May charge any political subdivision, public or quasi public corporation, or other local agency which submits a question a reasonable fee sufficient to pay for the increased costs incurred in including the question, explanation, arguments and description of the anticipated financial effect on the ballot.~~**] (Deleted by amendment.)**

Sec. 23. **[**~~NRS 293B.354 is hereby amended to read as follows:~~

~~293B.354 1. The county clerk shall, not later than~~ **[**~~April~~**]** ***November*** 15 ~~of~~ **[**~~each~~**]** ***the*** ~~year~~ ***preceding the year*** ~~in which a general election is held, submit to the Secretary of State for approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of ballots at a polling place, receiving center or central counting place.~~

~~2. The city clerk shall, not later than January 1 of each year in which a general city election is held, submit to the Secretary of State for approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of the ballots at a polling place, receiving center or central counting place.~~

~~3. Each plan must include:~~

~~(a) The location of the central counting place and of each polling place and receiving center;~~

~~(b) A procedure for the establishment of areas within each polling place and receiving center and the central counting place from which members of the general public may observe the activities set forth in subsections 1 and 2;~~

~~(c) The requirements concerning the conduct of the members of the general public who observe the activities set forth in subsections 1 and 2; and~~

~~(d) Any other provisions relating to the accommodation of members of the general public who observe the activities set forth in subsections 1 and 2 which the county or city clerk considers appropriate.~~**] (Deleted by amendment.)**

Sec. 24. **[**~~NRS 293C.3604 is hereby amended to read as follows:~~

~~293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election~~ **:** **[**~~other than a presidential preference primary election.~~**]**

~~1. At the close of each voting day, the election board shall:~~

~~(a) Prepare and sign a statement for the polling place. The statement must include:~~

~~(1) The title of the election;~~

~~(2) The number of the precinct or voting district;~~

~~(3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;~~

~~(4) The number of ballots voted on the mechanical recording device for that day; and~~

~~(5) The number of signatures in the roster for early voting for that day.~~

~~(b) Secure:~~

~~(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and~~

~~(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.~~

~~2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:~~

~~(a) The statements for all polling places for early voting;~~

~~(b) The voting rosters used for early voting;~~

~~(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and~~

~~(d) Any other items as determined by the city clerk.~~

~~3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:~~

~~(a) Sort the items by precinct or voting district;~~

~~(b) Count the number of ballots voted by precinct or voting district;~~

~~(c) Account for all ballots on an official statement of ballots; and~~

~~(d) Place the items in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the items to the central counting place.~~**]**

(Deleted by amendment.)

Sec. 25. **[**~~NRS 294A.120 is hereby amended to read as follows:~~

~~294A.120 1. Every candidate for 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 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~~**]** ***Except as otherwise provided in subsection 3, every*** ~~candidate for office at a primary election or general election shall, 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 contribution described in subsection 1 received during the period.~~

~~3. *If the primary election for the office for which he or she is a candidate is held:*~~

~~*(a) On or before January 6, the candidate is not required to submit any report pursuant to paragraph (a) or (b) of subsection 2.*~~

~~*(b) After January 6 but on or before February 1, every candidate who is required to submit reports pursuant to subsection 2 shall, in lieu of the reports required by paragraphs (a) and (b) of subsection 2, submit a single report not later than 4 days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 5 days before the primary election.*~~

~~*4.* Except as otherwise provided in subsections **[**4**]** *5* and **[**5**]** *6* and NRS 294A.223, every candidate for office at a special election shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

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

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

~~**[**4.**]** *5.* Except as otherwise provided in subsection **[**5**]** *6* and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through the 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

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

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

~~[5.] 6. If a district court determines that 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 order, report each contribution described in subsection 1 received during the period.~~

~~[6.] 7. Except as otherwise provided in NRS 294A.3733, reports of contributions must be filed electronically with the Secretary of State.~~

~~[7.] 8. A report shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~[8.] 9. 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.~~**]**

(Deleted by amendment.)

Sec. 26. ~~[NRS 294A.140 is hereby amended to read as follows:~~

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

~~(a) Every person who makes an independent expenditure in excess of $1,000; and~~

~~(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of $1,000 or makes an expenditure 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, for the period from January 1 of the previous year through December 31 of the previous year, report each 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 provisions of this subsection apply to the person, committee or political party beginning the year of the general election for that office through the year immediately preceding the next general election for that office.~~

~~3. [Every]~~ ***Except as otherwise provided in subsection 4, every*** ~~person, committee and political party described in subsection 1 shall, 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 contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.~~

~~4. *If the primary election for the office for which the candidate or a candidate in the group of candidates seeks election is held:*~~

~~*(a) On or before January 6, a person, committee or political party is not required to submit any report pursuant to paragraph (a) or (b) of subsection 3.*~~

~~*(b) After January 6 but on or before February 1, every person, committee or political party which is required to submit reports pursuant to subsection 3 shall, in lieu of the reports required by paragraphs (a) and (b) of subsection 3, submit a single report not later than 4 days before the primary election, for the period from the January 1 immediately preceding the primary election through 5 days before the primary election.*~~

~~*5.* Except as otherwise provided in subsections **[**5**]** *6* and **[**6**]** *7* and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

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

~~report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.~~

~~**[**5.**]** *6.* Except as otherwise provided in subsection **[**6**]** *7,* and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such special elections shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate a petition to recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

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

~~→ report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.~~

~~[6.]~~ ***7.*** ~~If a district court determines that 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 independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each contribution in excess of $1,000 received during the period and contributions received during the period which cumulatively exceed $1,000.~~

~~[7.]~~ ***8.*** ~~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.]~~ ***9.*** ~~A report shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~[9.]~~ ***10.*** ~~Every person, committee and political party described in this section shall file a report required by this section even if the person, committee or political party receives no contributions.~~

~~[10.]~~ ***11.*** ~~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 $1,000 since the beginning of the current reporting period.]~~ **(Deleted by amendment.)**

Sec. 27. ~~[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 or general 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 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 provisions of this subsection apply to the committee for political action:~~

~~(a) Each year in which an 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. [A] *Except as otherwise provided in subsection 3, a* committee for political action described in subsection 1 shall, not later than:~~

~~(a) Twenty-one days before the primary election, 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 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 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 the period from 24 days before the general election through 5 days before the general election,~~

~~" report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.~~

~~3. *If the primary election is held:*~~

~~*(a) On or before January 6, a committee for political action is not required to submit any report pursuant to paragraph (a) or (b) of subsection 2.*~~

~~*(b) After January 6 but on or before February 1, every committee for political action which is required to submit reports pursuant to subsection 2 shall, in lieu of the reports required by paragraphs (a) and (b) of subsection 2, submit a single report not later than 4 days before the primary election, for the period from the January 1 immediately preceding the primary election through 5 days before the primary election.*~~

~~*4.* Except as otherwise provided in NRS 294A.223, 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) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date that the question qualified for the ballot through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

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

~~" report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.~~

~~[4.] *5.* The provisions of this section apply to a committee for political action even if the question or group of questions that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order or otherwise does not appear on the ballot at a primary, general or special election.~~

~~[5.] *6.* Except as otherwise provided in NRS 294A.3737, the reports required pursuant to this section must be filed electronically with the Secretary of State.~~

~~[6.] *7.* A report shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~[7.] *8.* 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.]~~ **(Deleted by amendment.)**

Sec. 28. ~~[NRS 294A.200 is hereby amended to read as follows:~~

~~294A.200 1. Every candidate for 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 3 of NRS 294A.286 during the period;~~

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

~~(d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 which are $100 or less.~~

~~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] *Except as otherwise provided in subsection 4, every* candidate for office at a primary election or general election shall, 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.~~

~~*4. If the primary election for the office for which he or she is a candidate is held:*~~

~~*(a) On or before January 6, the candidate is not required to submit any report pursuant to paragraph (a) or (b) of subsection 3.*~~

~~*(b) After January 6 but on or before February 1, every candidate who is required to submit reports pursuant to subsection 3 shall, in lieu of the reports required by paragraphs (a) and (b) of subsection 3, submit a single report not later than 4 days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 5 days before the primary election.*~~

~~*5.* Except as otherwise provided in subsections [5] *6* and [6] *7* and NRS 294A.223, every candidate for office at a special election shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

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

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

~~[5.] *6.* Except as otherwise provided in subsection [6] *7* and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

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

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

~~[6.] *7.* If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each of the campaign expenses described in subsection 1 incurred during the period.~~

~~[7.] *8.* Except as otherwise provided in NRS 294A.3733, reports of campaign expenses must be filed electronically with the Secretary of State.~~

~~[8.] 9. A report shall be deemed to be filed on the date that it was received by the Secretary of State.]~~ **(Deleted by amendment.)**

Sec. 29. ~~[NRS 294A.210 is hereby amended to read as follows:~~

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

~~(a) Every person who makes an independent expenditure in excess of $1,000; and~~

~~(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of $1,000 or makes an expenditure 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 independent expenditure or other expenditure, as applicable, made during the period in excess of $1,000 and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000. The provisions of this subsection apply to the person, committee or political party beginning the year of the general election for that office through the year immediately preceding the next general election for that office.~~

~~3. [Every]~~ ***Except as otherwise provided in subsection 4, every*** ~~person, committee and political party described in subsection 1 shall, 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 independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.~~

~~4.~~ ***If the primary election for the office for which the candidate or a candidate in the group of candidates seeks election is held:***

(a) On or before January 6, a person, committee or political party is not required to submit any report pursuant to paragraph (a) or (b) of subsection 3.

(b) After January 6 but on or before February 1, every person, committee or political party which is required to submit reports pursuant to subsection 3 shall, in lieu of the reports required by paragraphs (a) and (b) of subsection

3, submit a single report not later than 4 days before the primary election, for the period from the January 1 immediately preceding the primary election through 5 days before the primary election.

~~*5.* Except as otherwise provided in subsections **[**5**]** *6* and **[**6**]** *7* and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

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

~~* report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.~~

~~**[**5.**]** *6.* Except as otherwise provided in subsection **[**6**]** *7* and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

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

~~* report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.~~

~~**[**6.**]** *7.* If a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every person, committee and party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a~~

~~special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.~~

~~[7.] *8.* Independent expenditures and other expenditures made within the State or made elsewhere but for use within the State, including independent expenditures and other expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.~~

~~[8.] *9.* Except as otherwise provided in NRS 294A.3737, the reports must be filed electronically with the Secretary of State.~~

~~[9.] *10.* If an independent expenditure or other expenditure, as applicable, is made for or against a group of candidates, the reports must be itemized by the candidate.~~

~~[10.] *11.* 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.]~~ **(Deleted by amendment.)**

Sec. 30. ~~[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 or general election shall, not later than January 15 of each year that the provisions of this subsection apply to the committee for political action, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period for or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 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 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. [A] *Except as otherwise provided in subsection 3, a* committee for political action described in subsection 1 shall, not later than:~~

~~(a) Twenty-one days before the primary election, 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 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 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 the period from 24 days before the general election through 5 days before the general election,~~

~~➥ report each expenditure made during the period 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 and such expenditures made during the period to one recipient that cumulatively exceed $1,000.~~

~~3. *If the primary election is held:*~~

~~*(a) On or before January 6, a committee for political action is not required to submit any report pursuant to paragraph (a) or (b) of subsection 2.*~~

~~*(b) After January 6 but on or before February 1, every committee for political action which is required to submit reports pursuant to subsection 2 shall, in lieu of the reports required by paragraphs (a) and (b) of subsection 2, submit a single report not later than 4 days before the primary election, for the period from the January 1 immediately preceding the primary election through 5 days before the primary election.*~~

~~*4.* Except as otherwise provided in NRS 294A.223, 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) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the question qualified for the ballot through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

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

~~➥ report each expenditure made during the period 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 and such expenditures made during the period to one recipient that cumulatively exceed $1,000.~~

~~[4.] *5.* 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.~~

~~[5.] *6.* The provisions of this section apply to a committee for political action even if the question or group of questions that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order or otherwise does not appear on the ballot at a primary, general or special election.~~

~~[6.] *7.* Except as otherwise provided in NRS 294A.3737, reports required pursuant to this section must be filed electronically with the Secretary of State.~~

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

~~[8.] 9. A report shall be deemed to be filed on the date that it was received by the Secretary of State.]~~ **(Deleted by amendment.)**

Sec. 31. Chapter 298 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[32 to 38,]~~ **31.1 to 31.9,** inclusive, of this act.

Sec. 31.1. ***As used in sections 31.1 to 31.9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 31.15, 31.2 and 31.25 of this act have the meanings ascribed to them in those sections.***

Sec. 31.15. ***"Party" means a major political party.***

Sec. 31.2. ***"State central committee" means the state central committee of a party.***

Sec. 31.25. ***"Working day" means a day on which the Office of the Secretary of State is regularly open for the transaction of business.***

Sec. 31.3. ***1. The Secretary of State may adopt regulations to carry out the provisions of sections 31.1 to 31.9, inclusive, of this act.***

2. To the extent possible, the provisions of chapters 293 and 293B of NRS governing the conduct of a primary election also govern the conduct of a presidential preference primary election and must be given effect to the extent that the provisions of chapters 293 and 293B of NRS do not conflict with the provisions of sections 31.1 to 31.9, inclusive, of this act and the regulations adopted by the Secretary of State to carry out those provisions.

3. If there is a conflict between the provisions of chapters 293 and 293B of NRS and the provisions of 31.1 to 31.9, inclusive, of this act and the regulations adopted by the Secretary of State to carry out those provisions, the provisions of sections 31.1 to 31.9, inclusive, of this act and the regulations adopted by the Secretary of State to carry out those provisions control.

Sec. 31.4. ***1. Except as otherwise provided in this section, in a presidential election year, a state central committee may submit a request to the Secretary of State pursuant to section 31.5 of this act to cause a presidential preference primary election to be held to determine the preferences of the registered voters of the party regarding the party's nominee for President of the United States.***

2. If a state central committee submits a proper request to the Secretary of State pursuant to section 31.5 of this act and, after the date of the close of filing of declarations of candidacy pursuant to section 31.6 of this act, there are fewer than two candidates of the party who have filed declarations of candidacy, the Secretary of State shall not cause a presidential preference primary election to be held for the party.

Sec. 31.5. ***1. To submit a request to the Secretary of State to cause a presidential preference primary election to be held for the party, the state central committee must submit the request on a form prescribed by the***

Secretary of State not later than 5 p.m. on the last working day of September of the year immediately preceding the presidential election year.

2. Except as otherwise provided in subsection 3, the state central committee shall specify in its request the proposed date for the presidential preference primary election, which must be held on a single working day in February of the presidential election year.

3. If more than one state central committee intends to submit a request to the Secretary of State to cause a presidential preference primary election to be held in the same presidential election year, the state central committees shall confer and make a good faith effort to agree on the same proposed date before submitting their requests to the Secretary of State. If the state central committees are unable to agree on the same proposed date, they shall inform the Secretary of State of their disagreement in their requests, and the Secretary of State shall set the proposed date for the presidential preference primary election, which must be held on a single working day in February of the year of the presidential election.

4. If a state central committee submits a proper request to the Secretary of State pursuant to this section, the Secretary of State shall provide public notice of the proposed date for the presidential preference primary election and the period for filing declarations of candidacy pursuant to section 31.6 of this act.

Sec. 31.6. 1. If a person who meets the qualifications to be a party's nominee for President of the United States wants to appear on the ballot for a presidential preference primary election, the person must file with the Secretary of State a declaration of candidacy on a form prescribed by the Secretary of State not earlier than October 1 and not later than October 15 of the year immediately preceding the presidential election year.

2. If, after the date of the close of filing of declarations of candidacy pursuant to this section, there are two or more qualified candidates of the party who have filed declarations of candidacy, the Secretary of State shall cause a presidential preference primary election to be held for the party.

Sec. 31.7. 1. If the Secretary of State causes a presidential preference primary election to be held for a party, the Secretary of State shall forward to each county clerk the name of each candidate of the party whose name must appear on the ballot for the presidential preference primary election.

2. The county clerk:

(a) Shall establish polling places for voting by registered voters of the party only on the day of the presidential preference primary election and shall ensure that the polling places remain open from 8 a.m. until at least 8 p.m. on that day.

(b) Shall provide by rule or regulation a method for a registered voter of the party to cast an absent ballot in the presidential preference primary election.

(c) Shall not establish any polling places for early voting by personal appearance for the presidential preference primary election, and no

registered voter of the party may request to vote early for the presidential preference primary election.

3. Each registered voter of the party is eligible to vote at the presidential preference primary election for one candidate on the ballot as the voter's preference to be the party's nominee for President of the United States.

Sec. 31.8. 1. Immediately after a presidential preference primary election, the Secretary of State shall compile the returns for each candidate of the party whose name appeared on the ballot.

2. The Secretary of State shall make out and file in his or her office an abstract of the returns and shall certify the number of votes received by each candidate to:

(a) The state central committee; and

(b) The national committee if necessary to comply with the rules and regulations of the party.

Sec. 31.9. If the Secretary of State causes a presidential preference primary election to be held for a party, the cost of the election is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

Sec. 32. ~~[*Except as otherwise provided in sections 32 to 38, inclusive, of this act or other specific statute, the provisions of chapters 293 and 293B of NRS relating to a primary election also govern a presidential preference primary election.*]~~ **(Deleted by amendment.)**

Sec. 33. ~~[*1. Not later than 5 p.m. on September 30 of the year preceding a presidential election year, the state central committee of each major political party shall notify the Secretary of State, in writing, whether the party will participate in a presidential preference primary election.*~~

~~*2. If the Secretary of State receives a notice pursuant to subsection 1 that a major political party will participate in a presidential preference primary election and:*~~

~~*(a) More than one candidate of that party files a declaration of candidacy pursuant to section 34 of this act, a presidential preference primary election for that party must be held in conjunction with the primary election held pursuant to NRS 293.175.*~~

~~*(b) Only one candidate of that party files a declaration of candidacy pursuant to section 34 of this act, a presidential preference primary election for that party must not be held and that candidate must be certified by the Secretary of State in the manner provided in subsection 5 of NRS 293.387.*~~] **(Deleted by amendment.)**

Sec. 34. ~~[*1. A person who wishes to be a candidate for nomination for President of the United States for a major political party must, not earlier than October 1 and not later than 5 p.m. on October 15 of the year preceding a presidential election year, file with the Secretary of State a declaration of candidacy in the form prescribed by the Secretary of State.*~~

~~*— 2. A person who files a declaration of candidacy pursuant to this section is not required to file a declaration of candidacy or an acceptance of candidacy pursuant to NRS 293.177.]*~~ **(Deleted by amendment.)**

Sec. 35. ~~*[The Secretary of State shall include in the certified list forwarded to each county clerk pursuant to NRS 293.187 the name and mailing address of each person whose name must appear on the primary ballot for the presidential preference primary election.]*~~ **(Deleted by amendment.)**

Sec. 36. ~~*[1. The names of the candidates for nomination for President of the United States for each major political party for which a presidential preference primary election is held must be printed on the primary ballot for the election.*~~

~~*— 2. Each voter registered with a party for which a presidential preference primary election is held may vote for one person to be the nominee for President of the United States for that party.]*~~ **(Deleted by amendment.)**

Sec. 37. ~~*[If a presidential preference primary election is held pursuant to sections 32 to 38, inclusive, of this act, the cost of the election is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.]*~~ **(Deleted by amendment.)**

Sec. 38. ~~*[The Secretary of State may adopt regulations to carry out the provisions of sections 32 to 38, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 39. ~~[NRS 218A.635 is hereby amended to read as follows:~~

~~— 218A.635 — 1. Except as otherwise provided in subsections 2 and 4, for each day or portion of a day during which a Legislator attends a presession orientation conference, a training session conducted pursuant to NRS 218A.285 or a conference, meeting, seminar or other gathering at which the Legislator officially represents the State of Nevada or its Legislature, the Legislator is entitled to receive:~~

~~— (a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;~~

~~— (b) The per diem allowance provided for state officers and employees generally; and~~

~~— (c) The travel expenses provided pursuant to NRS 218A.655.~~

~~— 2. A nonreturning Legislator must not be paid the compensation or per diem allowance and travel expenses provided in subsection 1 for attendance at a conference, meeting, seminar or other gathering unless:~~

~~— (a) It is conducted by a statutory committee or a legislative committee and the Legislator is a member of that committee; or~~

~~— (b) The Majority Leader of the Senate or Speaker of the Assembly designates the Legislator to attend because of the Legislator's knowledge or expertise.~~

~~— 3. For the purposes of this section, "nonreturning Legislator" means a Legislator who~~ **: [**~~, in the year that the Legislator's term of office expires:~~**]**

~~(a) *In the year preceding the year in which his or her term expires:*~~

~~*(1)* Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly; *or*~~

~~*(2) Has withdrawn as a candidate for the Senate or the Assembly; or*~~

~~(b) **[**Has**]** *In the year in which his or her term expires, has* failed to win nomination as a candidate for the Senate or the Assembly at the primary election. **[**; or~~

~~(c) Has withdrawn as a candidate for the Senate or the Assembly.**]**~~

~~4. This section does not apply:~~

~~(a) During a regular or special session; or~~

~~(b) To any Legislator who is otherwise entitled to receive a salary and the per diem allowance and travel expenses.**]** **(Deleted by amendment.)**~~

Sec. 40. **[**~~NRS 218D.150 is hereby amended to read as follows:~~

~~218D.150 1. Except as otherwise provided in this section, each:~~

~~(a) Incumbent member of the Assembly may request the drafting of:~~

~~(1) Not more than 4 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;~~

~~(2) Not more than 5 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and~~

~~(3) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.~~

~~(b) Incumbent member of the Senate may request the drafting of:~~

~~(1) Not more than 8 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;~~

~~(2) Not more than 10 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and~~

~~(3) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.~~

~~(c) Newly elected member of the Assembly may request the drafting of:~~

~~(1) Not more than 5 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and~~

~~(2) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.~~

~~(d) Newly elected member of the Senate may request the drafting of:~~

~~(1) Not more than 10 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and~~

~~(2) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.~~

~~2. A Legislator may not request the drafting of a legislative measure pursuant to subsection 1 on or after the date on which the Legislator becomes a nonreturning Legislator. For the purposes of this subsection, "nonreturning Legislator" means a Legislator who **:** [, in the year that the Legislator's term of office expires:]~~

~~(a) ***In the year preceding the year in which his or her term expires:***~~

~~***(1)*** Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly; ***or***~~

~~***(2) Has withdrawn as a candidate for the Senate or the Assembly; or***~~

~~(b) [Has] ***In the year in which his or her term expires, has*** failed to win nomination as a candidate for the Senate or the Assembly at the primary election **.** [; or~~

~~(c) Has withdrawn as a candidate for the Senate or the Assembly.]~~

~~3. A Legislator may not request the drafting of a legislative measure pursuant to paragraph (a) or (b) of subsection 1 on or after the date on which the Legislator files a declaration or an acceptance of candidacy for election to the House in which he or she is not currently a member. If the Legislator is elected to the other House, any request that he or she submitted pursuant to paragraph (a) or (b) of subsection 1 before filing his or her declaration or acceptance of candidacy for election counts against the applicable limitation set forth in paragraph (c) or (d) of subsection 1 for the House in which the Legislator is a newly elected member.~~

~~4. If a request made pursuant to subsection 1 is submitted:~~

~~(a) On or before August 1 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before November 1 preceding the regular session.~~

~~(b) After August 1 but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January 1 preceding the regular session.~~

~~(c) After a regular session has convened but on or before the 8th day of the regular session at 5 p.m., sufficient detail to allow complete drafting of the legislative measure must be submitted on or before the 15th day of the regular session.~~

~~5. In addition to the number of requests authorized pursuant to subsection 1:~~

~~(a) The chair of each standing committee of the immediately preceding regular session, or a person designated in the place of the chair by the Speaker of the Assembly or the Majority Leader of the Senate, may request before the date of the general election preceding a regular session the drafting of not more than 1 legislative measure for introduction by the committee in a subject within the jurisdiction of the committee for every 18 legislative measures that were referred to the respective standing committee during the immediately preceding regular session.~~

~~(b) A person designated after the general election as a chair of a standing committee for the next regular session, or a person designated in the place of a chair by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular session, may request on or before December 10 preceding that regular session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chair or designee.~~

~~6. If a request made pursuant to subsection 5 is submitted:~~

~~(a) Before the date of the general election preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before December 10 preceding the regular session.~~

~~(b) After the date of the general election but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January 1 preceding the regular session.~~

~~7. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.~~**]** **(Deleted by amendment.)**

Sec. 41. **[**~~NRS 281.561 is hereby amended to read as follows:~~

~~281.561 1. Except as otherwise provided in subsections 2 and 3 and NRS 281.572, each candidate for public office who will be entitled to receive annual compensation of $6,000 or more for serving in the office that the candidate is seeking, each candidate for the office of Legislator and, except as otherwise provided in subsection 3, each public officer who was elected to the office for which the public officer is serving shall file electronically with the Secretary of State a statement of financial disclosure, as follows:~~

~~(a)~~ **[**~~A~~**]** ***Except as otherwise provided in paragraph (b), a*** ~~candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a statement of financial disclosure for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a statement of financial disclosure for the full calendar year pursuant to paragraph~~ **[**~~(b)~~**]** ***(c)*** ~~in the immediately succeeding year, if the candidate is elected to the office.~~

~~(b)~~ ***If the last day to qualify as a candidate for nomination, election or reelection to public office is established by NRS 293.177 for a candidate, the candidate shall file a statement of financial disclosure on or after January 1 and on or before January 15 of the year in which the election for the office will be held. The statement must disclose the required information for the full calendar year immediately preceding the date of filing.***

~~(c)~~ ~~Each public officer shall file a statement of financial disclosure on or before January 15 of:~~

~~(1) Each year of the term, including the year in which the public officer leaves office; and~~

~~(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.~~

~~➡ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.~~

~~2. Except as otherwise provided in this subsection, if a candidate for public office is serving in a public office for which the candidate is required to file a statement pursuant to paragraph~~ **[**(b)**]** ~~*(c)* of subsection 1 or subsection 1 of NRS 281.559, the candidate need not file the statement required by subsection 1 for the full calendar year for which the candidate previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a statement of financial disclosure for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.~~

~~3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a statement of financial disclosure relative to that office pursuant to subsection 1.~~

~~4. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements~~ **[**~~of Canon 4I~~**]** ~~of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.~~

~~5. A statement of financial disclosure shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~6. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.~~

~~7. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.~~**]** **(Deleted by amendment.)**

Sec. 42. NRS 353.264 is hereby amended to read as follows:

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

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

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235 ~~[.]~~ ***and section*** ~~*[37]*~~ ***31.9 of this act;***

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

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

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

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

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

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

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

Sec. 43. ~~[Section 1.060 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 313, Statutes of Nevada 1983, at page 756, is hereby amended to read as follows:~~

~~Sec. 1.060 Wards: Creation; boundaries.~~

~~1. Carson City must be divided into four wards, which must be as nearly equal in population as can be conveniently provided, and the territory comprising each ward must be contiguous.~~

~~2. The boundaries of wards must be established and realigned, if necessary, by ordinance, passed by a vote of at least three-fifths of the Board of Supervisors.~~

~~3. The Board shall realign any such boundaries on or before [January 1] *September 30 of the year* preceding the next general election at which Supervisors are to be elected, if reliable evidence indicates that the population in any ward exceeds the population in any other ward by more than 5 percent. In any case, the Board shall reconsider the boundaries of the wards upon the receipt of the necessary information from the preceding national decennial census conducted by the Bureau of the Census of the United States Department of Commerce.]~~ **(Deleted by amendment.)**

Sec. 44. The Secretary of State shall adopt such regulations and prescribe such forms as are required by or necessary to carry out the provisions of ~~[:~~

~~1. NRS 293.177, as amended by section 9 of this act, so that the regulations and forms are effective and available for distribution and use on or before August 1, 2015.~~

~~2. Sections 1 to 8, inclusive, 10 to 30, inclusive, and 41 of this act so that the regulations and forms are effective and available for distribution and use on or before October 1, 2015.~~

~~3. Sections 32 to 38, inclusive,~~ **]** **sections 31.1 to 31.9, inclusive,** of this act so that the regulations and forms are effective and available for distribution and use ~~[on or before July 1, 2017.~~**]** **as soon as practicable before the next presidential election year.**

Sec. 45. This act becomes effective ~~[:~~

~~1. Upon passage and approval for the purpose of adopting regulations and prescribing forms; and~~

~~2. On~~**]** **on** July 1, 2015 **.** ~~[, for all other purposes.~~**]**

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

The amendment removes all the sections of the original bill and provides for presidential preference primary in February of presidential election years. This presidential primary is optional. The state parties have the option of either having the primary or retaining the caucus method.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 380.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 431.

AN ACT relating to taxation; enacting provisions relating to the imposition, collection and remittance of sales and use taxes by retailers located outside this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Commerce Clause of the United States Constitution prohibits a state from requiring a retailer to collect sales and use taxes unless the activities of the retailer have a substantial nexus with the taxing state. (*Quill Corp. v. North Dakota*, 504 U.S. 298 (1992)) Existing law requires every retailer whose activities create such a nexus with this State to impose, collect and remit the sales and use taxes imposed in this State. (NRS 372.724, 374.724) This bill provides that a retailer who engages in certain specified activities is required to collect and remit the sales and use taxes imposed in this State.

Section 1 of this bill requires the Department of Taxation to submit a report to the Director of the Legislative Counsel Bureau concerning each finding, ruling or agreement by the Department or the Nevada Tax Commission which provides that the provisions of existing law requiring a retailer to impose, collect and remit sales and use taxes do not apply to the retailer even though the retailer or an affiliate owns or operates a

warehouse, distribution center, fulfillment center or other similar facility in this State.

Sections 2 and 5 of this bill enact provisions based on a Colorado law which creates a presumption that a retailer is required to impose, collect and remit sales and use taxes if the retailer is: (1) part of a controlled group of business entities that has a component member who has physical presence in this State; and (2) the component member with such physical presence engages in certain activities in this State that relate to the ability of the retailer to make retail sales to residents of this State. (Ch. 364, Colo. Session Laws 2014, at p. 1740) Under **sections 2 and 5**, a retailer may rebut this presumption by providing proof that the component member with physical presence in this State ~~[on behalf of the retailer that would constitute a sufficient nexus under the United States Constitution.]~~ **that was significantly associated with the retailer's ability to establish or maintain a market in this State for the retailer's products or services.**

Sections 3 and 6 of this bill enact a provision based on a New York law which creates a presumption that a retailer is required to impose, collect and remit sales and use taxes if: (1) the retailer enters into an agreement with a resident of this State under which the resident receives certain consideration for referring potential customers to the retailer through a link on the resident's Internet website or otherwise; and (2) the cumulative gross receipts from sales by the retailer to customers in this State through all such referrals exceeds a certain amount during the preceding four quarterly periods. A retailer may rebut this presumption by providing proof that each resident with whom the retailer has an agreement did not engage in any ~~[solicitation in this State on behalf of the retailer that would satisfy the nexus requirement of the United States Constitution.]~~ **activity that was significantly associated with the retailer's ability to establish or maintain a market in this State for the retailer's products or services during the preceding four quarterly periods.** In *Overstock.com v. New York State Department of Taxation and Finance*, 987 N.E.2d 621 (2013), the New York Court of Appeals held that the New York law is facially constitutional because, through these agreements with New York residents, a retailer may establish a sufficient nexus with the State of New York to satisfy the requirements of the United States Constitution.

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

Section 1. **Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:**

Not later than 30 days after the Department or the Nevada Tax Commission makes a finding or ruling, or enters into an agreement with a retailer providing, that the provisions of chapters 372 and 374 of NRS relating to the imposition, collection and remittance of the sales tax, and the collection and remittance of the use tax, do not apply to the retailer,

despite the presence in this State of an office, distribution facility, warehouse or storage place or similar place of business which is owned or operated by the retailer or an affiliate of the retailer, whether the finding, ruling or agreement is written or oral and whether the finding, ruling or agreement is express or implied, the Department shall submit a report of the finding, ruling or agreement to the Director of the Legislative Counsel Bureau for transmittal to:

1. If the Legislature is in session, the Legislature; or

2. If the Legislature is not in session, the Legislative Commission.

Sec. 1.5. Chapter 372 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Except as otherwise provided in this section, it is presumed that the provisions of this chapter relating to the imposition, collection and remittance of the sales tax, and the collection and remittance of the use tax, apply to a retailer if:***

(a) The retailer is part of a controlled group of corporations that has a component member, other than a common carrier ~~***[,]***~~ ***acting in its capacity as such, that has physical presence in this State; and***

(b) The component member with physical presence in this State:

(1) Sells a similar line of products or services as the retailer and does so under a business name that is the same or similar to that of the retailer;

(2) Maintains an office, distribution facility, warehouse or storage place or similar place of business in this State to facilitate the delivery of tangible personal property sold by the retailer to the retailer's customers;

(3) Uses trademarks, service marks or trade names in this State that are the same or substantially similar to those used by the retailer;

(4) Delivers, installs, assembles or performs maintenance services for the retailer's customers within this State; ~~***[or]***~~

(5) Facilitates the retailer's delivery of tangible personal property to customers in this State by allowing the retailer's customers to pick up tangible personal property sold by the retailer at an office, distribution facility, warehouse, storage place or similar place of business maintained by the component member in this State ~~***[.]***~~ ***; or***

(6) Conducts any other activities in this State that are significantly associated with the retailer's ability to establish and maintain a market in this State for the retailer's products or services.

2. A retailer may rebut the presumption set forth in subsection 1 by providing proof satisfactory to the Department that, during the calendar year in question, the activities of the component member with physical presence in this State ~~***[did not engage in any activity in this State on behalf of the retailer that would constitute a sufficient nexus to satisfy the requirements of the United States Constitution. A retailer has the burden of establishing that the requirements of this subsection are satisfied.]***~~ ***are not significantly associated with the retailer's ability to establish or maintain a market in this State for the retailer's products or services.***

3. In administering the provisions of this chapter, the Department shall construe the terms "seller," "retailer" and "retailer maintaining a place of business in this State" in accordance with the provisions of this section.

4. As used in this section:

(a) "Component member" has the meaning ascribed to it in section 1563(b) of the Internal Revenue Code, 26 U.S.C. § 1563(b), and includes any entity that, notwithstanding its form of organization, bears the same ownership relationship to the retailer as a corporation that would qualify as a component member of the same controlled group of corporations as the retailer.

(b) "Controlled group of corporations" has the meaning ascribed to it in section 1563(a) of the Internal Revenue Code, 26 U.S.C. § 1563(a), and includes any entity that, notwithstanding its form of organization, bears the same ownership relationship to the retailer as a corporation that would qualify as a component member of the same controlled group of corporations as the retailer.

Sec. 3. *1. Except as otherwise provided in this section, it is presumed that the provisions of this chapter relating to:*

(a) The imposition, collection and remittance of the sales tax; and

(b) The collection and remittance of the use tax,

➥ apply to every retailer who enters into an agreement with a resident of this State under which the resident, for a commission or other consideration based upon the sale of tangible personal property by the retailer, directly or indirectly refers potential customers, whether by a link on an Internet website or otherwise, to the retailer, if the cumulative gross receipts from sales by the retailer to customers in this State who are referred to the retailer by all residents with this type of an agreement with the retailer is in excess of $10,000 during the preceding four quarterly periods ending on the last day of March, June, September and December.

2. A retailer may rebut the presumption set forth in subsection 1 by providing proof satisfactory to the Department that each resident with whom the retailer has an agreement did not engage in any ~~[solicitation]~~ activity in this State that was significantly associated with the retailer's ability to establish or maintain a market in this State for the retailer's products or services during the preceding four quarterly periods ending on the last day of March, June, September and December. Such proof may consist of the sworn written statements of each resident with whom the retailer has an agreement stating that the resident did not engage in any solicitation in this State on behalf of the retailer ~~[that would constitute a sufficient nexus to satisfy the requirements of the United States Constitution. A retailer has the burden of establishing that the requirements of this subsection are satisfied.]~~ during the preceding four quarterly periods ending on the last day of March, June, September and December, if the statements were obtained from each resident and provided to the Department in good faith.

3. In administering the provisions of this chapter, the Department shall construe the terms "seller," "retailer" and "retailer maintaining a place of business in this State" in accordance with the provisions of this section.

Sec. 4. Chapter 374 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. ***1. Except as otherwise provided in this section, it is presumed that the provisions of this chapter relating to the imposition, collection and remittance of the sales tax, and the collection and remittance of the use tax, apply to a retailer if:***

(a) The retailer is part of a controlled group of corporations that has a component member, other than a common carrier ~~***[,]***~~ ***acting in its capacity as such, that has physical presence in this State; and***

(b) The component member with physical presence in this State:

(1) Sells a similar line of products or services as the retailer and does so under a business name that is the same or similar to that of the retailer;

(2) Maintains an office, distribution facility, warehouse or storage place or similar place of business in this State to facilitate the delivery of tangible personal property sold by the retailer to the retailer's customers;

(3) Uses trademarks, service marks or trade names in this State that are the same or substantially similar to those used by the retailer;

(4) Delivers, installs, assembles or performs maintenance services for the retailer's customers within this State; ~~***[or]***~~

(5) Facilitates the retailer's delivery of tangible personal property to customers in this State by allowing the retailer's customers to pick up tangible personal property sold by the retailer at an office, distribution facility, warehouse, storage place or similar place of business maintained by the component member in this State ~~***[.]***~~ ***; or***

(6) Conducts any other activities in this State that are significantly associated with the retailer's ability to establish and maintain a market in this State for the retailer's products or services.

2. A retailer may rebut the presumption set forth in subsection 1 by providing proof satisfactory to the Department that, during the calendar year in question, the activities of the component member with physical presence in this State ~~***[did not engage in any activity in this State on behalf of the retailer that would constitute a sufficient nexus to satisfy the requirements of the United States Constitution. A retailer has the burden of establishing that the requirements of this subsection are satisfied.]***~~ ***are not significantly associated with the retailer's ability to establish or maintain a market in this State for the retailer's products or services.***

3. In administering the provisions of this chapter, the Department shall construe the terms "seller," "retailer" and "retailer maintaining a place of business in this State" in accordance with the provisions of this section.

4. As used in this section:

(a) "Component member" has the meaning ascribed to it in section 1563(b) of the Internal Revenue Code, 26 U.S.C. § 1563(b), and includes any

entity that, notwithstanding its form of organization, bears the same ownership relationship to the retailer as a corporation that would qualify as a component member of the same controlled group of corporations as the retailer.

(b) "Controlled group of corporations" has the meaning ascribed to it in section 1563(a) of the Internal Revenue Code, 26 U.S.C. § 1563(a), and includes any entity that, notwithstanding its form of organization, bears the same ownership relationship to the retailer as a corporation that would qualify as a component member of the same controlled group of corporations as the retailer.

Sec. 6. ***1. Except as otherwise provided in this section, it is presumed that the provisions of this chapter relating to:***

(a) The imposition, collection and remittance of the sales tax; and

(b) The collection and remittance of the use tax,

➥ apply to every retailer who enters into an agreement with a resident of this State under which the resident, for a commission or other consideration based upon the sale of tangible personal property by the retailer, directly or indirectly refers potential customers, whether by a link on an Internet website or otherwise, to the retailer, if the cumulative gross receipts from sales by the retailer to customers in this State who are referred to the retailer by all residents with this type of an agreement with the retailer is in excess of $10,000 during the preceding four quarterly periods ending on the last day of March, June, September and December.

2. A retailer may rebut the presumption set forth in subsection 1 by providing proof satisfactory to the Department that each resident with whom the retailer has an agreement did not engage in any ~~[solicitation]~~ activity in this State that was significantly associated with the retailer's ability to establish or maintain a market in this State for the retailer's products or services during the preceding four quarterly periods ending on the last day of March, June, September and December. Such proof may consist of the sworn written statements of each resident with whom the retailer has an agreement stating that the resident did not engage in any solicitation in this State on behalf of the retailer ~~[that would constitute a sufficient nexus to satisfy the requirements of the United States Constitution. A retailer has the burden of establishing that the requirements of this subsection are satisfied.]~~ during the preceding four quarterly periods ending on the last day of March, June, September and December, if such statements were obtained from each resident and provided to the Department in good faith.

3. In administering the provisions of this chapter, the Department shall construe the terms "seller," "retailer" and "retailer maintaining a place of business in this State" in accordance with the provisions of this section.

Sec. 6.5. **Notwithstanding the provisions of section 7 of this act, in determining whether, pursuant to sections 3 and 6 of this act, a retailer has rebutted the presumption that the provisions of chapters 372 and 374 of NRS relating to the imposition, collection and remittance of the sales**

tax, and the collection and remittance of the use tax, apply to the retailer, any quarterly periods preceding October 1, 2015, may be considered.

Sec. 7. 1. This **section and sections 1, 1.5, 2, 4 and 5 of this** act ~~[becomes]~~ **become** effective on July 1, 2015.

2. Sections 3, 6 and 6.5 of this act become effective on October 1, 2015.

Assemblyman Armstrong moved the adoption of the amendment.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Amendment 431 to Assembly Bill 380 specifies that a retailer may rebut the presumption that it is required to impose, collect, and remit Nevada sales and use tax based on the activities of a component member with a physical presence in the state, or of residents of the state who refer potential customers to the retailer through an Internet website link, if it provides proof that the component member or resident did not engage in any activities in Nevada that were significantly associated with the retailer's ability to establish or maintain a market in the state for that retailer's products or services.

The amendment additionally requires the Department of Taxation to report to the Director of the Legislative Counsel Bureau any finding or ruling that the provisions of Chapter 372 or 374, relating to the imposition, collection, and remittance of the sales and use tax, do not apply to the retailer no later than 30 days after the finding or ruling that was made by the Department.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 412.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 432.

AN ACT relating to public financial administration; authorizing a board of county commissioners to impose certain ad valorem taxes on property in the county; authorizing a board of county commissioners or the board of trustees of a school district, or both, to impose certain ad valorem taxes on property in the county; establishing limitations on the use of money received from any such taxes; exempting property tax increases relating to the reversal of a reduction of taxable value resulting from certain types of obsolescence from the caps on property tax bills; requiring the State Board of Equalization, county boards of equalization and county assessors to submit information regarding the reduction of taxable values based on certain types of obsolescence to the Nevada Tax Commission; requiring the Department of Taxation annually to conduct certain audits; clarifying certain provisions governing the determination of the taxable value of property; revising provisions governing partial abatements of property taxes; requiring the Legislative Auditor to conduct a performance audit of the State Board of Equalization; requiring the State Treasurer, under certain limited circumstances and with the approval of certain local governments, to execute an agreement with the governing body of a local government pursuant to which the State Treasurer agrees to borrow money from the Local Government Pooled Investment Fund and transfer the

money to the governing body; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes a board of county commissioners of a county, by a majority vote and without the approval of the registered voters in the county, to impose throughout the county an ad valorem tax at the rate of up to 5 cents per $100 of assessed value on all taxable property in the county. **Section 1** provides that the money received from any such tax: (1) **must not be allocated or included in the calculation of any amounts to be allocated to or for the benefit of a redevelopment agency; (2)** must not be considered as financial ability to pay for the purposes of negotiation, fact-finding or arbitration regarding salaries and benefits of employees of a local government; ~~[(2)]~~ **(3)** must not be used to settle or arbitrate disputes or negotiate settlements between an organization that represents employees of a local government and the local government; and ~~[(3)]~~ **(4)** must not be used to adjust the schedules of salaries and benefits of the employees of a local government.

Section 15 of this bill authorizes the board of county commissioners of a county or the board of trustees of a school district in the county, or both, by a majority vote and without the approval of the registered voters in the county, to impose throughout the county an ad valorem tax at the rate of up to 5 cents per $100 of assessed value on all taxable property in the county. **Section 15** provides that the board of county commissioners of the county or the board of trustees of the school district may impose any portion of the rate authorized by **section 15**, but the total rate must not exceed 5 cents per $100 of assessed valuation. **Section 15** provides that the money received from any such tax must be used only for the construction and maintenance of public schools within the school district and the purchase by the school district and use by pupils of information technology, except that an amount equal to not more than 2 cents per $100 of assessed valuation of all taxable property in the county may be used by the school district to pay for operating expenses of the school district. **Section 15** additionally provides that the money received from any such tax: (1) must not be considered as financial ability to pay for the purposes of negotiation, fact-finding or arbitration regarding salaries and benefits of employees of a local government; (2) must not be used to settle or arbitrate disputes or negotiate settlements between an organization that represents employees of a local government and the local government; (3) must not be used to adjust the schedules of salaries and benefits of the employees of a local government; (4) must not be considered part of the amount of the local funds available to a school district; and (5) must not be included in determining the amount of the basic support guarantees or any other funding provided by the State to a school district. **Section 16** of this bill additionally provides that the amount of local funds available does not include the amount of any tax imposed pursuant to **section 15**.

Section 12 of this bill provides that any tax imposed pursuant to **section 1 or 15** is not subject to the provisions of existing law which provide that the

total ad valorem tax levy for all public purposes must not exceed $3.64 per $100 of assessed valuation. (NRS 361.453)

Existing law sets forth certain requirements for determining the taxable value of real property. (NRS 361.227) **Section 11** of this bill clarifies the applicability of those requirements.

Existing law provides for a partial abatement of property taxes, which effectively establishes an annual cap on increases of property tax bills. (NRS 361.4722) **Section 13** of this bill revises the formula for calculating the amount of the partial abatement of property taxes applicable to property other than certain single-family residences and residential rental dwelling units to ensure that the partial abatement cannot be less than 6 percent. **Section 14** of this bill provides that the amount of any tax imposed pursuant to **section 1 or 15** is exempt from certain partial abatements of property taxes. **Section 14** also provides that the amount of tax imposed on the increased value of property that results from revaluing the property after the taxable value of the property was reduced in a prior year as a result of the use of the income approach to valuation is exempt from certain partial abatements of property taxes. **Section 10** of this bill requires the State Board of Equalization, a county board of equalization or a county assessor that reduces the amount of the assessed value of property that is exempted from such abatements to submit an electronic report of the reduction in assessed value to the Department of Taxation and requires the Department annually to conduct an audit of each such reduction in assessed valuation.

Section 18 of this bill requires the Legislative Auditor to conduct a performance audit of the State Board of Equalization for Fiscal Year 2016-2017 and report the results of the audit to the Legislature.

Section 9 of this bill authorizes the governing body of a local government, before August 31, 2015, to submit a proposed agreement to the State Treasurer pursuant to which: (1) the State Treasurer agrees to borrow certain money from the Local Government Pooled Investment Fund; (2) the State Treasurer agrees to transfer such money to the governing body of the local government; and (3) the governing body agrees to repay the principal amount borrowed and any interest. Upon approval of such a proposed agreement by a majority of the local governments that have deposited money for credit to the Fund, **section 9** requires the State Treasurer to: (1) execute the agreement; (2) borrow the specified amount from the Fund; and (3) transfer the money to the local government. **Section 9** provides that the agreement must include, without limitation, a statement identifying the amount of money proposed to be borrowed, a description of the proposed use of the money, terms and conditions for the repayment of the principal and any interest and the rate or rates of interest. **Section 9** also provides that the principal amount borrowed must be repaid not later than the first day of the calendar month that is ~~[~~360~~]~~ **240** months after the month in which the borrowing occurred. Additionally, **section 9** provides that the full faith and credit of the State is pledged for the payment of the principal and interest.

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

Section 1. Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to all other taxes imposed on property in a county, the board of county commissioners of the county may, by a majority vote and without the approval of the registered voters in the county, impose an ad valorem tax at the rate of up to 5 cents per $100 of assessed valuation on all taxable property in the county. A tax imposed pursuant to this subsection applies throughout the county, including incorporated cities in the county.

2. Except as otherwise specifically provided by statute, any tax imposed pursuant to subsection 1 must be assessed in the same manner and is subject to the provisions of the general laws for the assessment and collection of taxes. The tax must be collected at the same time and by the same officers who assess and collect the state and county taxes. The money received from the tax and any applicable penalty or interest must be remitted to the county treasurer.

3. The Department of Taxation shall add an amount equal to the rate of any tax imposed pursuant to subsection 1 multiplied by the total assessed valuation of the county to the allowed revenue from taxes ad valorem of the county.

4. The money received from any tax imposed pursuant to subsection 1 and any applicable penalty or interest:

(a) Must not be allocated or included in the calculation of any amounts to be allocated to or for the benefit of a redevelopment agency created pursuant to chapter 279 of NRS.

(b) Must not be considered as financial ability to pay for the purposes of negotiation, fact-finding or arbitration regarding salaries and benefits of employees of a local government;

~~[(b)]~~ (c) Must not be used to settle or arbitrate disputes or negotiate settlements between an organization that represents employees of a local government and the local government; and

~~[(c)]~~ (d) Must not be used to adjust the schedules of salaries and benefits of the employees of a local government.

Sec. 2. NRS 354.470 is hereby amended to read as follows:

354.470 NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** may be cited as the Local Government Budget and Finance Act.

Sec. 3. NRS 354.472 is hereby amended to read as follows:

354.472 1. The purposes of NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** are:

(a) To establish standard methods and procedures for the preparation, presentation, adoption and administration of budgets of all local governments.

(b) To enable local governments to make financial plans for programs of both current and capital expenditures and to formulate fiscal policies to accomplish these programs.

(c) To provide for estimation and determination of revenues, expenditures and tax levies.

(d) To provide for the control of revenues, expenditures and expenses in order to promote prudence and efficiency in the expenditure of public money.

(e) To provide specific methods enabling the public, taxpayers and investors to be apprised of the financial preparations, plans, policies and administration of all local governments.

2. For the accomplishment of these purposes, the provisions of NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** must be broadly and liberally construed.

Sec. 4. NRS 354.476 is hereby amended to read as follows:

354.476 As used in NRS 354.470 to 354.626, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 354.479 to 354.578, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 354.594 is hereby amended to read as follows:

354.594 The Committee on Local Government Finance shall determine and advise local government officers of regulations, procedures and report forms for compliance with NRS 354.470 to 354.626, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 6. NRS 354.59811 is hereby amended to read as follows:

354.59811 1. Except as otherwise provided in NRS 244.377, 278C.260, 354.59813, 354.59815, 354.59818, 354.5982, 354.5987, 354.705, 354.723, 450.425, 450.760, 540A.265 and 543.600, ***and section 1 of this act,*** for each fiscal year beginning on or after July 1, 1989, the maximum amount of money that a local government, except a school district, a district to provide a telephone number for emergencies or a redevelopment agency, may receive from taxes ad valorem, other than those attributable to the net proceeds of minerals or those levied for the payment of bonded indebtedness and interest thereon incurred as general long-term debt of the issuer, or for the payment of obligations issued to pay the cost of a water project pursuant to NRS 349.950, or for the payment of obligations under a capital lease executed before April 30, 1981, must be calculated as follows:

(a) The rate must be set so that when applied to the current fiscal year's assessed valuation of all property which was on the preceding fiscal year's assessment roll, together with the assessed valuation of property on the central assessment roll which was allocated to the local government, but excluding any assessed valuation attributable to the net proceeds of minerals, assessed valuation attributable to a redevelopment area and assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation, it will produce 106 percent of the maximum revenue allowable from taxes ad valorem for the

preceding fiscal year, except that the rate so determined must not be less than the rate allowed for the previous fiscal year, except for any decrease attributable to the imposition of a tax pursuant to NRS 354.59813 in the previous year.

(b) This rate must then be applied to the total assessed valuation, excluding the assessed valuation attributable to the net proceeds of minerals and the assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation, but including new real property, possessory interests and mobile homes, for the current fiscal year to determine the allowed revenue from taxes ad valorem for the local government.

2. As used in this section, "general long-term debt" does not include debt created for medium-term obligations pursuant to NRS 350.087 to 350.095, inclusive.

Sec. 7. NRS 354.616 is hereby amended to read as follows:

354.616 1. A local governing body may provide for the adjustment of expenses as defined by NRS 354.470 to 354.626, inclusive ~~[.]~~ ***, and section 1 of this act.*** Receipts from adjustment of expenses shall be credited to the governmental function to which the reimbursed expense was originally charged.

2. A local governing body may provide for the adjustment of revenues as defined by NRS 354.470 to 354.626, inclusive ~~[.]~~ ***, and section 1 of this act.*** Disbursements for adjustment of revenues shall be charged to the revenue account to which the refunded revenue was originally credited.

Sec. 8. NRS 354.626 is hereby amended to read as follows:

354.626 1. No governing body or member thereof, officer, office, department or agency may, during any fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, in excess of the amounts appropriated for that function, other than bond repayments, medium-term obligation repayments and any other long-term contract expressly authorized by law. Any officer or employee of a local government who willfully violates NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** is guilty of a misdemeanor and upon conviction thereof ceases to hold his or her office or employment. Prosecution for any violation of this section may be conducted by the Attorney General or, in the case of incorporated cities, school districts or special districts, by the district attorney.

2. Without limiting the generality of the exceptions contained in subsection 1, the provisions of this section specifically do not apply to:

(a) ~~[~~Purchase~~]~~ ***The purchase*** of coverage and professional services directly related to a program of insurance which require an audit at the end of the term thereof.

(b) Long-term cooperative agreements as authorized by chapter 277 of NRS.

(c) Long-term contracts in connection with planning and zoning as authorized by NRS 278.010 to 278.630, inclusive.

(d) Long-term contracts for the purchase of utility service such as, but not limited to, heat, light, sewerage, power, water and telephone service.

(e) Contracts between a local government and an employee covering professional services to be performed within 24 months following the date of such contract or contracts entered into between local government employers and employee organizations.

(f) Contracts between a local government and any person for the construction or completion of public works, money for which has been or will be provided by the proceeds of a sale of bonds, medium-term obligations or an installment-purchase agreement and that are entered into by the local government after:

(1) Any election required for the approval of the bonds or installment-purchase agreement has been held;

(2) Any approvals by any other governmental entity required to be obtained before the bonds, medium-term obligations or installment-purchase agreement can be issued have been obtained; and

(3) The ordinance or resolution that specifies each of the terms of the bonds, medium-term obligations or installment-purchase agreement, except those terms that are set forth in subsection 2 of NRS 350.165, has been adopted.

➥ Neither the fund balance of a governmental fund nor the equity balance in any proprietary fund may be used unless appropriated in a manner provided by law.

(g) Contracts which are entered into by a local government and delivered to any person solely for the purpose of acquiring supplies, services and equipment necessarily ordered in the current fiscal year for use in an ensuing fiscal year and which, under the method of accounting adopted by the local government, will be charged against an appropriation of a subsequent fiscal year. Purchase orders evidencing such contracts are public records available for inspection by any person on demand.

(h) Long-term contracts for the furnishing of television or FM radio broadcast translator signals as authorized by NRS 269.127.

(i) The receipt and proper expenditure of money received pursuant to a grant awarded by an agency of the Federal Government.

(j) The incurrence of obligations beyond the current fiscal year under a lease or contract for installment purchase which contains a provision that the obligation incurred thereby is extinguished by the failure of the governing body to appropriate money for the ensuing fiscal year for the payment of the amounts then due.

(k) The receipt by a local government of increased revenue that:

(1) Was not anticipated in the preparation of the final budget of the local government; and

(2) Is required by statute to be remitted to another governmental entity.

(l) An agreement authorized pursuant to NRS 277A.370.

Sec. 9. NRS 349.074 is hereby amended to read as follows:

349.074 1. The ***governing body of a local government may, before August 31, 2015, submit to the State Treasurer and to each local government that has deposited money with the State Treasurer for credit to the Local Government Pooled Investment Fund for the purpose of investment, a proposed agreement pursuant to which the State Treasurer agrees to borrow money in accordance with the provisions of this section and transfer such money to the governing body and the governing body agrees to repay the principal amount borrowed and any interest on such amount. The proposed agreement must include, without limitation, a statement of the amount of money proposed to be borrowed, a description of the proposed use of the money, terms and conditions for the repayment by the governing body of the principal amount borrowed by the State Treasurer and transferred to the governing body and the rate or rates of any interest on such amount. Upon approval of the proposed agreement by a majority of the local governments that have deposited money with the State Treasurer for credit to the Local Government Pooled Investment Fund for the purpose of investment, the*** State Treasurer ~~[may,]~~ ***shall,*** on or before August 31, ~~[2013, in]~~ ***2015:***

(a) Execute the proposed agreement.

(b) In the name and on behalf of the State of Nevada, borrow money and evidence such borrowing by the issuance of one or more notes in an aggregate principal amount ***set forth in the agreement, but in an amount*** that does not exceed $160 million.

(c) In accordance with the terms of the agreement, transfer to the governing body the principal amount borrowed pursuant to paragraph (b).

2. Each ~~[such]~~ note ~~[:]~~ ***issued pursuant to paragraph (b) of subsection 1:***

(a) Must be issued upon the order of the State Treasurer and pursuant to the provisions of the State Securities Law, except to the extent that those provisions are inconsistent with the provisions of this section; and

(b) May be issued without the approval of the State Board of Finance or any other board, commission or agency of this State.

➥ For the purposes of this section and the State Securities Law, the State Treasurer shall be deemed to constitute an agency of the State and any order of the State Treasurer authorizing the issuance of a note pursuant to this section shall be deemed to constitute a resolution authorizing the issuance of the note.

~~[2.]~~ ***3.*** Each note authorized pursuant to this section must be:

(a) Issued pursuant to a written contract between the State and the Local Government Pooled Investment Fund, under which the Local Government Pooled Investment Fund agrees to invest in the note or notes issued pursuant to this section. The contract must be executed by the Governor on behalf of the State and by the State Treasurer on behalf of the Local Government Pooled Investment Fund.

(b) Sold to the Local Government Pooled Investment Fund at a price equal to the principal amount borrowed under the note. The total amount invested by

the Local Government Pooled Investment Fund in notes issued pursuant to this section must not exceed:

(1) Twenty-five percent of the book value of the total investments of the Local Government Pooled Investment Fund on the date of the investment by the Local Government Pooled Investment Fund; or

(2) One hundred sixty million dollars,

➥ whichever is less. The determination as to whether the requirements of this paragraph are satisfied must be made by the State Treasurer on the date of each investment by the Local Government Pooled Investment Fund in a note issued pursuant to this section. Each such determination shall be deemed to be conclusive and is not affected by any subsequent changes in the book value of the total investments of the Local Government Pooled Investment Fund.

~~[3.]~~ ***4.*** ~~[Except as otherwise provided in subsection 6, the]~~ ***The*** principal amount outstanding on any notes issued pursuant to this section must bear interest ~~[, payable monthly on the first business day of each calendar month,]~~ at a rate ~~[equal to 50 basis points above the average monthly rate of earnings of all the investments, other than any investments in notes issued pursuant to this section, of money in the Local Government Pooled Investment Fund during the immediately preceding calendar month.]~~ ***or rates set forth in the agreement executed pursuant to paragraph (a) of subsection 1, except that such rate or rates must not be less than the rate or rates the State Treasurer determines to be sufficient to enable the sale of the note at a price that is not less than the principal amount thereof.***

~~[4.]~~ ***5.*** The total principal amount borrowed on or before August 31, ~~[2013,]~~ ***2015,*** pursuant to this section must be repaid ~~[in installments in such a manner that:~~

~~(a) At least 25 percent of each principal amount borrowed pursuant to this section must be repaid by the first day of the calendar month that is 13 months after the month in which that borrowing occurred;~~

~~(b) At least 50 percent of each principal amount borrowed pursuant to this section must be repaid by the first day of the calendar month that is 25 months after the month in which that borrowing occurred;~~

~~(c) At least 75 percent of each principal amount borrowed pursuant to this section must be repaid by the first day of the calendar month that is 37 months after the month in which that borrowing occurred; and~~

~~(d) The entire total principal amount borrowed pursuant to this section must be repaid by]~~ ***not later than*** the first day of the calendar month that is ~~[49~~ ~~***360]***~~ ***240*** months after the month in which that borrowing occurred.

~~[➥ The provisions of this subsection do not prohibit the repayment of the principal amount of any note issued pursuant to this section earlier than the periods specified in this subsection.~~

~~5.]~~ ***6.*** Each note issued pursuant to this section constitutes a general obligation of the State, and the full faith and credit of the State is hereby pledged for the payment of the principal of and interest on the note.

~~[6. If necessary to provide money to any local governments that have invested in the Local Government Pooled Investment Fund, any note issued pursuant to this section, or any portion thereof, may be sold by the Local Government Pooled Investment Fund upon the direction of the State Treasurer. Each note so sold must:~~

~~(a) Be payable as to principal on or before the periods specified in subsection 4, except that the note may have a fixed maturity date, without option of redemption, so long as the principal amount of all the notes issued pursuant to this section are retired in accordance with subsection 4.~~

~~(b) Bear interest, payable monthly on the first business day of each calendar month, at such a rate or rates as the State Treasurer determines to be sufficient to enable the sale of the note at a price that is not less than the principal amount thereof.]~~

7. Notwithstanding any other provision of law to the contrary, any statutory limitation on the rate of interest that would otherwise apply to securities issued by or on behalf of this State shall be deemed not to apply to any rate of interest payable on any notes issued pursuant to this section.

8. The proceeds from the sale of any notes pursuant to this section to the Local Government Pooled Investment Fund, net of costs of issuance, must be ~~[deposited into the State General Fund and used for the general operation of this State.]~~ ***transferred by the State Treasurer to the governing body in accordance with the terms of the agreement executed pursuant to paragraph (a) of subsection 1.***

9. As used in this section, "Local Government Pooled Investment Fund" means the Local Government Pooled Investment Fund created by NRS 355.167.

Sec. 10. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the State Board of Equalization, a county board of equalization or a county assessor reduces the taxable value of property as a result of obsolescence based upon capitalization of the fair economic income expectancy or fair economic rent, or an analysis of the discounted cash flow through the use of the income approach pursuant to paragraph (c) of subsection 5 of NRS 361.227 or the formulas adopted by the Nevada Tax Commission pursuant to subsection 5 of NRS 361.320, the State Board of Equalization, the county board of equalization or the county assessor, as applicable, shall submit electronically to the Department a report, in the form prescribed by the Nevada Tax Commission, which describes the facts supporting each such reduction in assessed valuation and identifies the parcel number of the property.

2. The Department shall annually conduct an audit of each reduction in the portion of assessed valuation of property which, pursuant to subsection 3 of NRS 361.4726, is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724 made by the

State Board of Equalization, a county board of equalization or a county assessor.

Sec. 11. NRS 361.227 is hereby amended to read as follows:

361.227 1. Any person ***, including, without limitation, a county assessor, a county board of equalization, the State Board of Equalization and the Department,*** determining the taxable value of real property shall appraise:

(a) The full cash value of:

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

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

(b) Any improvements made on the land by subtracting from the cost of replacement of the improvements all applicable depreciation and obsolescence. Depreciation of an improvement made on real property must be calculated at 1.5 percent of the cost of replacement for each year of adjusted actual age of the improvement, up to a maximum of 50 years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) An improvement made on land, a county assessor may use any final representations of the improvement prepared by the architect or builder of the improvement, including, without limitation, any final building plans, drawings, sketches and surveys, and any specifications included in such representations, as a basis for establishing any relevant measurements of size or quantity.

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

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

Sec. 12. NRS 361.453 is hereby amended to read as follows:

361.453 1. Except as otherwise provided in this section and NRS 354.705, 354.723, 387.3288 and 450.760, ***and sections 1 and 15 of this act,*** the total ad valorem tax levy for all public purposes must not exceed $3.64 on each $100 of assessed valuation, or a lesser or greater amount fixed by the State Board of Examiners if the State Board of Examiners is directed by law to fix a lesser or greater amount for that fiscal year.

2. Any levy imposed by the Legislature for the repayment of bonded indebtedness or the operating expenses of the State of Nevada and any levy imposed by the board of county commissioners pursuant to NRS 387.195 that is in excess of 50 cents on each $100 of assessed valuation of taxable property within the county must not be included in calculating the limitation set forth in subsection 1 on the total ad valorem tax levied within the boundaries of the county, city or unincorporated town, if, in a county whose population is less than 45,000, or in a city or unincorporated town located within that county:

(a) The combined tax rate certified by the Nevada Tax Commission was at least $3.50 on each $100 of assessed valuation on June 25, 1998;

(b) The governing body of that county, city or unincorporated town proposes to its registered voters an additional levy ad valorem above the total ad valorem tax levy for all public purposes set forth in subsection 1;

(c) The proposal specifies the amount of money to be derived, the purpose for which it is to be expended and the duration of the levy; and

(d) The proposal is approved by a majority of the voters voting on the question at a general election or a special election called for that purpose.

3. The duration of the additional levy ad valorem levied pursuant to subsection 2 must not exceed 5 years. The governing body of the county, city or unincorporated town may discontinue the levy before it expires and may not thereafter reimpose it in whole or in part without following the procedure required for its original imposition set forth in subsection 2.

4. A special election may be held pursuant to subsection 2 only if the governing body of the county, city or unincorporated town determines, by a unanimous vote, that an emergency exists. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the governing body of the county, city or unincorporated town to prevent or mitigate a substantial financial loss to the county, city or unincorporated town or to enable the governing body to provide an essential service to the residents of the county, city or unincorporated town.

Sec. 13. NRS 361.4722 is hereby amended to read as follows:

361.4722 1. Except as otherwise provided in or required to carry out the provisions of subsection 3 and NRS 361.4725 to 361.4729, inclusive, the owner of any parcel or other taxable unit of property, including property

entered on the central assessment roll, for which an assessed valuation was separately established for the immediately preceding fiscal year is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The greater of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years;

(II) Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year; or

(III) ~~[Zero;]~~ ***Six percent;*** or

(2) Eight percent,

➥ whichever is less.

2. Except as otherwise provided in or required to carry out the provisions of NRS 361.4725 to 361.4729, inclusive, the owner of any remainder parcel of real property for which no assessed valuation was separately established for the immediately preceding fiscal year, is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for a fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any amount of that assessed valuation attributable to any improvement to or change in the actual or authorized use of the property that would not have been included in the calculation of the assessed valuation of the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year, and if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The greater of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years;

(II) Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year; or

(III) ~~[Zero;]~~ ***Six percent;*** or

(2) Eight percent,

➥ whichever is less.

3. The provisions of subsection 1 do not apply to any property for which the provisions of subsection 1 of NRS 361.4723 or subsection 1 of NRS 361.4724 provide a greater abatement from taxation.

4. Except as otherwise required to carry out the provisions of NRS 361.4732 and any regulations adopted pursuant to NRS 361.4733, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsections 1 and 2 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

5. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to ensure that this section is carried out in a uniform and equal manner.

6. For the purposes of this section, "remainder parcel of real property" means a parcel of real property which remains after the creation of new parcels of real property for development from one or more existing parcels of real property, if the use of that remaining parcel has not changed from the immediately preceding fiscal year.

Sec. 14. NRS 361.4726 is hereby amended to read as follows:

361.4726 1. Except as otherwise provided by specific statute, if any legislative act which becomes effective after April 6, 2005, imposes a duty on a taxing entity to levy a new ad valorem tax or to increase the rate of an existing ad valorem tax, the amount of the new tax or increase in the rate of the existing tax is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

2. The amount of any tax imposed pursuant to NRS 387.3288 ***or section 1 or 15 of this act*** is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

3. ***The amount of any tax imposed on any increased value of property that results from revaluing the property after the taxable value of the property was reduced in a prior year as a result of obsolescence based upon capitalization of the fair economic income expectancy or fair economic rent, or an analysis of the discounted cash flow through the use of the income approach pursuant to paragraph (c) of subsection 5 of NRS 361.227 or the formulas adopted by the Nevada Tax Commission pursuant to subsection 5 of NRS 361.320, is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.***

4. For the purposes of this section, "taxing entity" does not include the State.

Sec. 15. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to all other taxes imposed on property in a county, the board of county commissioners of the county or the board of trustees of the school district in the county, or both, may, by a majority vote and without the approval of the registered voters in the county, impose an ad valorem tax at the rate of up to 5 cents per $100 of assessed valuation on all taxable property in the county. Any tax imposed pursuant to this subsection applies throughout the county, including incorporated cities in the county.

2. Except as otherwise specifically provided by statute, any tax imposed pursuant to subsection 1 must be assessed in the same manner and is subject to the provisions of the general laws for the assessment and collection of taxes. The tax must be collected at the same time and by the same officers who assess and collect the state and county taxes. The money received from the tax and any applicable penalty or interest must be remitted to the school district in the county and used as provided in this section.

3. Except as otherwise provided in subsection 4, the money received from any tax imposed pursuant to subsection 1 and any applicable penalty or interest must be used only for the construction and maintenance of public

schools in the school district and for the purchase by the school district, and use by pupils in public schools in the school district, of information technology.

4. Notwithstanding the provisions of subsection 3 and except as otherwise provided in subsection 6, of the money received by a school district from all taxes imposed pursuant to this section, an amount equal to not more than 2 cents per $100 of assessed valuation of all taxable property in the county may be used by the school district to pay for operating expenses of the school district.

5. The board of county commissioners of a county or the board of trustees of the school district in the county, or both, may impose any portion of the tax rate authorized by subsection 1, but the total combined tax rates imposed by the board of county commissioners and the board of trustees collectively must not exceed the rate authorized by subsection 1.

6. The money received from any tax imposed pursuant to subsection 1 and any applicable penalty or interest:

(a) Must not be considered as financial ability to pay for the purposes of negotiation, fact-finding or arbitration regarding salaries and benefits of employees of a local government;

(b) Must not be used to settle or arbitrate disputes or negotiate settlements between an organization that represents employees of a local government and the local government;

(c) Must not be used to adjust the schedules of salaries and benefits of the employees of a local government;

(d) Must not be considered part of the amount of the local funds computed pursuant to NRS 387.1235; and

(e) Must not be included in determining the amount of the basic support guarantees or any other funding provided by the State to the school district.

Sec. 16. NRS 387.1235 is hereby amended to read as follows:

387.1235 1. Except as otherwise provided in ~~[subsection 2,]~~ ***subsections 2 and 3,*** local funds available are the sum of:

(a) The amount of one-third of the tax collected pursuant to subsection 1 of NRS 387.195 for the school district for the concurrent school year; and

(b) The proceeds of the local school support tax imposed by chapter 374 of NRS, excluding any amounts required to be remitted pursuant to NRS 360.850 and 360.855. The Department of Taxation shall furnish an estimate of these proceeds to the Superintendent of Public Instruction on or before July 15 for the fiscal year then begun, and the Superintendent shall adjust the final apportionment of the current school year to reflect any difference between the estimate and actual receipts.

2. The amount computed under subsection 1 that is attributable to any assessed valuation attributable to the net proceeds of minerals must be held in reserve and may not be considered as local funds available until the succeeding fiscal year.

3. The amount of the local funds computed pursuant to subsection 1 must not include the proceeds of any tax imposed pursuant to section 15 of this act.

Sec. 17. Section 72 of chapter 371, Statutes of Nevada 2011, at page 2175, is hereby amended to read as follows:

Sec. 72. 1. This section and sections 39, 56, 69, 70 and 71 of this act become effective upon passage and approval.

2. Sections 1 to 38, inclusive, 40 to 55, inclusive, and 57 to 68, inclusive, of this act become effective on July 1, 2011.

3. Section 67 of this act expires by limitation on June 30, ~~[2017. *2045.]*~~ ***2035.***

4. Sections 66 and 68 of this act expire by limitation on September 30, ~~[2017. *2045.]*~~ ***2035.***

Sec. 18. 1. The Legislative Auditor shall conduct a performance audit of the State Board of Equalization during Fiscal Year 2016-2017 and prepare a report of the audit. The State Board of Equalization shall provide such information as is requested by the Legislative Auditor to assist with the completion of the audit.

2. The Legislative Auditor shall present a final written report of the performance audit conducted pursuant to subsection 1 to the Audit Subcommittee of the Legislative Commission not later than January 1, 2019.

3. The provisions of chapter 218G of NRS apply to the performance audit conducted pursuant to subsection 1.

Sec. 19. The provisions of NRS 361.4722, as amended by section 13 of this act, apply to the tax year beginning July 1, 2015, and each succeeding tax year.

Sec. 20. 1. This section and sections 9 and 17 of this act become effective upon passage and approval.

2. Sections 10, 11, 13, 18 and 19 of this act become effective upon passage and approval for the purposes of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act, and on July 1, 2015, for all other purposes.

3. Sections 1 to 8, inclusive, 12, 14, 15 and 16 of this act become effective upon passage and approval for the purposes of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act, and on January 1, 2016, for all other purposes.

Assemblyman Armstrong moved the adoption of the amendment.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Amendment 432 to Assembly Bill 412 specifies that no revenue generated from the property tax that may be imposed by a county pursuant to section 1 may be allocated or included in the calculation of any amounts to be allocated to or for the benefit of a redevelopment agency. The amendment additionally reduces the maximum amount by which a local government must repay any loan from the Local Government Pooled Investment Fund from 30 years to 20 years.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 4.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Assembly Bill 4 allows a winery in any county in Nevada to import wine or juice for fermentation, mixing with other wine, or aging in this state or to sell wine at retail or serve wine or any other alcoholic beverage by the glass on its premises. The measure allows a winery licensed on or before the bill's effective date to sell or serve its wine and other alcoholic beverages at the location of the winery and one other location. The amount of wine sold at the second location may not exceed 50 percent of the total wine sold by the winery. Wineries licensed subsequent to the bill's passage will not be allowed to sell at a second location and will not be allowed to serve alcoholic beverages.

Wine was first invented by Noah, and it has been a rural industry since then. Your Committee on Commerce and Labor has protected existing wineries in Pahrump, Fallon, and Gardnerville as well as allowing them in Moapa, Washoe Valley, Clark County—anywhere in Nevada. I urge your support.

Roll call on Assembly Bill No. 4:

YEAS—42.

NAYS—None.

Assembly Bill No. 4 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 177.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Assembly Bill 177 makes various changes relating to candidates for public office. An ineligible candidate is defined as one who dies, is adjudicated insane or mentally incompetent, fails to meet any constitutional or statutory qualification required for office, or is disqualified by a court from performing the duties of office. A person must reside in a district for at least 180 days prior to the deadline for filing of a declaration or acceptance of candidacy. A candidate must also reside in Nevada for a minimum of two years prior to the general election.

Dates for filing challenges are revised. The Secretary of State shall conduct investigations based on credible evidence. If a court finds in a pre-election action that a person fails to meet the qualification of an office, the person is disqualified. The court may order that person to pay court costs and attorney's fees. The penalty for knowingly and willfully filing a declaration or acceptance of candidacy that contains a false statement regarding residency is a category E felony.

The Legislature declares that voters have the right to be informed if a candidate is ineligible. A vote for an ineligible candidate does not invalidate the rest of the voter's ballot.

This bill is effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks and on January 1, 2016, for all other purposes.

I urge all my colleagues to support this bill to bring back integrity and honesty to our electoral process.

Roll call on Assembly Bill No. 177:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

Assembly Bill No. 177 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 191.

Bill read third time.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Assembly Bill 191 makes the following changes to the fuel tax indexing provisions approved by the Legislature in Assembly Bill 413 of the 2013 Session: provisions requiring a statewide ballot question on the November 2016 ballot seeking permission to create an indexed fuel tax rate to be imposed based on the state gasoline and special fuel taxes are repealed; provisions requiring countywide ballot questions on the November 2016 ballot seeking permission to create indexed fuel tax rates are amended to include the state gasoline and special fuel tax rates, in addition to the federal and local rates; and certain proceeds generated from the indexed rates based on the state gasoline and special fuel taxes are required to be diverted to the State Highway Fund for use on transportation projects in the county where the revenue was generated. These provisions apply to revenues from any future increases in the indexed rates imposed by ordinance in Clark County after November 8, 2016, and in any other county approving a ballot question authorizing indexed fuel tax rates on or after January 1, 2017.

The effective date of sections 2 and 16 to 20, inclusive, of this act become effective upon passage and approval. The provisions of the act relating to the diversion of certain revenues to the State Highway Fund become effective if the question on the November 2016 General Election ballot is approved by the voters in any county.

Roll call on Assembly Bill No. 191:

YEAS—34.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, Shelton, Wheeler—8.

Assembly Bill No. 191 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 193.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Assembly Bill 193 allows hearsay evidence in preliminary examinations and grand jury proceedings but only in cases involving: (1) sexual offenses committed against children under the age of 16; (2) felony child abuse; and (3) felony domestic violence involving substantial bodily harm to the victim. A statement made by a witness at any time that is inconsistent with the testimony of the witness before the grand jury may be presented to the grand jury as evidence. The bill allows the use of audiovisual testimony at preliminary hearings and grand jury proceedings for witnesses who live more than 100 miles away under certain circumstances. Lastly, if the district attorney or a peace officer does not provide adequate notice to a person whose indictment is being considered by a grand jury, that person must still be given the opportunity to testify before the grand jury and the grand jury must be instructed to deliberate again on all the charges contained in the indictment. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 193:

YEAS—34.

NAYS—Armstrong, Diaz, Dickman, Flores, Moore, Munford, Neal, Ohrenschall—8.

Assembly Bill No. 193 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 292.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 292 declares it to be the public policy of this state to encourage and facilitate the provision of services through telehealth to improve public health and the quality of health care provided to patients and to lower the cost of health care in this state. The bill defines "telehealth" as the delivery of health care services from a provider of health care to a patient at a different location through the use of certain technology. With limited exceptions, only a health care provider licensed in this state can direct or manage care, render a diagnosis, or write a treatment order or prescription for a patient in this state. Existing law relating to the practice of telemedicine is repealed under this bill.

Additionally, the measure requires any policy of health or industrial insurance and Medicaid to include coverage via telehealth to the same extent as services provided in person. The bill also authorizes a hospital to grant staff privileges to a health care provider at another location to allow the provider to treat a patient via telehealth at the hospital. Finally, A.B. 292 requires the Commissioner of Insurance to consider health care services that may be provided via telehealth when making certain determinations concerning the adequacy of an insurer's network plan.

Roll call on Assembly Bill No. 292:

YEAS—42.

NAYS—None.

Assembly Bill No. 292 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 312.

Bill read third time.

Remarks by Assemblyman Trowbridge.

ASSEMBLYMAN TROWBRIDGE:

Assembly Bill 312 provides that for a person who becomes a member of the Public Employees' Retirement System on or after July 1, 2016, the determination of the member's average compensation must be based on an average of the member's 60 consecutive months of highest compensation. This bill is effective on July 1, 2016.

Roll call on Assembly Bill No. 312:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

Assembly Bill No. 312 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 6.
Bill read third time.
Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 6 removes references to "certified autism behavior interventionists" throughout various sections of *Nevada Revised Statutes* regulating such professionals, instead providing for the credentialing and regulation of Registered Behavior Technicians. The bill also changes statutory references of "behavior therapy" to "behavioral therapy." Finally, the measure increases the minimum coverage which must be provided by certain insurers for applied behavioral analysis treatment to the actuarial equivalent of $72,000.

During the 2009 Session, I sponsored Assembly Bill 162. During the interim, I served on a commission trying to provide services for kids with autism. We talked about the idea of an insurance mandate in Nevada. One of my legislative colleagues who also served on the commission—who I think you served with from Las Vegas and is no longer serving with us—turned to me and said, Great idea, but we will never get another mandate through the Legislature. During that 2009 Session, with the help of our Democratic Speaker, former Assemblywoman Buckley, we got that mandate through and it was signed into law by former Republican Governor Gibbons. Children who had no insurance coverage suddenly had the coverage to get therapies and treatments that had proven time and time again to make a tremendous difference in the lives of these kids.

I had a lot of help from my colleague from Assembly District 14, who was then in the other house; the Minority Leader; this session's current Chair of Commerce and Labor; and back in 2009, the Chair of Education. We worked so hard on this. Thirty-six thousand was not the ideal number, but it was a compromise. We figured that half a loaf or a quarter of a loaf was better than no loaf. This bill is such a tremendous step forward. I want to thank everyone who worked on it because it does make a difference in kids' lives. I have seen that. Whether you are talking about Corey Ward's son, Douglas Ward, who lives in Elko; Mark Olson's daughter, Lindsey Olson, in Las Vegas; Jan Crandy's daughter, Megan; we are talking about Alden Grant, who just became an Eagle Scout. These kids had to be in separate classrooms before. This treatment makes a tremendous difference. This bill moves us a long way forward from where we were in 2009. I urge the body to support this measure. I hope I did not miss anybody else who worked on this measure. There was a lot of effort. It was bipartisan. This is truly a bill that will help our kids.

Roll call on Assembly Bill No. 6:

YEAS—42.

NAYS—None.

Assembly Bill No. 6 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 17.
Bill read third time.
Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Assembly Bill 17 authorizes the Executive Director of the Office of Economic Development, upon the approval of the Board of Economic Development, to cause the formation of a nonprofit entity for certain economic development purposes. The bill specifies that the nonprofit entity must have a board of directors consisting of seven members, based on qualifications and requirements specified in the bill.

Assembly Bill 17 additionally requires that the board of directors of the corporation submit, on or before December 1 of each year, an annual report to the Governor and the Director of the Legislative Counsel Bureau containing certain information relating to the activities of the nonprofit entity. This bill passed unanimously in the Committee on Taxation.

Roll call on Assembly Bill No. 17:

YEAS—42.

NAYS—None.

Assembly Bill No. 17 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 20.

Bill read third time.

Remarks by Assemblyman Trowbridge.

ASSEMBLYMAN TROWBRIDGE:

Assembly Bill 20 removes the requirement for additional approval by the Governor, in certain emergency circumstances, or the Interim Finance Committee of work program changes that result from acceptance by a state agency of a gift or nongovernmental grant which does not exceed $20,000, or a governmental grant which does not exceed $150,000, or carrying forward money from one fiscal year to the next without a change in purpose. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 20:

YEAS—27.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Kirkpatrick, Munford, Neal, Ohrenschall, Sprinkle, Swank, Thompson—15.

Assembly Bill No. 20 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 34.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 34 repeals provisions related to the State Forester Firewarden and enacts them in Chapter 472 of *Nevada Revised Statutes* relating to fire protection districts to coincide with the transfer of certain functions to local government entities. The measure authorizes the State Land Registrar to transfer title to certain real property owned by the state, with certain restrictions, to certain local fire protection districts and counties. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 34:

YEAS—42.

NAYS—None.

Assembly Bill No. 34 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate

Assembly Bill No. 47.

Bill read third time.

Remarks by Assemblyman Jones.

ASSEMBLYMAN JONES:

Assembly Bill 47 allows a person or entity designated to receive a criminal history record of a current or prospective employee or volunteer on behalf of an employer to obtain the information from the Central Repository for Nevada Records of Criminal History. The measure authorizes the

Central Repository to offer a service for a name-based criminal history records check of an employee, prospective employee, volunteer, or prospective volunteer and to specify the requirements for participation in the service. The bill also authorizes a criminal justice agency to audit any employer, person, or entity designated to receive records of criminal history to ensure that the disseminated records are securely maintained. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 47:

YEAS—41.

NAYS—Moore.

Assembly Bill No. 47 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 49.

Bill read third time.

Remarks by Assemblymen Hansen and Ohrenschall.

ASSEMBLYMAN HANSEN:

Assembly Bill 49 establishes the crime of unlawful dissemination of an intimate image of a person. It also prohibits the electronic dissemination or the sale of an intimate image of another person in certain circumstances. It prohibits a person from demanding payment of money, property, services, or anything else of value from a person in exchange for removing an intimate image from public view, and it revises certain provisions regarding to sexual assault and the abuse of a child.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Assembly Bill 49. When we process legislation and we pass it on to the other house and then to the Governor's desk, we have to look at the direct consequences and the unintended consequences. I am particularly concerned about section 15 of this bill, when we look at how this may affect the teenagers, the under 18-year-olds who may not be aware of someone's age. This is a new era; this is not the kind of world I grew up in. This is the era of Facebook and Instagram where people are not always honest about who they are and about their age. I am very concerned that this law may send a 17-year-old to get certified into the adult system and then have all those collateral consequences for what may have been an honest mistake. I am very concerned about this bill, and I will be voting no.

Roll call on Assembly Bill No. 49:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Moore, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

Assembly Bill No. 49 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 54.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 54 revises provisions governing the operation of the Committee on Local Government Finance. The bill provides for the withholding of certain payments to which a local government may otherwise be entitled for failing to file certain financial reports or to make certain payments to the Public Employees' Benefits Program. The bill requires the Department of Taxation, upon making a determination that certain financial conditions exist in a local

government, to place the local government under fiscal watch and requires the Nevada Tax Commission, upon making such a determination of severe financial distress, to order the local government to follow a remedial course of action, including increasing revenues and reducing the expenditures of the local government, as necessary. The bill authorizes the Department to reopen and renegotiate in good faith, or assist a local government in renegotiating, an existing collective bargaining agreement relating to compensation or monetary benefits under certain conditions. The bill extends the period by which a local government may repay certain interest-free loans distributed by the Executive Director of the Department to the local government. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 54:

YEAS—42.

NAYS—None.

Assembly Bill No. 54 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 60.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 60 revises procedures of the Commission on Ethics. The Commission is required to determine if it has jurisdiction concerning a third-party request and to complete its investigation and make a recommendation within the time provided, unless the public officer or employee waives the time limit.

Assembly Bill 60 clarifies that the investigative file includes any information provided to or obtained by an investigatory panel. Further, all information not included in the investigative file is confidential, until a panel determines there is cause for an opinion or the public officer or employee authorizes disclosure. A person who makes a third-party request may ask that his or her name be kept confidential in certain circumstances pursuant to the bill. The Commission must maintain confidentiality if the requester works for the same public employer as the subject of the request. The Commission may maintain confidentiality if the requester establishes evidence of a threat of physical force or violence. When the Commission does not disclose a requester's name, the Commission may not render an opinion unless it has sufficient evidence from other sources. If the Commission intends to use the person's testimony, it must disclose the person's name prior to the hearing.

The definition of "willful violation" is revised to omit any act or failure to act that has not resulted in a sanctionable violation of the Nevada Ethics in Government Law. Safe harbor provisions are revised to clarify that the advice of legal counsel retained by the public body was based on a reasonable legal determination that the act or failure to act would not be contrary to any opinion issued by the Commission and available on its website.

Finally, first-party requests of current public officers or employees are confidential. The measure permits such individuals to disclose the request to certain persons without waiving the confidentiality of the request or any related opinions or record.

Mr. Speaker, your Chairman, the Assemblyman from the double-deuce, gave me the opportunity to work on this bill, and I think we took all the concerns from the members of your committee and from the different stakeholders who testified into the amended version that we have. I think the safe harbor provision still does what it had intended in past sessions, and I think we have made a good compromise. I urge your support.

Roll call on Assembly Bill No. 60:

YEAS—42.

NAYS—None.

Assembly Bill No. 60 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 68.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Assembly Bill 68 clarifies that the Supreme Court has jurisdiction over a complaint or action filed in connection with any proceeding of the Commission on Judicial Discipline. The Commission also has jurisdiction over a former justice, judge, justice of the peace, or other judicial officer for past misconduct occurring while serving. The bill further requires the Commissioner or his staff to examine each complaint the Commission receives and make a determination. Lastly, the bill allows each appointing authority to appoint one or more alternate members for each Commission member it appoints.

Roll call on Assembly Bill No. 68:

YEAS—42.

NAYS—None.

Assembly Bill No. 68 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 85.

Bill read third time.

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

Assembly in recess at 12:57 p.m.

ASSEMBLY IN SESSION

At 1:14 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Kirner moved that Assembly Bill No. 85 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 86.

Bill read third time.

Remarks by Assemblymen Nelson and Kirner.

ASSEMBLYMAN NELSON:

Assembly Bill 86 makes various changes to the governance of the Silver State Health Insurance Exchange. The bill removes the restriction against appointing a person to the Board of Directors who is affiliated in any way with a health insurer; however, it limits the number of voting members

of the Board that may represent any particular area of expertise or experience. Finally, the measure provides for compensation of board members and reduces the minimum number of board meetings from once per quarter to once per year.

ASSEMBLYMAN KIRNER:

Assembly Bill 86 is one of those bills that we have worked on diligently to try to reach some kind of a compromise across the aisle. This is a bill that we had amended to add a couple of positions—going from seven to nine—on the Board. Realizing that was going to be a problem, we retracted it back down to seven members of the Board. Our only effort at this point is to strengthen the Silver State Health Insurance Exchange so that our citizens who need insurance can get insurance and to make the Board more competent in that particular role. That is really the extent of where we are with this bill at this point.

Roll call on Assembly Bill No. 86:

YEAS—35.

NAYS—Carlton, Dickman, Ellison, Fiore, Jones, Shelton, Titus—7.

Assembly Bill No. 86 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 98.

Bill read third time.

Remarks by Assemblymen O'Neill, Kirkpatrick, and Ellison.

ASSEMBLYMAN O'NEILL:

Assembly Bill 98 revises the calculations for certain child support obligations. The income ranges used to determine the presumptive maximum amount for an obligation for support are revised, and the obligation for support for each income range is increased. The bill provides a method for calculating the total amount of child support to be paid by one parent to the other parent, depending on whether one parent has primary physical custody or the parents share joint physical custody. Lastly, the court is required to take into consideration other factors in determining the child support obligation. This bill is effective on October 1, 2015.

ASSEMBLYWOMAN KIRKPATRICK:

I have a couple of questions for my colleague from Carson City. I see that it says we must take into consideration the children's standard of living. I would like to know what that means. At my house, it may mean macaroni and cheese, but at my stepchildren's house, it may mean filet and baked potato. I would also like to know why it says in section 8 "gross monthly income" if you are not a self-employed person. How is that addressed? Many folks are self-employed, so their income counts. I could not take a check myself, but the kids still have to have some stability. If you could answer those two questions, it might alleviate my concerns.

ASSEMBLYMAN O'NEILL:

Former Speaker, Minority Leader, those are excellent questions. I am impressed with your astute insight to this matter. However, I will defer to the Assemblyman from the northern district.

ASSEMBLYMAN ELLISON:

To my colleague from District 1, what we are trying to do is make it fair and balanced. If you have a mother and a father who have joint custody of the children, we want it made fair, so that you would not put one in poverty over the other. What we are hoping to do is to balance it out where one parent did not have to get a secondary job. At the end of the day, we are still hoping we can tweak it on the Senate side to make it a little better, but that is what the bill is.

ASSEMBLYWOMAN KIRKPATRICK:

To my colleague from Elko, my bigger concern is one that has happened at my own house. For my stepchildren, there was steak five days a week. At my house, it was macaroni and cheese. Who is going to determine that and how was that discussion held? I understand this session we

keep saying we are going to fix stuff on the Senate side, but that is not necessarily going to happen. Before I can feel comfortable, I want to at least know the legislative intent, and I want to know the self-employed piece, because those are two very real factors in everyday life.

ASSEMBLYMAN ELLISON:

Yes, ma'am. That is why we are trying to fix this. There is a new formula in there if you look. If you are self-employed, it does not make you exempt. So if you are self-employed in your tax papers, they can still go in and audit. The whole idea is not to put one in poverty over the other. We are trying to make this equal across the board. We have women from Las Vegas right now who are making $50,000 and their husbands are making $150,000, so we are trying to balance that out. We also have policemen who are making $50,000 and the wife is making $150,000. It is not a gender thing; it is trying to make it an equitable thing because it is not right the way it is right now.

Roll call on Assembly Bill No. 98:

YEAS—28.

NAYS—Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Joiner, Kirkpatrick, Kirner, Munford, Ohrenschall, Sprinkle, Swank, Thompson, Titus—14.

Assembly Bill No. 98 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 106.

Bill read third time.

Remarks by Assemblyman Moore.

ASSEMBLYMAN MOORE:

Assembly Bill 106 eliminates the authority of a public body to include in a contract with a design professional a provision requiring that the design professional defend the public body in any lawsuit alleging negligence, errors or omissions, recklessness, or intentional misconduct on the part of the design professional or his or her employees or agents that are based upon or arising out of the professional services of the design professional. In such circumstances, this bill provides that if the design professional is held to be liable as a result of a lawsuit, the judge or jury shall order the design professional to reimburse the public body for a proportionate share of the attorney's fees and costs the public body incurred in defending the action.

This bill retains the public body's authority to include a provision in a contract with a design professional requiring that the design professional defend the public body in any lawsuit alleging negligence, errors or omissions, recklessness, or intentional misconduct of the design professional or his or her employees or agents that are not based upon or arising out of the professional services of the design professional. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 106:

YEAS—42.

NAYS—None.

Assembly Bill No. 106 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 113.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 113 provides guidelines for sealing juvenile records. If a child is under 21 years of age, the child, probation officer, or parole officer may petition the juvenile court for an order

sealing all records relating to the child. The measure allows the district attorney, the chief probation officer, or a certain designee to testify at the hearing on the petition to seal the records.

The measure also sets guidelines for the juvenile court to determine whether a child has been rehabilitated. Lastly, the bill allows the use of personal identifying information from sealed juvenile records when performing bona fide outcome and recidivism studies.

Roll call on Assembly Bill No. 113:

YEAS—42.

NAYS—None.

Assembly Bill No. 113 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 128.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 128 provides examples of forms for power of attorney for health care and for end-of-life decisions for adults with intellectual disabilities.

Roll call on Assembly Bill No. 128:

YEAS—42.

NAYS—None.

Assembly Bill No. 128 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 130.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Assembly Bill 130 increases from $250,000 to $300,000 the maximum gross value of an estate of a decedent for which a court is authorized to enter an order for summary administration. The bill increases from $20,000 to $100,000 the gross value of an estate for which an affidavit showing the right to receive the assets without the issuance of a letter of administration or, if applicable, the probate of a will, may be used for the transfer of assets if a claimant is a surviving spouse of the decedent, and to $25,000 for any other claimant. The value of any motor vehicle registered to the decedent is excluded from the determination of gross value. Lastly, the affidavit is required to include a declaration that the claimant is not aware of any existing personal injury claims or other torts against the deceased.

Roll call on Assembly Bill No. 130:

YEAS—42.

NAYS—None.

Assembly Bill No. 130 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 142.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 142 puts in statute the demerit points to be assigned for specific violations of wildlife laws. It also limits the length of time for revocations and suspensions of various licenses and revises the criminal penalties.

Roll call on Assembly Bill No. 142:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Moore, Munford, Neal, Seaman, Spiegel, Sprinkle, Swank, Thompson—18.

Assembly Bill No. 142 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 163.

Bill read third time.

Remarks by Assemblymen Hansen, Carlton, and Ellison.

ASSEMBLYMAN HANSEN:

Assembly Bill 163 authorizes a board of county commissioners, board of directors of a county fire protection district, or board of fire commissioners of certain other districts to approve a petition submitted by certain persons or business entities within the county or district to create a rangeland fire protection association if the petitioners meet certain requirements. Additionally, the bill provides for the routine evaluation of rangeland fire protection districts during the term of a cooperative agreement based on certain criteria and requires the State Forester Firewarden to adopt regulations relating to the formation, operation, and training of the members of such an association.

ASSEMBLYWOMAN CARLTON:

I have a question on Assembly Bill 163 for the Chair of Judiciary. I know that when we try to true up all the bills for the different fires that happen in the state, it can sometimes take three to four years in order to be able to figure out who is supposed to pay for what, how they get reimbursed, and from what account. As we create this new rangeland fire protection association, will they be able to apply to those accounts to receive money for helping fight the fires? It would only be fair. What would the process be and how would it all get apportioned? We already have a system and formula in place for that, and I would hate to see our guys out there get left holding the bag if they cannot recoup their costs.

ASSEMBLYMAN HANSEN:

Nothing changes as far as that portion of it. The reason this bill came about is because there is a Bureau of Land Management requirement that before anyone can fight a fire, they have to have an incident commander on board. What happened was, in the rural areas, there were ranchers who would go out and try to fight fires, literally on the range right in their backyards, and they were threatened with possible felony arrests.

As far as the financing of it, my understanding is that nothing changes on that, and these folks will be allowed to be compensated as they always have been when they are assisting in fighting rangeland fires.

ASSEMBLYWOMAN CARLTON:

I thank the Chair of Judiciary. I am well aware of the issues in the rurals. I did chair Public Lands and I did chair Natural Resources and I have been in the state for a while. I do appreciate the answer, but I still have concerns about how the remuneration is going to work for these particular districts because they are going to be a new title in statutes. I do not see any changes as far as how the billing will go.

ASSEMBLYMAN ELLISON:

This is so important out there because they are the first responders, the first ones on scene and that is why this is needed. The counties are also paying a portion of this to get these guys trained and equipped.

Roll call on Assembly Bill No. 163:

YEAS—42.

NAYS—None.

Assembly Bill No. 163 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 170.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Assembly Bill 170 clarifies that a general obligation issued or incurred by a municipality or school district must be used only for the stated purpose for which the general obligation was originally issued or incurred and not for any other purpose. The bill also requires the publication of a resolution of the intent of a municipality to issue or incur a general obligation to include information notifying the public of the date by which the registered voters of the municipality must file a petition with the governing body to reject the issuance of the obligation, the location at which the petition must be filed with the governing body, and the location at which a person may obtain additional information regarding the contents of and filing requirements for the petition. Notice of the public hearing must be published at least three times, once each week for three consecutive weeks in a newspaper of general circulation in the municipality. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 170:

YEAS—42.

NAYS—None.

Assembly Bill No. 170 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 200.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Assembly Bill 200 requires the Aging and Disability Services Division, ADSD, to include in the program providing devices for telecommunications to persons with impaired speech or hearing certain services to be offered by centers for persons who are deaf or hard of hearing operated by this state. The bill also removes the requirement that the Public Utilities Commission of Nevada, PUCN, approve the program. The amount of the surcharge established by the PUCN is limited to not more than eight cents per month. Lastly, the bill changes voting abilities of certain members of the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities by making two members nonvoting members.

This is a great thing for our deaf community in the state of Nevada.

Roll call on Assembly Bill No. 200:

YEAS—42.

NAYS—None.

Assembly Bill No. 200 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 205.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 205 requires the Legislative Committee on Education to consider guidelines, parameters, and financial plans for mentorship programs that are established or may be established in Nevada to address issues relating to education, health, criminal justice, and employment of school-age children. The Committee is required to prepare and submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature along with any recommendations for legislation.

Mentoring truly makes a difference in the lives of youth. Developing these guidelines and financial planning will significantly help community-based programs with capacity building and sustainability.

Roll call on Assembly Bill No. 205:

YEAS—42.

NAYS—None.

Assembly Bill No. 205 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 211.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 211 reduces the amount a lessee making certain improvements to leased property must put into a construction disbursement account. A lessee need not include the cost of materials and equipment that a supplier provides in the construction disbursement account under certain circumstances.

Roll call on Assembly Bill No. 211:

YEAS—42.

NAYS—None.

Assembly Bill No. 211 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 226.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 226 expands provisions requiring the Board of Regents of the Nevada System of Higher Education to pay the undergraduate fees, expenses for textbooks, and other course materials for certain dependent children attending a System school. The bill requires the System pay these expenses for a dependent child of a public employee who was killed in the performance of his or her duty or who dies as a result of injuries sustained in the performance of his or her duty.

The original proposal for this bill was to just include dependent children of law enforcement officers and firefighters. Years ago, when I was in the Chamber at the north end of the building, and over the years we have discussed this with a number of folks. This is the time we thought it would be appropriate to bring this to the forefront with some of our schoolteachers and other public employees being put in harm's way. We would like to make sure that their children are taken care of also.

Roll call on Assembly Bill No. 226:

YEAS—42.

NAYS—None.

Assembly Bill No. 226 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 227.

Bill read third time.

Remarks by Assemblymen Nelson, Kirner, and Titus.

ASSEMBLYMAN NELSON:

Assembly Bill 227 makes various changes to the licensure, discipline, and general regulation of physicians, osteopathic physicians, and physician assistants. It revises provisions regarding the disclosure of information on the discipline of licensees and addresses investigations of the competency of licensees. The bill also modifies the requirements for licensure to allow qualified applicants with education or training in a program approved by certain Canadian accreditors to apply for a license in this state.

Among other changes, A.B. 227 allows the Board of Medical Examiners to issue a restricted license for a physician licensed in another state to teach, research, or practice medicine at a medical research facility or medical school. It also revises the definition of "sentinel event" to incorporate the most current list of serious reportable events in health care published by the National Quality Forum for the purposes of requiring licensees to report information concerning the occurrence of those events.

ASSEMBLYMAN KIRNER:

I rise in support of Assembly Bill 227. I think one of the key characteristics of this bill is that it begins to prepare us for what we may pass in terms of a medical school in southern Nevada. Specifically, we are saying that if physicians and surgeons from Canada come here, we want them to get licensure. This is a two-thirds bill. Many people look at this as a fee issue. The fact of the matter is, when these surgeons come and they help us in our educational process, they will want to be licensed and pay for their licensure here.

ASSEMBLYWOMAN TITUS:

I want to clarify that I do not have a conflict with this bill. Although I am licensed through this Board, I am not affected by this in any unique fashion by the other members of that Board, and I do support this bill.

Roll call on Assembly Bill No. 227:

YEAS—42.

NAYS—None.

Assembly Bill No. 227 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 238.

Bill read third time.

Remarks by Assemblywomen Dooling, Carlton, and Seaman.

ASSEMBLYWOMAN DOOLING:

Assembly Bill 238 deletes provisions requiring a 48-hour notice to the owner or operator of a vehicle before the homeowners' association may direct the removal of the vehicle. The bill provides certain criteria for a person to be eligible to be a candidate for or a member of the executive board or an officer of the homeowners' association. If a person is not eligible to be a candidate for or a member of an executive board or an officer, the homeowners' association must not place the name of the person on any ballot as a candidate and must prohibit the person from serving as a member of the executive board or as an officer. Lastly, a procedure is established for the solicitation of bids for association projects.

ASSEMBLYWOMAN CARLTON:

I have a question on Assembly Bill 238. Both of my daughters live in homeowners' associations. Sometimes they do not listen to their mother when she gives them good advice. When the son-in-law borrows my car and parks it in front of the house, we will now not get notice that the car is going to be towed. There will be no notice?

ASSEMBLYWOMAN DOOLING:

That is right. There will not be now due to many, many constituents relating the information that they arrive home late and someone has parked in their spot, and they cannot walk from a long distance to their home when they have to park outside the gates.

ASSEMBLYWOMAN CARLTON:

Back East, we have the long-standing tradition that in a heavy snowstorm you clean out your spot, you put the lawn chair on it, and nobody takes your spot. But literally without any notice at all someone could park in the wrong spot and not even be given the option to come out and move their car. They will just have their car towed away. I have been in positions where I have seen cars towed, and we are talking $200, $300, $400—especially if you do not know which tow yard took it. If there is no notice, you do not even know where your car is residing and there could be valuables in that car. I have grave concerns that we are not at least giving people a little bit of a heads-up to please move your car. This takes being unneighborly to a very expensive realm.

ASSEMBLYWOMAN SEAMAN:

I just want to clarify for my colleague that it is only if you are parked in someone else's space that they will tow the car, not if you are parked in front of a building. The reason that we did this is that we had many complaints from elderly people who were walking home late at night.

Roll call on Assembly Bill No. 238:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

Assembly Bill No. 238 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 409 be taken from its position on the General File and placed at the top of the General File.

Motion carried

GENERAL FILE AND THIRD READING

Assembly Bill No. 409.

Bill read third time.

Remarks by Assemblywomen Seaman and Carlton.

ASSEMBLYWOMAN SEAMAN:

Assembly Bill 409 requires makeup artists who work in licensed cosmetological establishments to register with the State Board of Cosmetology. This bill also eliminates passing a nationally recognized written exam as a requirement for certain applicants who are licensed in a branch of cosmetology in another state or jurisdiction to obtain a license to practice that branch of cosmetology in this state. This bill is effective upon passage and approval.

I would urge everyone here to support this bill so that we can be a state that welcomes other licensees to create more jobs.

ASSEMBLYWOMAN CARLTON:

I talked to staff about this yesterday because I had concerns about the nationally recognized examination being included. As I read Amendment 375 on the yellow sheets, I saw that language struck. So if it is in another spot and I have missed it, I apologize. I had issues on the bill with these folks not paying their fair share of registration, but the one thing that gave me a little level of comfort was the fact that they were going to be tested. As I look at this amendment, that language is no longer there, and I believe that could be a serious issue for the state and may not be the intent of the sponsor of the bill.

ASSEMBLYWOMAN SEAMAN:

This bill does require that they are licensed in another state. The national exam has only been around since the mid-1990s. There are people who have been licensed and practicing these different branches of cosmetology much longer than the national exam has been around.

ASSEMBLYWOMAN CARLTON:

That is almost the answer I was looking for, but my concern is that under the amendment that was adopted to Assembly Bill 409, they will not have to have the exam in their resume. That language has been struck from the bill.

ASSEMBLYWOMAN SEAMAN:

Yes, because after much research on the national exam, not all states offer it. Only about 34 states offer it. Again, this is to bring in the reciprocity for those who have been working and licensed longer than the national exam has been around. The national exam is a private organization that different states may or may not want to engage with.

ASSEMBLYWOMAN CARLTON:

I apologize to the sponsor of the bill if I misheard her in her opening statement because I could have sworn she said they would have to have the exam. I have concerns on people being untested and coming into the state and being able to practice their craft on our residents.

Roll call on Assembly Bill No. 409:

YEAS—37.

NAYS—Benitez-Thompson, Carlton, Edwards, Joiner, Sprinkle—5.

Assembly Bill No. 409 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 240.

Bill read third time.

Remarks by Assemblyman Moore.

ASSEMBLYMAN MOORE:

Assembly Bill 240 provides for a right of redemption after the foreclosure of a common-interest community unit-owners' association's lien by sale under certain circumstances. After a sale of the unit to enforce an association's lien, the unit's owner or holder of the security interest on the unit may redeem the unit by paying certain amounts to the purchaser within 60 days after the sale. If no redemption is made within 60 days after the date of sale, the rights of a bona fide purchaser or encumbrancer for value are not affected.

After working long and hard on this bill, the stakeholders and I reached an agreement on this, and I would like to thank everyone involved, especially the Chair of Judiciary for helping out on this.

Roll call on Assembly Bill No. 240:

YEAS—40.

NAYS—Benitez-Thompson, Dickman—2.

Assembly Bill No. 240 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 242.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Assembly Bill 242 requires the Legislative Commission to appoint a subcommittee to conduct an interim study on postacute care in Nevada. The study must look at alternatives to institutionalization; cost savings of home- and community-based waiver programs; the impact of postacute care services on the quality of life of a person receiving such services; and a review of state and national quality measures and funding methodologies for postacute care. The Legislative Commission must submit a report of its findings, including, without limitation, any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

Roll call on Assembly Bill No. 242:

YEAS—42.

NAYS—None.

Assembly Bill No. 242 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 244.

Bill read third time.

Remarks by Assemblymen Trowbridge, Elliot Anderson, Ohrenschall, and Stewart.

ASSEMBLYMAN TROWBRIDGE:

Assembly Bill 244 provides that a person is guilty of a category C felony, regardless of the value of the loss, if the person has previously been convicted of two or more graffiti offenses or otherwise defacing public or private property or has previously been convicted of a felony for such conduct and commits another such violation. The effective date of this bill is October 1, 2015.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to Assembly Bill 244. I think we all agree on the need to clamp down on graffiti; I just do not think we agree on the punishment. My opposition to this bill revolves around the fact that the punishment does not fit the crime. A category C felony is an extremely serious crime—you lose your voting rights and your Second Amendment rights. We have to ask ourselves if this is the right way to go about punishing graffiti, and I think the answer is no. I would respectfully urge this body to defeat this measure.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Assembly Bill 244. This is my fifth session here. One thing I have learned in five sessions is that as a Legislature, we have scarce resources. We need to protect our constituents against violent crime. Time and time again, we come to the Legislature and we want

to be tough on crime. But we also want to be smart on crime. We need to save our beds at the Nevada Department of Corrections facilities for violent criminals.

Graffiti is terrible. We need to fight it. We need to get it cleaned up. We need to penalize the folks who do it. We need to make sure they pay restitution and that they are not able to have the implements to go back and do it again. But creating a new felony crime of graffiti, taking up bed space that could go to a violent criminal, is not good public policy. It is not being smart on crime. I urge this body to defeat this measure.

ASSEMBLYMAN STEWART:

Assembly Bill 244 addresses a group of people who are constantly committing the crime of graffiti. They are costing Clark County alone over $30 million. These are not young people who are in gangs; these are individuals who do this as a hobby. They are thumbing their nose at the law. They have been convicted three times already and still go on and on with this. It is costing our communities millions of dollars and we have to put a stop to it.

Roll call on Assembly Bill No. 244:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Shelton, Spiegel, Sprinkle, Swank, Thompson—18.

Assembly Bill No. 244 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 246.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 246 makes various changes governing the practice of cosmetology. The bill makes it unlawful to advertise certain services in a misleading or inaccurate manner and provides for disciplinary action by the State Board of Cosmetology for violations. The measure establishes the profession of "shampoo technologist" and sets out the various requirements for the regulation of that profession.

I would like to acknowledge the Chair of Commerce and Labor, who provided great leadership to help us work out the issues in this bill. Thank you also to my colleague from Assembly District 34, who provided the amendments to make the bill better.

Roll call on Assembly Bill No. 246.

YEAS—31.

NAYS—Dickman, Dooling, Ellison, Fiore, Gardner, Hansen, Jones, Moore, Shelton, Titus, Wheeler—11.

Assembly Bill No. 246 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 258.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 258 provides access to capital through interstate crowdfunding. It puts in place ways to protect the unaccredited investor who wishes to invest but also allows businesses to use technology to raise capital.

I would like to acknowledge my intern, Gil Lopez, who helped to provide testimony and research on this bill.

Roll call on Assembly Bill No. 258:

YEAS—31.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, Seaman, Shelton, Titus, Trowbridge, Wheeler—11.

Assembly Bill No. 258 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 268.

Bill read third time.

Remarks by Assemblyman Trowbridge.

ASSEMBLYMAN TROWBRIDGE:

Assembly Bill 268 authorizes a licensing authority or a person designated by the licensing authority to obtain certain information on background and personal history of a person who is 18 years of age or older who routinely supervises a child in a foster home. Such person is required to submit a complete set of fingerprints and certain documentation to the licensing authority for the purpose of a background investigation. If the licensing authority determines that the person has been convicted of a certain offense, the applicant or licensee of the foster home must ensure the person is not present in the home and prevent continued supervision. A licensing authority must allow such person to correct such information. This bill is effective July 1, 2015.

Roll call on Assembly Bill No. 268:

YEAS—32.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, Seaman, Shelton, Titus, Wheeler—10.

Assembly Bill No. 268 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 321 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 321.

Bill read third time.

The following amendment was proposed by the Committee on Education:

Amendment No. 646.

ASSEMBLYMEN SILBERKRAUS, DOOLING, TROWBRIDGE, GARDNER, SEAMAN; **ELLIOT ANDERSON,** PAUL ANDERSON, ARMSTRONG, DICKMAN, EDWARDS, ELLISON, FIORE, FLORES, HAMBRICK, HICKEY, JONES, KIRNER, MOORE, NELSON, O'NEILL, OSCARSON, STEWART, TITUS, WHEELER, AND WOODBURY.

JOINT SPONSORS: SENATORS MANENDO AND HARRIS.

SUMMARY— ~~[Clarifies that the jurisdiction of]~~ **Revises provisions relating to** school police officers **.** ~~[extends to all charter school property, buildings and facilities.]~~ (BDR 34-925)

AN ACT relating to schools; **requiring school districts to enter into contracts with charter schools for the provision of school police officers in certain circumstances; requiring a primary law enforcement agency to respond to requests for assistance relating to certain offenses at schools; requiring a chief of school police to supervise a school police officer who provides services to a charter school under certain circumstances;** clarifying that the jurisdiction of school police officers extends to all charter school property, buildings and facilities ~~[,]~~ **that have contracted with the board of trustees of the school district;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, a charter school is a public school. (NRS 385. 007)]~~ **Existing law authorizes the governing body of a charter school to contract with the board of trustees of the school district in which the charter school is located to provide school police officers. (NRS 386.560) Section 1 of this bill requires the board of trustees of a school district to enter into a contract to provide school police officers to a charter school if the governing body of a charter school makes a request for the provision of school police officers. Sections 3 and 4 of this bill make conforming changes.**

Section 5 of this bill authorizes the principal or a teacher at a public school, including a charter school, and a school police officer, to notify the primary law enforcement agency in the city or county where the school is located when: (1) certain offenses have been committed in the presence of the principal, teacher or officer; (2) the principal, teacher or officer has reasonable cause to believe certain offenses have been committed; or (3) the principal, teacher or officer believes that a serious threat to commit such an offense has been made which may be carried out if no action is taken. Section 5 also requires a primary law enforcement agency to respond when it receives such notice of an alleged offense or threat, regardless of whether the school has school police officers.

Existing law requires the board of trustees of a school district to employ a law enforcement officer to serve as the chief of school police and supervise each person employed as a school police officer. (NRS 391.100) Section 6 of this bill requires a chief of school police to supervise any school police officer that provides services to a charter school pursuant to a contract between the governing body of a charter school and the board of trustees of the school district in which the charter school is located to provide police officers.

Existing law authorizes the board of trustees of a school district in a county that has a metropolitan police department to contract with the metropolitan police department for the provision and supervision of

police services in the public schools within the jurisdiction of the metropolitan police department. Existing law also authorizes the board of trustees of a school district in a county that does not have a metropolitan police department to contract with the sheriff of that county for the provision of police services in the public schools within the school district. (NRS 391.100) Section 6 also clarifies that the board of trustees of a school district may contract with the metropolitan police department or the sheriff of the county, as applicable, for the provision and supervision of police services in a charter school.

Existing law extends the jurisdiction of school police officers to all school property, buildings and facilities for the purpose of protecting personnel, pupils and property. (NRS 391.275) ~~[This]~~ **Section 7 of this** bill clarifies that the jurisdiction of school police officers extends to all charter school property, buildings and facilities **that have contracted with the board of trustees of the school district** for police services.

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

Section 1. **Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If the governing body of a charter school makes a request to the board of trustees of the school district in which the charter school is located for the provision of school police officers pursuant to NRS 386.560, the board of trustees of the school district must enter into a contract with the governing body for that purpose. Such a contract must provide for payment by the charter school for the provision of school police officers by the school district which must be in an amount not to exceed the actual cost to the school district of providing the officers. If the school district is the sponsor of the charter school, the contract entered into pursuant to this section must be separate from any other contract or agreement with the sponsor.

2. Any contract for the provision of school police officers pursuant to this section must be entered into between the governing body of the charter school and the board of trustees of the school district by not later than March 15 for the next school year and must provide for the provision of school police officers for not less than 3 school years.

Sec. 2. **NRS 386.490 is hereby amended to read as follows:**

386.490 As used in NRS 386.490 to 386.649, inclusive, ***and section 1 of this act,*** the words and terms defined in NRS 386.492 to 386.503, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. **NRS 386.560 is hereby amended to read as follows:**

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or in which a pupil enrolled in the charter school resides or with the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school,

including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers. If the board of trustees of a school district or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the governing body and the sponsor must enter into a service agreement pursuant to NRS 386.561 before the provision of such services ~~[.]~~, ***other than for the provision of school police officers when the provisions of section 1 of this act apply.***

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district and during times that are not regular school hours.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. A charter school may:

(a) Acquire by construction, purchase, devise, gift, exchange or lease, or any combination of those methods, and construct, reconstruct, improve, maintain, equip and furnish any building, structure or property to be used for any of its educational purposes and the related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping, parking facilities and lands;

(b) Mortgage, pledge or otherwise encumber all or any part of its property or assets;

(c) Borrow money and otherwise incur indebtedness; and

(d) Use public money to purchase real property or buildings with the approval of the sponsor.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

➥ If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by

the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

6. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in sports at the public school that he or she would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

➥ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

7. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections 5 and 6 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 4. **NRS 386.563 is hereby amended to read as follows:**

386.563 1. Unless otherwise authorized by specific statute, it is unlawful for a member of the board of trustees of a school district or an employee of a school district to solicit or accept any gift or payment of money on his or her own behalf or on behalf of the school district or for any other purpose from a member of a committee to form a charter school, the governing body of a charter school, or any officer or employee of a charter school.

2. This section does not prohibit the payment of a salary or other compensation or income to a member of the board of trustees or an employee of a school district for services provided in accordance with a contract made pursuant to NRS 386.560 ~~[.]~~ ***or section 1 of this act.***

3. A person who violates subsection 1 shall be punished for a misdemeanor.

Sec. 5. **Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. At any public school, including, without limitation, a charter school, the principal of the school, a teacher or a school police officer may notify the primary law enforcement agency in the city or county, as appropriate, where the school is located when:

(a) An offense involving serious bodily harm has been committed in the presence of the principal, teacher or school police officer;

(b) The principal, teacher or school police officer has reasonable cause to believe such an offense has been committed; or

(c) The principal, teacher or school police officer believes that a serious threat to commit such an offense has been made which may be carried out if no action is taken.

2. If notified pursuant to subsection 1 of an alleged offense or threat to commit an offense, the primary law enforcement agency must respond, even if the school has school police officers. The provisions of subsection 1 do not prohibit a principal, teacher or school police officer from:

(a) Contacting a primary law enforcement agency for assistance with any other offense or threatened offense that does not involve serious bodily harm; or

(b) Responding to any offense until the appropriate primary law enforcement agency arrives at the school. Such a response may include, without limitation, taking any appropriate action to provide assistance to a victim, to apprehend the person suspected of committing or attempting or threatening to commit the offense, to secure the location where the offense was allegedly committed or attempted and to protect the life and safety of any person who is present.

3. Upon the arrival of an officer from the primary law enforcement agency notified pursuant to subsection 2, the principal, teacher or school police officer, if applicable, shall immediately transfer the investigation of the offense, attempted offense or threatened offense to the primary law enforcement agency.

4. As used in this section, "primary law enforcement agency" means:

(a) A police department of an incorporated city;

(b) The sheriff's office of a county; or

(c) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.

Sec. 6. **NRS 391.100 is hereby amended to read as follows:**

391.100 1. The board of trustees of a school district may employ a superintendent of schools, teachers and all other necessary employees.

2. A person who is initially hired by the board of trustees of a school district on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not "initially hired" if he or she has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by the person's current employer.

3. A person who is employed as a teacher, regardless of the date of hire, must possess, on or before July 1, 2006, the qualifications required by 20 U.S.C. § 6319(a) if the person teaches:

(a) English, reading or language arts;

(b) Mathematics;

(c) Science;

(d) Foreign language;

(e) Civics or government;

(f) Economics;
(g) Geography;
(h) History; or
(i) The arts.

4. The board of trustees of a school district:

(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. A person who is initially hired as a paraprofessional by a school district on or after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c). A person who is employed as a paraprofessional by a school district, regardless of the date of hire, to work in a program supported with Title I money must possess, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(c). For the purposes of this paragraph, a person is not "initially hired" if he or she has been employed as a paraprofessional by another school district or charter school in this State without an interruption in employment before the date of hire by the person's current employer.

(b) Shall establish policies governing the duties and performance of teacher aides.

5. Each applicant for employment pursuant to this section, except a teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the school district a full set of the applicant's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

6. Except as otherwise provided in subsection 7, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

(a) Sick leave;
(b) Sabbatical leave;
(c) Personal leave;
(d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;
(e) Maternity leave; and
(f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

➥ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

7. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

8. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer ~~[.]~~ ***, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to section 1 of this act.*** In addition, persons who provide police services pursuant to subsection 9 or 10 shall be deemed school police officers.

9. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district ~~[.]~~ ***and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to section 1 of this act.*** If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district ***, including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to section 1 of this act,*** and on property owned by the school district ~~[,]~~ ***, and if applicable, the property owned or occupied by the charter school,*** but outside the jurisdiction of the metropolitan police department.

10. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district ***, including, without limitation, in any charter school with which the board of trustees has entered into a***

contract for the provision of school police officers pursuant to section 1 of this act, and on property therein that is owned by the school district ~~[.]~~ ***and, if applicable, the property owned or occupied by the charter school.***

~~[Section 1.]~~ ***Sec. 7.*** NRS 391.275 is hereby amended to read as follows:

391.275 1. The jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district ~~*[, including, without limitation,]*~~ ***and, if the board of trustees has entered into a contract with a charter school for the provision of school police officers pursuant to section 1 of this act, all property, buildings and facilities in which*** ~~*[a]*~~ ***the charter school is located,*** for the purpose of:

(a) Protecting school district personnel, pupils, or real or personal property; or

(b) Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

2. In addition to the jurisdiction set forth in subsection 1, a school police officer of a school district has jurisdiction:

(a) Beyond the school property, buildings and facilities when in hot pursuit of a person believed to have committed a crime;

(b) At activities or events sponsored by the school district that are in a location other than the school property, buildings or facilities within the school district; and

(c) When authorized by the superintendent of schools of the school district, on the streets that are adjacent to the school property, buildings and facilities within the school district for the purpose of issuing traffic citations for violations of traffic laws and ordinances during the times that the school is in session or school-related activities are in progress.

Sec. 8. **NRS 280.287 is hereby amended to read as follows:**

280.287 1. The department may enter into a contract with the board of trustees of the school district located in the county served by the department for the provision and supervision of police services in the public schools within the school district ***and any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to section 1 of this act,*** and on property owned by the school district ~~[.]~~ ***and, if applicable, on property owned or operated by a charter school.*** If the department enters into a contract pursuant to this section, the department shall create a separate unit designated as the school police unit for this purpose.

2. The department may establish different qualifications and training requirements for officers assigned to the school police unit than those generally applicable to officers of the department.

~~[Sec. 2.]~~ ***Sec. 9.*** **1.** This **section and section 5 of this act become effective upon passage and approval.**

2. Sections 1 to 4, inclusive, and 6, 7 and 8 of this act ~~[becomes]~~ **become** effective on July 1, 2015.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblymen Woodbury, Carlton, and Silberkraus.

ASSEMBLYWOMAN WOODBURY:

Amendment 646 requires the board of trustees of a school district to enter into a contract to provide school police officers to a charter school if the governing body of a charter school makes a request for the provision of school police officers. The contract must be entered into on or before March 15 for services to be provided for the next school year and must be for at least three years. The contract requires a chief of school police to supervise any school police officer that provides services to a charter school. The board of trustees of a school district may also contract with the metropolitan police department or the sheriff of the county, as applicable, for the provision and supervision of police services in a charter school. Finally, the bill authorizes the principal or a teacher at a public school, including a charter school, and a school police officer to notify the primary law enforcement agency in the city or county when certain offenses have been committed, are threatened to be committed, or are believed to have been committed.

ASSEMBLYWOMAN CARLTON:

I just got this amendment. If we are going to say that the school district police have to accept this request from the charter schools, I want to understand the billing process because this will have an impact on the Clark County School District and the number of personnel it has to buy. These are category II officers usually, possibly category I, so there is a whole benefit package that is involved. This could significantly have a fiscal impact on the Clark County School District.

ASSEMBLYMAN SILBERKRAUS:

To my distinguished colleague to my right side, we have worked with the Clark County School District. The charter schools, if they were to request these services, would pay the actual costs of those officers. They will be required to take a contract for at least three years, so they would have the time to staff up for that need and would not have to hire and fire within one cycle.

ASSEMBLYWOMAN CARLTON:

Thank you. I just needed the intent on the record to make sure that the schools do pay their fair share.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that upon return from the printer, Assembly Bills Nos. 302, 380, and 412 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Paul Anderson moved that the Assembly recess until 3:45 p.m.

Motion carried.

Assembly in recess at 2:22 p.m.

ASSEMBLY IN SESSION

At 4:49 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 281.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Assembly Bill 281 creates the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice. The bill requires the Subcommittee to consider issues concerning Nevada's existing statutes on violations of traffic laws and laws related to drivers' licenses, motor vehicle registration, motor vehicle insurance, and the treatment of violations as criminal offenses. The Subcommittee must consider the related laws of other states, the elements of systems necessary to treat violations as civil infractions, and the anticipated fiscal effects of those systems.

Assembly Bill 281 requires the Subcommittee to submit its report to the Advisory Commission at least 30 days before the meeting at which the Advisory Commission considers findings and recommendations for proposed legislation for the 79th Legislative Session. This measure is effective on October 1, 2015, and expires by limitation on July 31, 2017.

This is the bill that all of us together have worked on, so I urge all my colleagues to vote for this bill so that we can pass it out unanimously.

Roll call on Assembly Bill No. 281:

YEAS—40.

NAYS—Armstrong, Edwards—2.

Assembly Bill No. 281 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that the Assembly reconsider the action whereby Assembly Bill No. 380 was rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 380 and 452 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 152 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 152.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Assembly Bill 152 requires the State Board of Health to adopt regulations prescribing guidelines for all meals and snacks provided to children at a child care facility. A parent or guardian may request that a child's meals or snacks provided by the child care facility do not have

to comply with the guidelines. Such guidelines do not apply to any meal prepared by a parent or guardian and brought to the facility.

The State Board of Health must also adopt regulations to require a child care facility to provide a private space where mothers may breastfeed; provide a program of physical activity; and prohibit a child care facility from withholding or requiring physical activity as a form of discipline.

I want to remind everyone that we worked diligently on A.B. 152 in the Health and Human Services Committee, and I am proud to say that we worked with all partners and brought forth all the amendments that were necessary so that the bill could be voted out unanimously. I also want to remind the body that this bill was brought forth by a strong coalition from across the state of early childhood education leaders who were looking to address this very important issue in our communities. I hope that you will all consider supporting this measure.

Roll call on Assembly Bill No. 152:

YEAS—32.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Kirner, Moore, Seaman, Shelton, Titus—10.

Assembly Bill No. 152 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 380.

Bill read third time.

Remarks by Assemblymen Armstrong, Fiore, Edwards, Jones, and Kirkpatrick.

ASSEMBLYMAN ARMSTRONG:

Assembly Bill 380 enacts provisions relating to the imposition and collection and remittance of sales and use taxes by retailers located outside of Nevada. The bill creates a rebuttable presumption that the sales and use tax must be imposed, collected, and remitted by retailers located outside of the state under the following conditions: the retailer is part of a controlled group of business entities that has a component member who has a physical presence in Nevada and the component member engages in certain activities in Nevada that relate to the ability of the retailer to make retail sales to Nevada residents; or the retailer enters into an agreement with a resident of Nevada under which the resident receives certain consideration for referring potential customers to the retailer through a link on the resident's Internet website; and the cumulative gross receipts from the sales by the retailer to the Nevada customers through all such referrals exceeds $10,000 during the preceding four quarterly periods.

Sections 1.5, 2, 4, 5, and 7 of this act, which contain provisions relating to the rebuttable presumptions for retailers with the component member in Nevada, become effective July 1, 2015. Sections 3, 6, and 6.5 of this act, which contain provisions relating to the rebuttable presumption with retailers who make agreements with Nevada residents relating to referrals of Internet websites, become effective October 1, 2015.

ASSEMBLYWOMAN FIORE:

I was not expecting this bill on the floor. Since it is now on the floor, I am rising in opposition to Assembly Bill 380. This session we have a lot happening with taxation and budgets, and A.B. 380 adds another layer of taxing the Internet. I am adamantly opposed to this, and I urge my colleagues who are not fond of overtaxing everyone to vote against this bill.

ASSEMBLYMAN EDWARDS:

I rise in support of this bill. It is my understanding that this will help our businesses here in Nevada get on an equal footing with businesses in other states. I think my colleague from District 4 has a misunderstanding about how the taxes work. Therefore, I propose that we all support Nevada businesses by putting them on a better footing with everyone else. I hope that you will all support this bill.

ASSEMBLYMAN ARMSTRONG:

I rise in support of Assembly Bill 380. I would also say that the Assemblywoman from District 4 saying that this is a new layer of taxes is not quite correct. There is already a tax on the books, and we will simply be collecting that. It puts the brick-and-mortar stores more in parity with the rest of Nevada businesses.

ASSEMBLYMAN JONES:

I rise in opposition to this tax. It is another layer of bureaucracy. It is going to be very hard to collect from out-of-state businesses that sell in our state. Until it is resolved on a federal level, I do not see how we can tax other businesses in other states and expect them to adhere to that taxation, so I rise against this bill.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Assembly Bill 380. This is something that has been in this building for a very long time. The fair marketplace bill has been in Congress for a little over ten years and is supported by my most conservative colleagues from the Senate as well as by many people across the nation. This bill is the nexus to use taxes already required in the state.

Currently, we have one particular vendor who has taken it upon himself to give us a memorandum of understanding and to collect taxes to see if it made a difference. It has not made a difference. This ensures that our brick-and-mortar folks are on the same playing field with every business out there. This does not address out-of-state folks. We cannot because of commerce laws. This is clarifying the use tax, which we are already supposed to be paying in our state. This is a policy issue, not something new. This is clarification so the policy is clear.

My Senate colleague from District 17, who represents one of the most conservative areas, has worked with me on this since 2005 to ensure that our brick-and-mortar businesses are on a level playing field. There is a big misconception out there that this is a new tax, a new layer. This is neither of those. This is about us being in line and being fair across the board to all businesses. I hope that people will reconsider and support this bill.

Roll call on Assembly Bill No. 380:

YEAS—33.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, Seaman, Shelton, Wheeler—9.

Assembly Bill No. 380 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 452.

Bill read third time.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Assembly Bill 452 makes various changes relating to the filing of property tax appeals to a county board of equalization or to the State Board of Equalization. The bill specifies that the written authorization to file the appeal on behalf of the owner of the property may be signed by the owner, an employee of the owner, or an affiliate of the owner who is acting within the scope of his or her employment. The term "owner" includes any person who owns, controls, or possesses taxable property.

The bill also requires that, if there is an objection to a written authorization, written notice specifying the grounds for the objection must be given to the person filing the appeal by certified mail. If the person filing the appeal submits any documentation necessary to cure the objection within five business days after the receipt of the notice, the appeal must be deemed to have been filed in a timely manner. This bill becomes effective on July 1, 2015.

Roll call on Assembly Bill No. 452:

YEAS—42.

NAYS—None.

Assembly Bill No. 452 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 293.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 293 requires that any deputy public administrator appointed by a public administrator must be a qualified elector of the county; be 21 years of age or older; not have been convicted of a felony for which his or her civil rights have not been restored by a court of competent jurisdiction; and not have been found liable in a civil action involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion. In a county with a population of 100,000 or less, the board of county commissioners may, if adopted by ordinance, require a public administrator to notify or obtain permission to transport any property of the deceased outside the county of residence of the deceased.

The measure also authorizes a board of county commissioners, in a county with a population of 100,000 or less, to adopt an ordinance requiring the public administrator to submit to an annual independent audit conducted by a certified public accountant. The bill also increases from $20,000 to $25,000 the maximum gross value of the decedent's property whereby a public administrator may, without procuring letters of administration, administer the estate of a deceased person upon filing with the court an affidavit of his or her right to do so.

Roll call on Assembly Bill No. 293:

YEAS—42.

NAYS—None.

Assembly Bill No. 293 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 294.

Bill read third time.

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

Assembly in recess at 5:08 p.m.

ASSEMBLY IN SESSION

At 5:22 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills. Nos. 294, 306, and 336 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 330 and 381 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 307.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 307 requires the Division of Health Care Financing and Policy and the Aging and Disability Services Division, Department of Health and Human Services, to the extent that money is available, to establish a pilot program to provide intensive care coordination services to children with intellectual disabilities and children with related conditions who have also been diagnosed with a behavioral health need and reside in a county whose population is 100,000 or more. As necessary, the Director of the Department shall amend the State Plan for Medicaid or obtain a Medicaid waiver to use money to pay for the pilot program. Intensive care coordination services must include certain medically necessary services, support for the family, and food and lodging expenses for a child who is receiving supported living arrangements but does not reside with his or her parent or guardian.

The Division of Health Care Financing and Policy and the Aging and Disability Services Division must take certain measures to evaluate the effectiveness of the program and collaborate efforts to obtain grants. The Divisions shall also report to the Legislature and the Legislative Committee on Health Care [LCHC] the status and results of the pilot program. The boards of county commissioners in counties with populations less than 100,000 must report to the Legislature and the LCHC the manner in which they make provisions for the support, education, and care of children with intellectual disabilities and related conditions in their respective counties.

Since the economic downturn, children who have been dual diagnosed with intellectual disabilities and behavioral issues have been sent out of state for treatment. It is time to bring our children home to Nevada and reunite their families. I urge your support of this bill.

Roll call on Assembly Bill No. 307:

YEAS—42.

NAYS—None.

Assembly Bill No. 307 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 308.

Bill read third time.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

Assembly Bill 308 requires persons who provide emergency medical services at a special event to be licensed attendants, physicians, registered nurses, or physician assistants. The bill exempts a special event from the requirement to provide particular types of emergency medical services at an event held in a city whose population is less than 25,000 if there is a fire-fighting agency within the city and the city has adopted a plan for providing emergency medical services at special events.

Roll call on Assembly Bill No. 308:

YEAS—42.

NAYS—None.

Assembly Bill No. 308 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 324.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 324 lowers the age of a child for whom a child welfare agency is required to obtain a credit report from 16 years of age to 14 years of age to conform with federal requirements. A law enforcement agency is required to request certain identifying information from a parent or guardian of a child of any age who has been missing for 30 days. In order to receive certain federal funds, the Division of Child and Family Services is required to adopt regulations concerning children who run away from foster care. The bill authorizes a child welfare agency that has custody of a child who is 16 years of age or older to present compelling reasons at a permanency hearing for placing a child in another permanent planned living arrangement. Also at the permanency hearing, a court shall ask a child about his or her desired permanent living arrangement and include an explanation as to why it is not in the best interest of a child to return to a certain living arrangement, if the court makes such a determination.

Roll call on Assembly Bill No. 324:

YEAS—42.

NAYS—None.

Assembly Bill No. 324 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 325.

Bill read third time.

Remarks by Assemblymen Sprinkle and Seaman.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 325 provides for the licensure and regulation of private professional guardians by the Commissioner of Financial Institutions. The measure also clarifies that relatives, including those who live outside the state, are allowed to provide court-appointed guardianship to a relative before a court appoints a public or private professional guardian as long as the relative is willing and able to do so and is otherwise qualified and suitable.

I have reached out to so many people, to so many organizations within this industry. There is a fair amount of disarray. Some people are very much opposed to this bill. Many are very supportive of what we are trying to do. Ultimately, this bill is going to put the infrastructure into place so that licensure can occur and so that this profession can have the legitimacy it deserves. Those who need recourse now have a place to get that recourse.

ASSEMBLYWOMAN SEAMAN:

This bill is a very important bill. We have seen a lot of abuse of the elderly in Clark County. I would like to urge my colleagues to support this great bill. I am very honored that I was able to join my colleagues in sponsoring this bill.

Roll call on Assembly Bill No. 325:

YEAS—30.

NAYS—Armstrong, Dickman, Edwards, Ellison, Fiore, Hansen, Jones, Moore, Nelson, Shelton, Titus, Wheeler—12.

Assembly Bill No. 325 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 328.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 328 creates certain procedures to avoid conflicts of interest in school districts where there are more than 50,000 pupils. The place of business of the hearing officer must, to the extent practicable, be located in the school district. Finally, in order to remain on the list maintained by the Department, the hearing officer must receive training concerned with laws related to special education, hearing procedures, and writing decisions.

This bill is about ensuring procedural justice, which means ensuring that no matter whether someone wins or loses they can accept the result without getting too mad. Hopefully, that will help us avoid litigation. That is the goal of this, not to push the hearing to any side, but just to ensure that whoever wins, whoever loses, the parties accept the decisions and feel like they were treated fairly. I urge passage.

Roll call on Assembly Bill No. 328:

YEAS—42.

NAYS—None.

Assembly Bill No. 328 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 341.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 341 requires the board of trustees of each school district, and the governing body of each charter school that serves pupils in kindergarten or grades 1, 2, or 3, to prescribe an early literacy screening assessment for each pupil who has indicators for dyslexia and needs intervention. If an early literacy screening confirms that a pupil has indicators for dyslexia, the school board or governing body of a charter school is required to address the needs of a pupil through the response to scientific, research-based intervention system of instruction. The Department of Education is required to designate at least one employee to receive training in effective methods of intervention for pupils with dyslexia and each school district and charter school that serves pupils in kindergarten or grades 1, 2, or 3 is required to designate at least one employee serving these children to receive professional development regarding dyslexia, including methods to recognize indicators for dyslexia.

During the hearing in front of your Committee on Education, there was a lot of really moving testimony. There was a study that the State of Nevada conducted back in 1984, in terms of trying to reach out to kids who have dyslexia, and the study, unfortunately, sat on the shelf. It recommended what we are trying to do in A.B. 341. Some of the parents talked about their children not getting diagnosed early enough, being sent off to certain individualized education programs that did not provide multisensory training in reading to try and help them. It was years before they got the help they needed. I am really hopeful that A.B. 341 will help kids who have dyslexia and are not getting that assistance. It is a big step forward, and I hope the body will look favorably on it.

Roll call on Assembly Bill No. 341:

YEAS—42.

NAYS—None.

Assembly Bill No. 341 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 356.

Bill read third time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 356 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 362 and 321 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 320 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 320.

Bill read third time.

Remarks by Silberkraus, Ohrenschall, Hickey, Nelson, Kirkpatrick, and Elliot Anderson.

ASSEMBLYMAN SILBERKRAUS:

Assembly Bill 320 designates certain elected offices as nonpartisan. These include constable, county assessor, county clerk, county commissioner, county recorder, county treasurer, district attorney, and public administrator. If a vacancy occurs on a board of county commissioners, the board may, in lieu of appointment by the Governor, declare a special election to fill the vacancy. A candidate declared elected at a primary election for a nonpartisan office shall be deemed to have been elected at a general election for statutory purposes.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Assembly Bill 320. I think we are in what many people call the information age. People know what is in their soda and they know what their candidates are all about. This is an era when, even though we have nonpartisan races in Nevada, people know the political party of the candidate running for judge or Supreme Court or Board of Regents. It is not a secret. People find out either on their own or organizations tell them. I see it as a step backward to take that information away from our voters. It is something they have a right to know. There has been case law that says judicial candidates, if they want to, can let people know what political party they affiliate with. Even though they might run in states like Nevada that elect judges as nonpartisans in nonpartisan races, it is something voters have a right to know. A lot of people do care about that. I do not think we are doing a service to our constituents to take that information away from them.

ASSEMBLYMAN HICKEY:

I rise in support of Assembly Bill 320. I think my colleague from District 12 makes the point of the bill by saying that citizens have the duty, and frequently exercise it, to find out exactly the partisan nature of candidates. At the same time, we have an ever-growing number of nonpartisan and independent voters in the state. These county and municipal offices are of a very local nature. I think the effect of all this will be to involve more persons like that. For those who do care about the partisan identification of those they vote for, as the Assemblyman said, they can certainly find that out.

ASSEMBLYMAN NELSON:

I rise in favor of Assembly Bill 320. My colleague from the north said a number of the things I was going to say, so I will keep this very short. I think we have seen, even today, the nature of partisan politics. We have had many bills today that were voted, unfortunately, on strictly party lines, and I think that as much as we can possibly get rid of partisanship on the local level, it will be helpful.

ASSEMBLYWOMAN KIRKPATRICK:

In all fairness, I have limited everything I have done today, including putting bills on the desk. We have had plenty of recesses, Mr. Speaker, in all fairness, and I am no longer nice about this today. The First Amendment allows us to speak on this floor. I am staying within every point of order there is today. I cannot say that for my colleagues.

I rise in opposition to Assembly Bill 320. I worked hard to not have partisan politics in this building, so to say that there is partisan politics in this building, it is because you all brought it here. I did not. I rise in opposition to this bill because partisan politics is the person who you are, and you make it partisan. All those boards that we talk about every day are not partisan unless you make them so.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition. My colleague from District 12 is right in a way. For the high-profile races, people are informed about what party the candidate belongs to and what they believe. I think what having party registration on the ballot means for people is that you have a quick judgement shortcut to figure out what the candidate believes. I would rather have people voting based upon some information rather than no information. This bill talks about low-information races, races that voters normally do not pay attention to. So it is better for them to have some idea of who they are voting for rather than none.

Roll call on Assembly Bill No. 320:

YEAS—18.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Ellison, Fiore, Flores, Joiner, Kirkpatrick, Moore, Munford, Neal, Ohrenschall, Oscarson, Silberkraus, Spiegel, Sprinkle, Swank, Thompson, Titus, Wheeler—24.

Assembly Bill No. 320 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 321.

Bill read third time.

Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:

Actually, my remarks are the same as Assemblywoman Woodbury's were on the amendment so I will just say ditto.

Roll call on Assembly Bill No. 321:

YEAS—39.

NAYS—Bustamante Adams, Kirkpatrick, Neal—3.

Assembly Bill No. 321 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 357.

Bill read third time.

The following amendment was proposed by Assemblywoman Fiore:

Amendment No. 603.

AN ACT relating to criminal procedure; authorizing certain persons who are prohibited from owning, possessing or having under their custody or control any firearm or who have had certain civil rights taken away to petition the court to restore such rights in certain circumstances; authorizing a prosecuting attorney to inquire into, inspect and use as evidence certain sealed records in certain circumstances; adding a person who has been convicted of a misdemeanor crime of domestic violence to the list of persons who are prohibited from owning or having in their possession or under their custody or control any firearm; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits certain persons from owning or having in their possession or under their custody or control any firearm, including a person who has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms. (NRS 202.360) **Section 5** of this bill adds to such a list of persons a person who has been convicted in this State or any other state of a misdemeanor crime of domestic violence, as defined in federal law.

Section 2 of this bill establishes a procedure by which a person who: (1) is prohibited from owning or having in his or her possession or under his or her custody or control any firearm because the person has been convicted of a felony or a misdemeanor crime of domestic violence; or (2) has had his or her civil rights to vote, to serve as a juror in a civil or criminal action and to hold office taken away and has not had all such rights restored, may, after a certain applicable waiting period, petition the district court in the county in which the person resides or in which the person was convicted for the restoration of such rights. For a person to be eligible to have such rights restored: (1) the person must not currently be serving any sentence or facing any new charge for an offense which would cause the person to be ineligible to petition to have such rights restored; and (2) if the person is seeking the restoration of his or her firearm rights, the person must not otherwise be prohibited from possessing a firearm under any other applicable provision of the laws of this State.

Section 2 also requires that a date for a hearing on such a petition be set for not earlier than 30 days and not later than 120 days after a petition is filed, unless waived by the parties. The court is required to make a decision within 30 days after the hearing on the petition is completed.

Section 2 additionally requires the court to issue an order restoring a petitioner's civil rights and the right to own, possess and control any firearm if: (1) the petitioner has never been convicted of a misdemeanor crime of domestic violence; (2) the petitioner has never been convicted of a category A, B or C felony; and (3) the only category D or E felony for which the person has ever been convicted did not include certain elements. A petitioner who does not meet such criteria but meets certain other criteria must prove to the court by clear and convincing evidence that he or she is rehabilitated and is unlikely to use the restoration of any rights for an unlawful purpose. If the court determines that the petitioner does not satisfy the burden of proof, the court is required to issue an order denying the restoration of such rights and to state the basis for such a denial. **Section 2** further authorizes such a petitioner to reapply for the restoration of such rights not earlier than 1 year after the date the court order is entered. Finally, **section 2 requires a person to accept a copy of a court order restoring a person's civil rights or right to own, possess and control any firearm as proof that such rights have been restored to the person.**

Section 2 also authorizes a person who has lost his or her civil rights as a result of a conviction in another state to petition the district court for the restoration of such rights if the person would otherwise be eligible to petition the district court for the restoration of such rights if the conviction that resulted in the loss of such rights occurred in this State.

Section 11 of this bill requires a person whose right to own, possess and control any firearm has been restored pursuant to section 2 to carry on his or her person, any time the person is in possession of a firearm, a copy of the court order restoring such a right. This requirement expires by limitation on July 1, 2017.

Existing law authorizes certain persons to inquire into and inspect certain records that have been sealed in certain circumstances. (NRS 179.301) **Section 3** of this bill authorizes a prosecuting attorney to inquire into and inspect certain sealed records if the person who is the subject of the records has petitioned to have his or her right to own, possess and control any firearm restored pursuant to **section 2**. **Section 3** also authorizes a prosecuting attorney to use any such records as evidence during a hearing on such a petition.

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

Section 1. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

(a) Has fulfilled the conditions of probation for the entire period thereof;

(b) Is recommended for earlier discharge by the Division; or

(c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court,

➥ may be granted an honorable discharge from probation by order of the court.

2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge.

3. Except as otherwise provided in subsection 4 ~~[,]~~ ***and section 2 of this act,*** a person who has been honorably discharged from probation:

(a) Is free from the terms and conditions of probation.

(b) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(c) Four years after the date of honorable discharge from probation, is restored to the right to hold office.

(d) Six years after the date of honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.

(e) If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.

(f) Must be informed of the provisions of this section and NRS 179.245 in the person's probation papers.

(g) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

(h) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

(i) Except as otherwise provided in paragraph (h), need not disclose the conviction to an employer or prospective employer.

4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of the honorable discharge from probation.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of honorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of civil rights as set forth in subsection 3.

5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent

prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. Except for a person subject to the limitations set forth in subsection 4, upon honorable discharge from probation, the person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge from probation;

(b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of honorable discharge from probation;

(c) The date on which the person's civil right to hold office will be restored pursuant to paragraph (c) of subsection 3; and

(d) The date on which the person's civil right to serve as a juror in a criminal action will be restored pursuant to paragraph (d) of subsection 3.

7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.

8. A person who has been honorably discharged from probation in this State or elsewhere may present:

(a) Official documentation of honorable discharge from probation, if it contains the provisions set forth in subsection 6; or

(b) A court order restoring the person's civil rights,

➥ as proof that the person has been restored to the civil rights set forth in subsection 3.

Sec. 2. Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person is prohibited pursuant to paragraph (a) of NRS 202.360 from owning or having in his or her possession or under his or her custody or control any firearm because the person has been convicted of a felony or a misdemeanor crime of domestic violence, or if the person has had his or her civil rights to vote, to serve as a juror in a civil or criminal action and to hold office taken away and all such civil rights have not been restored, the person may, after the applicable waiting period set forth in subsection 2, petition the district court in the county in which the person resides or in which the person was convicted for the restoration of his or her right to own or have in his or her possession or under his or her custody or control any firearm and the restoration of his or her civil rights if the person:

(a) Is not currently serving any sentence or facing any new charge for an offense which would cause the person to be ineligible to petition to have such rights restored; and

(b) If the person is seeking the restoration of the right to own or have in his or her possession or under his or her custody or control any firearm, is not otherwise prohibited from possessing a firearm under any other applicable provision of the laws of this State.

2. A person may petition the district court pursuant to subsection 1:

(a) One day after the completion of the person's sentence for an offense described in subparagraph (3) if:

(1) The person has never been convicted of a misdemeanor crime of domestic violence;

(2) The person has never been convicted of a category A, B or C felony; and

(3) The only category D or E felony for which the person has ever been convicted is a category D or E felony that did not include as an element of the offense:

(I) An attempt, threat or conspiracy to commit an act of violence against another person;

(II) An act of intentional violence against another person; or

(III) The intentional use of a deadly weapon.

(b) Two years after the completion of the person's sentence for an offense described in subparagraph (3) if the person:

(1) Has never been convicted of a misdemeanor crime of domestic violence;

(2) Has never been convicted of a category A, B, D or E felony; and

(3) The only category C felony for which the person has ever been convicted is a category C felony that did not include as an element of the offense:

(I) An attempt, threat or conspiracy to commit an act of violence against another person;

(II) An act of intentional violence against another person; or

(III) The intentional use of a deadly weapon.

(c) Six years after the most recent completion of the person's sentence for an offense described in this paragraph if the person:

(1) Has never been convicted of a category A felony or a category B, C, D or E felony ~~.~~; that involved the intentional use of a deadly weapon with the intent to cause substantial bodily harm; and

(2) Has been convicted:

(I) Not more than once for a misdemeanor crime of domestic violence; or

(II) Of more than one category B, C, D or E felony that did not involve the intentional use of a deadly weapon with the intent to cause substantial bodily harm.

3. A petition filed pursuant to subsection 2 must:

(a) Describe the rights for which restoration is being sought.

(b) Provide the date of any previous petition filed pursuant to this section and the date the court denied the restoration of any rights.

(c) Be accompanied by the petitioner's current, verified record of criminal history from the Central Repository for Nevada Records of Criminal History.

(d) Contain the following information:

(1) The petitioner's full legal name.

(2) Each alias that the petitioner has used or under which the petitioner may have been known.

(3) The petitioner's date of birth.

(4) The petitioner's driver's license number.

(5) The petitioner's current residential address.

(6) Each residential address of the petitioner during the 10 years preceding the filing of the petition.

(7) For each criminal conviction of the petitioner:

(I) The arresting agency;

(II) The date of arrest;

(III) The charges that were filed against the petitioner;

(IV) Whether the offense committed was a misdemeanor or felony, and if a felony, whether the offense was a category A, B, C, D or E felony;

(V) The sentencing court;

(VI) The case number;

(VII) The date of the final disposition of the case;

(VIII) The sentence imposed upon the petitioner; and

(IX) The date on which the petitioner completed the sentence.

4. Upon receiving a petition from a petitioner who meets the requirements of this section, the court shall, at least 30 days before the hearing scheduled pursuant to subsection 5, notify the district attorney for the county in which the court is located and the district attorney for each county in which the petitioner was convicted of an applicable felony or misdemeanor crime of domestic violence.

5. Unless waived by the consent of both the petitioner and the district attorney for the county in which the petition is filed, a date for a hearing on the petition must be set for not earlier than 30 days and not later than 120 days after a petition complying with the requirements of subsection 3 is filed. The court may consider any relevant evidence at the hearing on the petition, including, without limitation, oral testimony, declarations, affidavits and police reports. The court shall issue its decision within 30 days after the hearing on the petition is completed.

6. If a petitioner petitions the court for the restoration of his or her rights pursuant to:

(a) Paragraph (a) of subsection 2, the court shall, upon verifying that the petitioner is eligible to have his or her rights restored, issue an order setting forth the restoration of the petitioner's right to own or have in his or her possession or under his or her custody or control any firearm and the

petitioner's civil rights to vote, to serve as a juror in a civil or criminal action and to hold office.

(b) Paragraph (b) or (c) of subsection 2, the court shall, if it determines that the petitioner proves by clear and convincing evidence that he or she is rehabilitated and is unlikely to use the restoration of any rights for an unlawful purpose, issue an order setting forth which rights are restored.

➥ A copy of any order issued pursuant to this subsection must be provided to the petitioner and the Department of Public Safety. A person shall accept a copy of any such order as proof that a person has had his or her right to own or have in his or her possession or under his or her custody or control any firearm or his or her civil rights to vote, to serve as a juror in a civil or criminal action and to hold office restored pursuant to this section.

7. If the court determines that a petitioner who petitioned the court for the restoration of his or her rights pursuant to paragraph (b) or (c) of subsection 2 does not prove by clear and convincing evidence that he or she is rehabilitated and is unlikely to use the restoration of any rights for an unlawful purpose, the court shall issue an order denying the restoration of the petitioner's rights and shall state the basis for such a denial. A petitioner who is denied the restoration of rights pursuant to this subsection may reapply for the restoration of such rights not earlier than 1 year after the date the court order is entered.

8. A person who has lost his or her civil rights to vote, to serve as a juror in a civil or criminal action and to hold office as a result of a conviction in another state may petition the district court for the restoration of such civil rights pursuant to this section if the person would otherwise be eligible to petition the district court for the restoration of such civil rights pursuant to this section if the conviction that resulted in the loss of such civil rights occurred in this State.

9. As used in this section, "misdemeanor crime of domestic violence" has the meaning ascribed to it in 18 U.S.C. § 921(a)(33).

Sec. 3. NRS 179.301 is hereby amended to read as follows:

179.301 1. The State Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

(a) May form the basis for recommendation, denial or revocation of those licenses.

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.

2. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if:

(a) The records relate to a violation or alleged violation of NRS 202.575; and

(b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.575.

3. ***A prosecuting attorney may:***

(a) Inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if the person who is the subject of the records has petitioned to have his or her right to own or have in his or her possession or under his or her control or custody any firearm pursuant to section 2 of this act; and

(b) Use any such records as evidence during a hearing on the petition.

4. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 that constitute information relating to sexual offenses, and may notify employers of the information in accordance with NRS 179A.180 to 179A.240, inclusive.

~~[4.]~~ ***5.*** Records which have been sealed pursuant to NRS 179.245 or 179.255 and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.

~~[5.]~~ ***6.*** The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if the person who is the subject of the records has applied for a pardon from the Board.

~~[6.]~~ ***7.*** As used in this section:

(a) "Information relating to sexual offenses" means information contained in or concerning a record relating in any way to a sexual offense.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.

Sec. 4. NRS 6.010 is hereby amended to read as follows:

6.010 Except as otherwise provided in this section, every qualified elector of the State, whether registered or not, who has sufficient knowledge of the English language, and who has not been convicted of treason, a felony, or other infamous crime, and who is not rendered incapable by reason of physical or mental infirmity, is a qualified juror of the county in which the person resides. A person who has been convicted of a felony is not a qualified juror of the county in which the person resides until the person's civil right to serve as a juror has been restored pursuant to NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 ~~[.]~~ ***or section 2 of this act.***

Sec. 5. NRS 202.360 is hereby amended to read as follows:

202.360 1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been convicted of a felony in this ***State*** or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person ~~[has]~~ ***:***

(1) Has received a pardon and the pardon does not restrict his or her right to bear arms; ***or***

(2) Has had his or her right to own or have in his or her possession or under his or her custody or control any firearm restored pursuant to section 2 of this act;

(b) ***Has been convicted in this State or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33), unless the person has had his or her right to own or have in his or her possession or under his or her custody or control any firearm restored pursuant to section 2 of this act;***

(c) Is a fugitive from justice; or

~~[(c)]~~ ***(d)*** Is an unlawful user of, or addicted to, any controlled substance.

➥ A person who violates the provisions of this subsection 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, and may be further punished by a fine of not more than $5,000.

2. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been adjudicated as mentally ill or has been committed to any mental health facility; or

(b) Is illegally or unlawfully in the United States.

➥ A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section:

(a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

(b) "Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

Sec. 6. NRS 209.511 is hereby amended to read as follows:

209.511 1. When an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:

(a) May furnish the offender with a sum of money not to exceed $100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;

(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, ***and section 2 of this act,*** as applicable;

(e) Shall provide the offender with information relating to obtaining employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person;

(f) Shall provide the offender with a photo identification card issued by the Department and information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:

(1) Requests a photo identification card; or

(2) Requests such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles;

(g) May provide the offender with clothing suitable for reentering society;

(h) May provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;

(i) May, but is not required to, release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS; and

(j) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus.

2. The costs authorized in paragraphs (a), (f), (g), (h) and (j) of subsection 1 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.

3. As used in this section:

(a) "Facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

(b) "Photo identification card" means a document which includes the name, date of birth and a color picture of the offender.

Sec. 7. NRS 213.155 is hereby amended to read as follows:

213.155 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 2 of this act,*** a person who receives an honorable discharge from parole pursuant to NRS 213.154:

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date of his or her honorable discharge from parole, is restored to the right to hold office.

(c) Six years after the date of his or her honorable discharge from parole, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has received an honorable discharge from parole if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his or her honorable discharge from parole.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his or her honorable discharge from parole.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his or her honorable discharge from parole, a person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge from parole;

(b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of his or her honorable discharge from parole;

(c) The date on which his or her civil right to hold office will be restored to the person pursuant to paragraph (b) of subsection 1; and

(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been honorably discharged from parole in this State or elsewhere and whose official documentation of his or her honorable discharge from parole is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has been honorably discharged from parole and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

5. A person who has been honorably discharged from parole in this State or elsewhere may present:

(a) Official documentation of his or her honorable discharge from parole, if it contains the provisions set forth in subsection 3; or

(b) A court order restoring his or her civil rights,

➥ as proof that the person has been restored to the civil rights set forth in subsection 1.

6. The Board may adopt regulations necessary or convenient for the purposes of this section.

Sec. 8. NRS 213.157 is hereby amended to read as follows:

213.157 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 2 of this act,*** a person convicted of a felony in the State of Nevada who has served his or her sentence and has been released from prison:

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date of his or her release from prison, is restored to the right to hold office.

(c) Six years after the date of his or her release from prison, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has been released from prison if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his or her release from prison.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his or her release from prison.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his or her release from prison, a person so released must be given an official document which provides:

(a) That the person has been released from prison;

(b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of his or her release from prison;

(c) The date on which his or her civil right to hold office will be restored to the person pursuant to paragraph (b) of subsection 1; and

(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been released from prison in this State or elsewhere and whose official documentation of his or her release from prison is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has been released from prison and is eligible to be restored to the civil rights

set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

5. A person who has been released from prison in this State or elsewhere may present:

(a) Official documentation of his or her release from prison, if it contains the provisions set forth in subsection 3; or

(b) A court order restoring his or her civil rights,

➥ as proof that the person has been restored to the civil rights set forth in subsection 1.

Sec. 9. NRS 293.540 is hereby amended to read as follows:

293.540 The county clerk shall cancel the registration:

1. If the county clerk has personal knowledge of the death of the person registered, or if an authenticated certificate of the death of any elector is filed in the county clerk's office.

2. If the county clerk is provided a certified copy of a court order stating that the court specifically finds by clear and convincing evidence that the person registered lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process.

3. Upon the determination that the person registered has been convicted of a felony unless:

(a) If the person registered was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of NRS 213.090, 213.155 or 213.157 ~~[.]~~ ***or section 2 of this act.***

(b) If the person registered was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the laws of the state in which the person was convicted.

4. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

5. Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.

6. At the request of the person registered.

7. If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.

8. As required by NRS 293.541.

9. Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

Sec. 10. NRS 293.543 is hereby amended to read as follows:

293.543 1. If the registration of an elector is cancelled pursuant to subsection 2 of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been found by the

district court to have the mental capacity to vote. The court must include the finding in a court order and, not later than 30 days after issuing the order, provide a certified copy of the order to the county clerk of the county in which the person is a resident and to the Office of the Secretary of State.

2. If the registration of an elector is cancelled pursuant to subsection 3 of NRS 293.540, the elector may reregister after presenting satisfactory evidence which demonstrates that the elector's:

(a) Conviction has been overturned; or

(b) Civil rights have been restored:

(1) If the elector was convicted in this State, pursuant to the provisions of NRS 213.090, 213.155 or 213.157 ~~[.]~~ ***or section 2 of this act.***

(2) If the elector was convicted in another state, pursuant to the laws of the state in which he or she was convicted.

3. If the registration of an elector is cancelled pursuant to the provisions of subsection 5 of NRS 293.540, the elector may reregister immediately.

4. If the registration of an elector is cancelled pursuant to the provisions of subsection 6 of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.

Sec. 11. **Notwithstanding the provisions of section 2 of this act, a person whose right to own or have in his or her possession or under his or her control any firearm has been restored pursuant to section 2 of this act shall, any time he or she is in possession of a firearm, carry on his or her person a copy of the order restoring such a right that is issued by a court pursuant to subsection 6 of section 2 of this act.**

Sec. 12. **1. This act becomes effective on October 1, 2015.**

2. Section 11 of this act expires by limitation on July 1, 2017.

Assemblywoman Fiore moved the adoption of the amendment.

Remarks by Assemblywoman Fiore

ASSEMBLYWOMAN FIORE:

Section 2 of Amendment 603 to Assembly Bill 357 requires a person to accept a copy of a court order restoring a person's civil rights or right to own, possess, and control any firearm as proof that such rights have been restored to the person. Section 11 of this bill requires a person whose right to own, possess, and control any firearm that has been restored must carry a copy of the court order proving the restoration of such rights. This requirement expires by limitation on July 1, 2017.

The reason for this amendment is that until the Department of Public Safety upgrades its systems, we did not want to hinder some of our people for whom we are restoring rights and have to put a note on this to update computers. That is Amendment 603.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 364.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 364 requires the Secretary of State to establish common business registration information that may be used by state and local agencies and health districts to conduct necessary transactions with businesses in this state and cause the state business portal to exchange common business registration information among these entities. The bill authorizes these entities, to the extent feasible, to integrate their electronic applications processes into the state business portal. The bill also requires the Secretary of State to suspend the state business license of a sole proprietor if the Secretary of State receives a copy of a court order providing for the suspension.

I also want to reiterate that this is optional for jurisdictions to participate. I want to say that this is an awesome product of collaboration between the Secretary of State's Office and our local jurisdictions. They have been working on this process for numerous years to make it very efficient and make it very customer-friendly for our business community. I would urge this body to support this bill.

Roll call on Assembly Bill No. 364:

YEAS—39.

NAYS—Ellison, Moore, Wheeler—3.

Assembly Bill No. 364 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 366.

Bill read third time.

Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:

Assembly Bill 366 makes consistent the provisions relating to the acceptable use of certain proceeds by counties, cities, and towns from certain fuel taxes imposed pursuant to Chapter 365 of the *Nevada Revised Statutes*. The bill specifies that the proceeds that are distributed to counties, cities, and towns under current law may be used by these entities for the construction, maintenance, and repair of rights-of-way, as defined in the bill. This bill becomes effective on July 1, 2015.

Roll call on Assembly Bill No. 366:

YEAS—42.

NAYS—None.

Assembly Bill No. 366 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 362.

Bill read third time.

The following amendment was proposed by Assemblywoman Swank:

Amendment No. 645.

AN ACT relating to domestic relations; authorizing a party in certain domestic relations actions to file a postjudgment motion to obtain adjudication of certain property and liabilities that were omitted from the final decree or judgment **~~[.]~~** **as the result of fraud or mistake;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, in granting a divorce, a court must, to the extent practicable, make an equal disposition of the community property of the

parties, unless the action is contrary to a valid premarital agreement between the parties or the court makes written findings setting forth a compelling reason for making an unequal disposition of the community property. (NRS 125.150) The Nevada Supreme Court has held that under Rule 60(b) of the Nevada Rules of Civil Procedure, relief from a divorce decree dividing community property between the parties may be obtained by: (1) filing within 6 months after the final decree a motion for relief or modification from the decree because of mistake, newly discovered evidence or fraud; or (2) showing exceptional circumstances justifying equitable relief in an independent civil action. (*Kramer v. Kramer*, 96 Nev. 759, 762 (1980); *Amie v. Amie*, 106 Nev. 541, 542 (1990)) In *Doan v. Wilkerson*, 130 Nev. Adv. Op. 48, 328 P.3d 498 (2014), the Nevada Supreme Court held that exceptional circumstances justifying equitable relief do not exist when a particular item of community property was disclosed and considered in a divorce action but omitted from the divorce decree.

This bill authorizes a party in an action for divorce, separate maintenance or annulment to file a postjudgment motion to obtain an adjudication of any community property or liability that was omitted from the final decree or judgment ~~[.]~~ **as the result of fraud or mistake. Under this bill, such a motion must be filed within 3 years after the aggrieved party discovers the facts constituting the fraud or mistake.** This bill further provides that the court has continuing jurisdiction to hear such a motion and must make an equal disposition of the omitted community property or liability unless the court finds that certain exceptions apply.

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

Section 1. NRS 125.150 is hereby amended to read as follows:

125.150 Except as otherwise provided in NRS 125.155 and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable; and

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of

that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

➥ As used in this subsection, "contribution" includes, without limitation, a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. ***A party may file a postjudgment motion in any action for divorce, annulment or separate maintenance to obtain adjudication of any community property or liability omitted from the decree or judgment*** ~~***[. There is no limitation on the time in which a]***~~ ***as the result of fraud or mistake. A motion pursuant to this subsection*** ~~***[may]***~~ ***must be filed*** ~~***[, except that if the motion is based on fraud or mistake, the motion must be filed]***~~ ***within 3 years after the discovery by the aggrieved party of the facts constituting the fraud or mistake. The court has continuing jurisdiction to hear such a motion and shall equally divide the omitted community property or liability between the parties unless the court finds that:***

(a) The community property or liability was included in a prior equal disposition of the community property of the parties or in an unequal disposition of the community property of the parties which was made pursuant to written findings of a compelling reason for making that unequal disposition; or

(b) The court determines a compelling reason in the interests of justice to make an unequal disposition of the community property or liability and sets forth in writing the reasons for making the unequal disposition.

➥ If a motion pursuant to this subsection results in a judgment dividing a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than 6 years after the installment payment.

4. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce.

~~[4.]~~ ***5.*** In granting a divorce, the court may also set apart such portion of the husband's separate property for the wife's support, the wife's separate property for the husband's support or the separate property of either spouse for the support of their children as is deemed just and equitable.

~~[5.]~~ ***6.*** In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

~~[6.]~~ ***7.*** If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

~~[7.]~~ ***8.*** If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.

~~[8.]~~ ***9.*** In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:

(a) The financial condition of each spouse;

(b) The nature and value of the respective property of each spouse;

(c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;

(d) The duration of the marriage;

(e) The income, earning capacity, age and health of each spouse;

(f) The standard of living during the marriage;

(g) The career before the marriage of the spouse who would receive the alimony;

(h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;

(i) The contribution of either spouse as homemaker;

(j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and

(k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

~~[9.]~~ ***10.*** In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:

(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and

(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

~~[10.]~~ ***11.*** If the court determines that alimony should be awarded pursuant to the provisions of subsection ~~[9.]~~ ***10:***

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

(1) Testing of the recipient's skills relating to a job, career or profession;

(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;

(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;

(4) Subsidization of an employer's costs incurred in training the recipient;

(5) Assisting the recipient to search for a job; or

(6) Payment of the costs of tuition, books and fees for:

(I) The equivalent of a high school diploma;

(II) College courses which are directly applicable to the recipient's goals for his or her career; or

(III) Courses of training in skills desirable for employment.

~~[11.]~~ ***12.*** For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" has the meaning ascribed to it in NRS 125B.070.

Assemblywoman Swank moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 371.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Assembly Bill 371 establishes a new procedure for the retention and destruction of certain quantities of substances alleged to be marijuana seized as evidence by a law enforcement agency. The law enforcement agency may, without prior approval of the district court in the county in which the defendant is charged, destroy any amount of the alleged substance that exceeds ten pounds. The law enforcement agency is required to weigh the substance, take and retain certain samples of the substance for evidentiary purposes, and take photographs that reasonably demonstrate the total amount of the substance. If the substance is determined not to be marijuana, the owner may file a claim against the county to recover the reasonable value of the property destroyed.

Roll call on Assembly Bill No. 371:

YEAS—30.

NAYS—Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Fiore, Flores, Kirkpatrick, Neal, Ohrenschall, Shelton, Spiegel, Thompson—12.

Assembly Bill No. 371 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 375.

Bill read third time.

Remarks by Assemblymen Dooling, Araujo, Elliot Anderson, Swank, Shelton, Edwards, Hansen, Nelson, Seaman, Benitez-Thompson, Fiore, Hickey, and Armstrong.

ASSEMBLYWOMAN DOOLING:

Assembly Bill 375 requires that any school facility in a public school, including a restroom, locker room, or shower that is designated for use by persons of one biological sex, must only be used by persons of that biological sex, as determined at birth. For any pupil who asserts at school a gender that is different than the pupil's biological sex, a public school is required to provide the best available accommodation that meets the needs of the pupil, but such accommodation must not include access to a school restroom, locker room, or shower designated for use by persons whose biological sex is different from the pupil's biological sex. Such accommodation may include, without limitation, access to a single-stall restroom, access to a unisex restroom, or controlled use of a faculty restroom, locker room, or shower. This bill will bring privacy and safety for all children.

ASSEMBLYMAN ARAUJO:

I rise in strong opposition to Assembly Bill 375. Simply put, Assembly Bill 375 promotes segregation, discrimination, and bullying in our schools. This bill could potentially place a target on and dehumanize some of our most vulnerable children, including our transgender children.

Yesterday I received a letter from a parent of a six-year-old girl who attends an elementary school here in our home state of Nevada. Before local-level policies were put in place, this beautiful, young transgender girl was forced to use a toilet in the back of a storage closet of her school, with a mop and bucket and disheveled PE [physical education] equipment. Once local decisions were made and nondiscriminatory policies on restrooms were adopted, this little Nevadan was able to use the girls' restroom and absolutely blossomed. A child who did not want to go to school, who did not drink liquids to try to avoid using the restroom during the day—remind you, she is six years old—now wakes up early, gets dressed, and is ready to go to school. What parent does not want a happy, confident child who feels safe and welcome at school? If this bill passes, I am afraid we will not have success stories like this little Nevadan's any longer. Instead, we will be putting our children in harm's way. Mr. Speaker, with a heavy heart, I urge this body to please vote no. This bill is bad for our children, it is bad for our families, and it is bad for our state.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to Assembly Bill 375. This bill is a bad bill from a legal standpoint. This bill will put school districts between a rock and a hard place with federal guidelines that run contrary to our proposed bill. If this bill is passed at the state level, schools are going to be out of compliance one way or the other. The Ninth Circuit has permitted a sex discrimination claim for sex stereotyping. Other cases nationally that hold minority viewpoints on this issue will not apply in the Ninth Circuit with much muster. Additionally, the court will look persuasively on Title VII jurisprudence which states "because of sex" can apply to transgender individuals. That is very persuasive to the Ninth Circuit because it is their own jurisprudence.

At the end of the day, Mr. Speaker, this bill is a bill in search of a solution to a nonexistent state problem. It will be litigated, and it will cost the state money in addition to causing irreparable harm to children in our state. I strongly urge this body to vote no.

ASSEMBLYWOMAN SWANK:

I rise in strong opposition to Assembly Bill 375. This bill will segregate transgender and gender nonconforming kids to separate bathrooms and locker rooms and would promote discrimination and allow bullying in our schools. This bill flies in the face of everything this Legislature should stand for. It harkens back to a time when telling people they were different was accepted. I do not take this lightly when I say it, but this bill is just plain wrong. This bill would not promote equality or fairness, as the bill's sponsors purport, but would instead ostracize children. We all know childhood is difficult enough; we do not need to make it harder. If this bill passes, children across this state will be singled out and made a target for bullying.

I am not sure if you know this, but the suicide rate in the transgender community is over 40 percent. Many of these kids self-harm, and they drop out of school without any support. We need to change these statistics, not further them. To be honest, state-sanctioned bullying and ostracizing should not be an issue in front of this body. Rather, this is something that needs to be handled in the local school districts. Everyone needs bathroom access, and everyone should be able to choose the restroom that corresponds to their own gender identity. I cannot urge this body strongly enough to not support this bill. These are our kids. We need to take care of them. We do not need to be marginalizing them.

ASSEMBLYWOMAN SHELTON:

I rise in support of Assembly Bill 375. While there has been a lot of controversy about A.B. 375, this bill is protecting the rights of all the students, while also respecting everyone's privacy and I urge this body to vote yes.

ASSEMBLYMAN EDWARDS:

I rise for a couple of clarifications from the sponsors of the bill. I am very sensitive to the privacy needs of all the children, especially the younger ones who are just young and innocent. It is indeed one of our imperatives. I am also very sensitive to the fact that most of the people in my district are also sensitive to the needs of the children. I fully support them in that. Being on Ways and Means has made me a whole lot more sensitive to the costs involved with everything we do, so I would greatly appreciate if the sponsors of this bill could answer a couple of questions.

As I look at section 1, it talks about "Any school facility in a public school, including, without limitation . . . " and so on. Then it talks about public schools "shall provide separate, private areas designated for use by pupils based on their biological sex." Having gone through contracting, I know that when you say "shall," it means you do not have a choice and you must do it. Therefore, I need to know what is the cost that we are about to incur. We have 450-odd school facilities in this state. We just passed a huge bonding bill to build another hundred. I need the sponsors of this bill to explain in some reasonable fashion what will the renovation costs be for the schools that are currently here, and what will the redesign financial impact be to the schools that we are about to build. As I look around my district where they are still struggling to get textbooks, feed kids, and a whole array of other needs, I need to know what the trade-off is here. In the 460 schools we currently have and the hundred we are about to have, I believe that is in the tens of millions of dollars. I need to make sure that we are doing this smartly with our eyes wide open. I would appreciate an answer to that question.

I also would like to know, given the fact that I have rural communities in my district, how will this affect the rural communities? How will it impact their schools? What if we do not build this fast enough and people decide that we are violating the part of the law that says "shall" build, and they say it is not being built fast enough? Do we risk enormous lawsuits in rural communities that simply do not have the funding to fight them? And then what does that do to them as they try to get the textbooks, the chairs, or anything else that they have desperately been needing for a while?

The final point that I would like to make is kind of looking out for those of you who are the tax pledge signers. Being on Ways and Means, it occurs to me that there is no money in the budget for this bill. Therefore, we are going to have to raise taxes somewhere. I do not want you to become the targets of a ruthless blogger who will not be pleased to know that you are breaking your tax pledge. I think you need to go into that with eyes wide open, because he will not forget and neither will you.

If the sponsors would kindly advise us as to the answers to these questions, I would greatly appreciate it.

ASSEMBLYMAN HANSEN:

First of all, the biggest issue for the locals, since I represent seven different counties, is the fact that if these counties do not change and adapt—in other words, if they keep their traditional ways—they have already been threatened with a lawsuit by the American Civil Liberties Union [ACLU]. I have been in constant communication with the Attorney General regarding this bill. He has made it very clear that he would like to have the opportunity. My counties, as you point out, could not afford to fight a lawsuit. Therefore, they are going to be blackmailed into these sorts of arrangements by threats from the ACLU. The money that they would save in those lawsuits could be used, if they wanted to, but the reality is this is a tiny, tiny, tiny portion of people that we are talking about. The existing facilities can certainly be used. So the idea that this is going to be some big, backbreaking financial burden just does not hold up.

Secondly, we had the most experienced constitutional lawyer in the Legislative Counsel Bureau [LCB] show up at our hearing and he made it clear to the entire committee that this bill is completely 100 percent constitutional. The issue of "shall" as far as fiscal—it went through fiscal as well—there is no fiscal cost. This is simply an opportunity for the state to help defend the smaller counties by bringing them in to the protection of the Attorney General of the State of Nevada.

ASSEMBLYMAN EDWARDS:

This will be very quick. I appreciate your input. I am still looking for a dollar number, some kind of an estimate, because insignificant is irrelevant. I need to know a dollar figure. Having worked overseas building entire camps, I know that the cost of these things is oftentimes much more than expected. By my estimates, we are looking at tens of millions of dollars. If that is the case, we can still afford it, but we need to go forward knowing that it is going to cost a lot of money and we are going to have to be able to explain that to all of our constituents.

ASSEMBLYMAN NELSON:

In response to my colleague's question, as I read the bill, it does not say anything about build. I do not see the word "build" in there. What it says is, "For any pupil who asserts at school a gender that is different than the pupil's biological sex, a public school shall provide the best available accommodation that meets the needs of the pupil . . .." It says they "shall provide"; it does not say they have to build a new wing to the school. And it says, "Such accommodation may include . . ." and then it gives some examples. It does not say they have to fall into a certain category.

With respect to my other colleague's comments about the constitutionality of the bill, there is a 1981 U.S. Supreme Court case which states that it is proper, in certain circumstances, to provide for different accommodations based on gender, such as was just done in the White House. A unisex bathroom was just put in the White House, and it was big news. If our school districts decide they want to do that, they can make that decision.

ASSEMBLYWOMAN SEAMAN:

I want to thank my colleague from District 41 for bringing forth this bill to accommodate all children so that they will have privacy. Hopefully, with everyone able to have privacy, this could prevent these vulnerable children from being bullied.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

I want to point out that while we have been in this Chamber this session, we have been told time and time again by the majority party that small government is better government. The less intrusive our government is in our daily lives, the better government we have. Many people in this building campaigned on that, yet I can think of no more of an intrusive bill, no more of a bill that flies in the face of the theory of small government, than this bill. Regulating bathroom use? Such regulation is the exact opposite of efficient government, meaningful government, good public policy. It is the exact opposite of small government. I do not think this is the type of policy that is indicative of the spirit of Nevadans or us as Nevadans, and I stand opposed.

ASSEMBLYWOMAN FIORE:

I rise in support of Assembly Bill 375. This is a bill that we have discussed for many, many hours. This is a bill that is truly about fairness for all children. I will tell you: knowing our school elected officials and knowing our school administration, this bill is not going to affect the little Ms. Nevadans that my Assembly colleague from the south talked about, because I truly believe that certain schools, with certain children who are living their lives as a specific gender, will not be harmed. I rise in support of this bill. I think that it has a long way to go, but I want to make sure—as a Republican, I am pro LGBT [lesbian, gay, bisexual, and transgender], raised by lesbian women. This bill is not what people are making it out to be. This bill is truly fairness and freedom for all of our students.

ASSEMBLYMAN HICKEY:

I rise reluctantly in opposition to Assembly Bill 375. Many of us in this body have stood against discrimination for decades. I am one of them. However, I believe the American public has grown tired of political, social, and now gender identity labels that further divide us as a state and as a country. My vote against this bill today is not so much in opposition to yet another state statute, although I do agree this is an issue best left to our local school districts and the families that are connected to them. I believe this is a uniquely American declaration that we should support: that all men and women are created equal and should be treated that way. I would like to think my vote today represents the thousands of Nevadans who do not have to be told what is wrong and what is right—that it is wrong to hate and discriminate against each other—and who do not believe it is necessary to create yet another state law reminding us of what divides us as a state and as a country. For that reason, I will not be voting in favor of this bill.

ASSEMBLYMAN ARMSTRONG:

I rise briefly to discuss the difficulty I have had in dealing with this measure. Assembly Bill 375 is a great example of how difficult this job can be sometimes. People think that everything we do is black and white. When we decide to press the green button or the red button in this body, we support that decision 100 percent, and that is simply not the case. Some of our votes are 60-40, 72-25, or somewhere in between. I have heard from both sides on this measure, and I feel this issue can be best handled at the local level. Like my colleague from District 25, I feel my no vote is the best way to serve the people of Nevada.

Roll call on Assembly Bill No. 375:

YEAS—20.

NAYS—Elliot Anderson, Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Hickey, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson, Titus, Trowbridge, Woodbury—22.

Assembly Bill No. 375 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 377.

Bill read third time.

Remarks by Assemblymen O'Neill and Swank.

ASSEMBLYMAN O'NEILL:

Assembly Bill 377 requires the State Land Registrar, upon notice from the Department of Corrections that operational activities at the Nevada State Prison in Carson City have ceased, to assign structures appropriate for administration as historical, cultural, educational, and scientific resources to the appropriate state agency and to assign the structures appropriate for continued administration by the Department of Corrections to the Silver State Industries Division within the Department. The bill creates three funds and sets forth their allowable uses and responsibilities for administration. Those funds are as follows: (1) the Endowment Fund for the Historic Preservation of the Nevada State Prison; (2) the Silver State Industries Endowment Fund; and (3) a dedicated trust fund established by the Board of Museums and History. Finally, the bill allows the Department of Corrections, and any other state agency that is assigned administration of historic properties within the prison, to grant special use permits to, or enter into agreements with, the Nevada State Prison Preservation Society for the purpose of giving tours or engaging in other commercial and tourist activities relating to the historic portions of the prison.

As most of you already know, the Nevada State Prison was closed as a maximum security prison in 2012. In the last session, my predecessor, good friend, and our former colleague Pete Livermore, along with colleagues from across the aisle, brought forth Assembly Bill 356 to establish the preservation of this state prison, which had over 150 years of service. This is a continuation, and I seek your approval for it.

ASSEMBLYWOMAN SWANK:

I rise in support of Assembly Bill 377. A little homage to our former colleague, Pete Livermore, who sat here next to me last session. He became a very dear friend, and he and I worked together on this bill to save parts of and reuse the Nevada State Prison. It is something that was important to him and to his family and something that, through Pete, I learned a lot about. I urge your support.

Roll call on Assembly Bill No. 377:

YEAS—42.

NAYS—None.

Assembly Bill No. 377 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 383.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Assembly Bill 383 authorizes the Department of Motor Vehicles (DMV) to issue a Nevada driver's license to an applicant who has a valid driver's license from a country that has requirements for the issuance of drivers' licenses comparable to this state. The bill also authorizes the Director of the DMV to enter into reciprocal agreements with the appropriate officials of other countries.

Finally, A.B. 383 requires the Director of the DMV, in recognition of the 30th anniversary of the sister-state relationship between Nevada and the Republic of China, Taiwan, to begin negotiations as soon as practicable with the Director General of the Taipei Economic and Cultural Office in San Francisco, California, for reciprocity in issuing drivers' licenses to residents of Nevada who reside in the Republic of China, Taiwan, and Taiwanese citizens who reside in Nevada. The effective date of the bill is upon passage and approval.

Roll call on Assembly Bill No. 383:

YEAS—42.

NAYS—None.

Assembly Bill No. 383 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 385.

Bill read third time.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Assembly Bill 385 makes various changes related to tow cars. The bill prohibits a tow car operator from towing a vehicle to a location other than a vehicle storage lot designated by the insurance company that provides coverage for the vehicle, unless the owner or operator of the vehicle directs the tow car operator to tow the vehicle to a location that is not a vehicle storage lot.

This bill further requires the operator of a tow car to retain any documents provided by a law enforcement officer indicating the identity of the insurance company that provides coverage for the vehicle and provide copies of such documents to a vehicle storage lot upon delivery of the vehicle to the vehicle storage lot.

Roll call on Assembly Bill No. 385:

YEAS—42.

NAYS—None.

Assembly Bill No. 385 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 404.

Bill read third time.

Remarks by Assemblymen Fiore and Edwards.

ASSEMBLYWOMAN FIORE:

Assembly Bill 404 establishes a procedure for a person who is applying to transfer or make a firearm to request and obtain the required certification from a chief law enforcement officer. The measure requires that the chief law enforcement officer, within 15 days of receiving an application, provide the certification and, if unable to provide the certification, then provide the applicant written notification of the denial. If denied, an applicant may appeal the decision. The chief law enforcement officer is authorized to conduct a background check as part of determining whether to provide or deny certification.

This bill also provides that a person may continue to carry a concealed firearm in this state if, within 60 days after becoming a resident, the person has submitted an application to the sheriff for a permit to carry a concealed firearm. The person may continue to carry a concealed firearm pursuant to the permit issued by another state until the sheriff grants or denies the application. Evidence that the person has paid the application fee for a permit is sufficient proof that the person has submitted an application for a permit.

ASSEMBLYMAN EDWARDS:

I rise for a clarification on this. I notice that there is a 15-day requirement for the law enforcement to respond. I would like to know how this is going to impact the rurals, since a lot of the rurals do not have a lot of law enforcement officers to go around to do paperwork. Could you somehow quantify this for us so that we know what we are voting for, what kind of a burden we might be placing on our people, and if this is going to be good for the rurals or not?

ASSEMBLYWOMAN FIORE:

I would love to clarify that for my colleague in Assembly District 19. Our Sheriffs' and Chiefs' Association does not seem to have an issue with this, and I do not think it is going to create any issues in the rurals. I have gotten all their support on this bill. I urge the body to support and vote for this bill.

Roll call on Assembly Bill No. 404:

YEAS—35.

NAYS—Benitez-Thompson, Carlton, Diaz, Edwards, Joiner, Sprinkle, Swank—7.

Assembly Bill No. 404 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 408 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 421.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 421 creates the Spending and Government Efficiency Commission for public education and for the Nevada System of Higher Education. Without elaborating any further, this is a copy of the original Spending and Government Efficiency Commission. Some of you got to hear General Partlow, who was the Executive Secretary for this effort, testify. This has saved the state tens of millions—if not hundreds of millions—of dollars. A simple example of that is what our own colleague has been working on so aggressively on the sunset committees. That all came through this kind of a bill, so I would urge my colleagues to support Assembly Bill 421 to improve government efficiency and do all we can to make things the way they should be.

Roll call on Assembly Bill No. 421:

YEAS—35.

NAYS—Benitez-Thompson, Diaz, Edwards, Hickey, Joiner, Kirner, Munford—7.

Assembly Bill No. 421 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 433.

Bill read third time.

Remarks by Assemblymen Gardner, Ohrenschall, and Moore.

ASSEMBLYMAN GARDNER:

Assembly Bill 433 provides that the interception, listening, or recording of a wire, electronic, or oral communication by a peace officer or certain other persons is not unlawful under certain circumstances. Specifically, it provides that these activities by a peace officer or certain other persons are not unlawful if they are intercepting the communication of a person who has barricaded himself or herself, resulting in an imminent risk of harm to the life of another person; created a hostage situation; or threatened the imminent illegal use of an explosive. The measure

authorizes the Attorney General or the district attorney to apply for an order authorizing the interception of an electronic communication. The bill authorizes district courts of this state to issue orders requiring a provider of electronic communication service to disclose the contents of a wire or electronic communication or a record or other information pertaining to a subscriber to, or customer of, such service upon the application of a district attorney or the Attorney General supported by an affidavit of a peace officer as provided by federal law.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Assembly Bill 433. I have concerns that this could be abused. The question of not obeying an officer's request or what qualifies as a dangerous situation really needs to go to a member of our judiciary. That is why we have the separation of powers. In my normal nine-to-five job, I certainly have seen warrants that are signed at 3 a.m. by members of the court. If it is their week, that is their job—to be up, be available, be ready to sign a warrant if there is a circumstance that needs it. I do have concerns about this bill.

ASSEMBLYMAN MOORE:

I rise in opposition to the bill. I see it as yet another strong incursion into our private lives. Therefore, I cannot support this at all.

Roll call on Assembly Bill No. 433:

YEAS—17.

NAYS—Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Dooling, Edwards, Ellison, Fiore, Flores, Hickey, Joiner, Kirkpatrick, Kirner, Moore, Munford, Neal, Ohrenschall, Shelton, Silberkraus, Spiegel, Sprinkle, Swank, Thompson—25.

Assembly Bill No. 433 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 454.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Assembly Bill 454 limits the current requirement that manufactured home park managers and assistant managers complete certain continuing education to those involved in the management of a park consisting of six or more lots.

Roll call on Assembly Bill No. 454:

YEAS—42.

NAYS—None.

Assembly Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 461.

Bill read third time.

Remarks by Assemblymen Shelton, Ohrenschall, and Stewart.

ASSEMBLYWOMAN SHELTON:

Assembly Bill 461 provides that in any preelection action, if a court finds a candidate for any elective office fails to meet any qualification of that office, the person is disqualified. The court may order the individual to pay court costs and attorney's fees.

A candidate who knowingly and willfully files a declaration of candidacy that contains a false statement is guilty of a category E felony. The definition of "actual residence" is revised to mean the place of permanent habitation where a person actually resides and is legally domiciled.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Assembly Bill 461. We need tough election laws and we cannot tolerate dishonesty when it comes to voting or the people who file for office. However, during the hearing on this bill in your Committee on Legislative Operations and Elections, I asked a question of the representative from our Secretary of State's Office. I asked how many prosecutions there had been for filing false statements on candidate affidavits and whether the current penalty, a gross misdemeanor which is punishable by up to 12 months at the county jail, was sufficient. The answer was zero. There have been zero prosecutions. When an Executive Branch agency comes to the Legislature and makes an argument that a penalty is not working, is not dissuading people from committing a crime and we need to enhance the penalty, then I can see that we should look at that. But when there have been zero prosecutions with a penalty of up to 12 months in jail, I am really concerned about whether this is the way to go. I think we need to see the laws that we have on the books enforced before we look to creating new felony crimes, especially nonviolent ones.

ASSEMBLYMAN STEWART:

I appreciate the comments of my colleague from District 12, but I think we need to ensure, by making penalties stiff enough, that people who represent a district actually live in that district. I do not think this bill is unreasonable.

Roll call on Assembly Bill No. 461:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

Assembly Bill No. 461 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 6:57 p.m.

ASSEMBLY IN SESSION

At 7:12 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 91.

Bill read third time.

The following amendment was proposed by Assemblymen Moore and Kirkpatrick:

Amendment No. 636.

AN ACT relating to mental health; expanding the list of persons authorized to file an application for the emergency admission of a person alleged to be a person with mental illness and a petition for the involuntary court-ordered admission of such a person to certain facilities or programs; expanding the list of persons authorized to conduct the examination required before a person is admitted to a mental health facility on an emergency basis; expanding the list of persons authorized to complete certain certificates concerning the mental

condition of another; **requiring notification of certain persons if a person is transported to a mental health facility, hospital or other place for the purposes of emergency admission or if a petition for an involuntary court-ordered admission is filed; requiring certain providers of treatment to report the number of emergency and involuntary admissions, categorized by profession, to the Legislature;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "person with mental illness" as a person whose capacity to exercise self-control, judgment and discretion in the conduct of the person's affairs and social relations or to care for his or her personal needs is diminished, as a result of mental illness, to the extent that the person presents a clear and present danger of harm to himself or herself or others. (NRS 433A.115) Existing law authorizes certain persons to file an application for the emergency admission of a person alleged to be a person with mental illness to certain facilities. (NRS 433A.160) **Section 1.5** of this bill expands the list of persons who are authorized to file such an application to include a physician assistant.

Existing law requires a person to be examined by a physician, physician assistant or advanced practice registered nurse before being admitted to a mental health facility on an emergency basis. (NRS 433A.165) **Section 1.6** of this bill authorizes a paramedic to conduct such an examination.

With certain exceptions, existing law requires an application for the emergency admission of a person alleged to be a person with a mental illness to be accompanied by a certificate of a psychiatrist or licensed psychologist or, if neither is available, a physician, stating that the person has a mental illness and, because of the mental illness, is likely to harm himself or herself or others if not admitted to certain facilities or programs. (NRS 433A.170, 433A.200) Under existing law, a licensed physician on the medical staff of certain facilities may release a person alleged to be a person with mental illness who has been admitted on an emergency basis if a licensed physician on the medical staff of the facility completes a certificate stating that the person admitted is not a person with a mental illness. (NRS 433A.195) **Sections 1, 1.7, 2, 3 and 4** of this bill authorize a physician assistant under the supervision of a psychiatrist, a psychologist, a clinical social worker with certain psychiatric training and experience, an advanced practice registered nurse with certain psychiatric training and experience or an accredited agent of the Department of Health and Human Services to complete such a certificate while still requiring a licensed physician on the medical staff of the facility to release the person. **Sections 4.2 and 4.7** of this bill require the State Board of Nursing and the Board of Examiners for Social Workers to adopt regulations prescribing the psychiatric training and experience necessary before an advanced practice registered nurse or clinical social worker, as applicable, may complete such a certificate.

Existing law requires the administrative officer of a public or private mental health facility to give notice to the spouse or legal guardian of a person who is admitted to the facility under emergency admission within 24 hours after such admission. Sections 1.9 and 4 of this bill require the notification of a family member or other person with a legitimate interest in a person, if any, alleged to be a person with mental illness if: (1) the person is transported to a mental health facility, hospital or other place for purposes of an emergency admission; or (2) a petition is filed for the involuntary-court ordered admission of the person to a mental health facility or a program of community-based or outpatient services. This requirement does not apply if the application for emergency admission or involuntary court-ordered admission was filed by the spouse, legal guardian or adult child of the person.

Existing law prohibits a person who is related by blood or marriage within the first degree of consanguinity or affinity from completing: (1) an application for the emergency admission of such a person to a mental health facility; (2) a certificate stating that a person has a mental illness, is likely to harm himself or herself or others if not admitted to a mental health facility on an emergency basis; or (3) a certificate stating that a person is not a person with a mental illness. (NRS 433A.197) **Section 3** also prohibits a person who is related by blood or marriage within the second degree of consanguinity or affinity to a person alleged to be a person with mental illness from completing such an application or certificate.

Existing law authorizes the spouse or a parent, adult child or legal guardian of a person and certain other persons to file a petition for the involuntary court-ordered admission of a person alleged to be a person with mental illness to a mental health facility or to a program of community-based or outpatient services. (NRS 433A.200) **Section 4** further authorizes a physician assistant to file such a petition.

Sections 1.5 and 4.1 of this bill require each mental health facility, hospital. program of community-based or outpatient services and other provider of treatment to which a person with mental illness is involuntarily admitted to report to the Legislative Commission the number of emergency and involuntary admissions the facility, hospital, program or other provider of treatment receives each year, categorized by the profession of the person who signed the application or petition. Existing law requires any provision that adds or revises a requirement to submit a report to the Legislature to: (1) expire by limitation after 5 years; or (2) contain a statement by the Legislature setting forth the justification for continuing the requirement for more than 5 years. (NRS 218D.380) To comply with this requirement, section 5 of this bill provides for the expiration by limitation after 5 years of the requirement that such facilities, programs and providers report the number of emergency and involuntary admissions received each year.

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

Section 1. NRS 433A.145 is hereby amended to read as follows:

433A.145 1. If a person with mental illness is admitted to a public or private mental health facility or hospital as a voluntary consumer, the facility or hospital shall not change the status of the person to an emergency admission unless the hospital or facility receives, before the change in status is made, an application for an emergency admission pursuant to NRS 433A.160 and the certificate of a psychiatrist, psychologist **,** ~~[or]~~ physician ***, physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department*** pursuant to NRS 433A.170.

2. A person whose status is changed pursuant to subsection 1 must not be detained in excess of 48 hours after the change in status is made unless, before the close of the business day on which the 48 hours expires, a written petition is filed with the clerk of the district court pursuant to NRS 433A.200.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

Sec. 1.5. NRS 433A.160 is hereby amended to read as follows:

433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, ***physician assistant,*** psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse. The agent, officer, physician, ***physician assistant,*** psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse may:

(a) Without a warrant:

(1) Take a person alleged to be a person with mental illness into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority;

(III) An entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421; or

(IV) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➥ only if the agent, officer, physician, ***physician assistant,*** psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse has, based upon his or her personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take a person alleged to be a person with mental illness into custody to allow the applicant for the order to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose.

➥ The district court may issue such an order only if it is satisfied that there is probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

2. An application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the person alleged to be a person with mental illness may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

5. ***On or before February 1 of each year, each public or private mental health facility and hospital shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission a report which must include, without limitation, the number of persons admitted to the facility or hospital on an emergency basis pursuant to this section during the previous calendar year, categorized by the profession of the person who signed the application for the emergency admission pursuant to subsection 1.***

6. As used in this section, "an accredited agent of the Department" means any person appointed or designated by the Director of the Department to take

into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.

Sec. 1.55. **NRS 433A.160 is hereby amended to read as follows:**

433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse. The agent, officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse may:

(a) Without a warrant:

(1) Take a person alleged to be a person with mental illness into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority;

(III) An entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421; or

(IV) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➥ only if the agent, officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse has, based upon his or her personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take a person alleged to be a person with mental illness into custody to allow the applicant for the order to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose.

➥ The district court may issue such an order only if it is satisfied that there is probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

2. An application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the person alleged to be a person with mental illness may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

5. ~~[On or before February 1 of each year, each public or private mental health facility and hospital shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission a report which must include, without limitation, the number of persons admitted to the facility or hospital on an emergency basis pursuant to this section during the previous calendar year, categorized by the profession of the person who signed the application for the emergency admission pursuant to subsection 1.~~

~~— 6.]~~ As used in this section, "an accredited agent of the Department" means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.

Sec. 1.6. 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 practice registered nurse licensed pursuant to NRS 632.237 ***or a paramedic certified pursuant to chapter 450B of NRS*** at any location where such a physician, physician assistant **,** ~~[or]~~ advanced practice registered nurse ***or paramedic*** 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, physician assistant **,** ~~[or]~~ advanced practice registered nurse ***or paramedic*** 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 practice registered nurses ***, paramedics*** 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. 1.7. NRS 433A.170 is hereby amended to read as follows:

433A.170 ~~[Except as otherwise provided in this section, the]~~ ***The*** administrative officer of a facility operated by the Division or of any other public or private mental health facility or hospital shall not accept an application for an emergency admission under NRS 433A.160 unless that application is accompanied by a certificate of a psychiatrist or a licensed psychologist ***, a physician, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department*** stating that he or she has examined the person alleged to be a person with mental illness and that he or she has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty. ~~[If a psychiatrist or licensed psychologist is not available to conduct an examination, a physician may conduct the examination.]~~ The certificate required by this section may be obtained from a ~~[psychiatrist,]~~ licensed psychologist ***,*** ~~[or]~~ physician ***, physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department*** who is employed by the public or private mental health facility or hospital to which the application is made.

Sec. 1.9. **NRS 433A.190 is hereby amended to read as follows:**

433A.190 ~~[Within 24 hours of a person's admission under]~~ ***Except as otherwise provided in this section, if a person is transported to a public or private mental health facility, hospital or other place for the purpose of seeking an*** emergency admission ~~[,]~~ ***to a public or private mental health facility,*** the administrative officer of ~~[a public or private mental health]~~ ***the*** facility ***, hospital or other place shall, as soon as possible but in no case later than 24 hours after the person arrives at the facility, hospital or other place,*** give notice of such admission in person, by telephone or facsimile and by

certified mail to the spouse ~~[or]~~ ***, adult child or*** legal guardian of that person ~~[.]~~ ***or, if a spouse, adult child or legal guardian is unavailable, to another person who has a legitimate interest in the person, if any. The provisions of this subsection do not apply if the application for the emergency admission of the person was filed by the spouse, adult child or legal guardian of the person.***

Sec. 2. NRS 433A.195 is hereby amended to read as follows:

433A.195 A licensed physician on the medical staff of a facility operated by the Division or of any other public or private mental health facility or hospital may release a person admitted pursuant to NRS 433A.160 upon completion of a certificate which meets the requirements of NRS 433A.197 signed by a licensed physician on the medical staff of the facility or hospital ***, a physician assistant under the supervision of a psychiatrist, a psychologist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department*** stating that he or she has personally observed and examined the person and that he or she has concluded that the person is not a person with a mental illness.

Sec. 3. NRS 433A.197 is hereby amended to read as follows:

433A.197 1. An application or certificate authorized under subsection 1 of NRS 433A.160 or NRS 433A.170 or 433A.195 must not be considered if made by a psychiatrist, psychologist ***,*** ~~[or]~~ physician ***, physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department*** who is related by blood or marriage within the ~~[first]~~ ***second*** degree of consanguinity or affinity to the person alleged to be a person with mental illness, or who is financially interested in the facility in which the person alleged to be a person with mental illness is to be detained.

2. An application or certificate of any examining person authorized under NRS 433A.170 must not be considered unless it is based on personal observation and examination of the person alleged to be a person with mental illness made by such examining person not more than 72 hours prior to the making of the application or certificate. The certificate required pursuant to NRS 433A.170 must set forth in detail the facts and reasons on which the examining person based his or her opinions and conclusions.

3. A certificate authorized pursuant to NRS 433A.195 must not be considered unless it is based on personal observation and examination of the person alleged to be a person with mental illness made by the examining physician ~~[.]~~ ***, physician assistant, psychologist, clinical social worker, advanced practice registered nurse or accredited agent of the Department.*** The certificate authorized pursuant to NRS 433A.195 must ~~[set forth]~~ ***describe*** in detail the facts and reasons on which the examining physician ***, physician assistant, psychologist, clinical social worker, advanced practice registered***

nurse or accredited agent of the Department based his or her opinions and conclusions.

Sec. 4. NRS 433A.200 is hereby amended to read as follows:

433A.200 1. Except as otherwise provided in NRS 432B.6075, a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition for the involuntary admission to a mental health facility or to a program of community-based or outpatient services with the clerk of the district court of the county where the person who is to be treated resides. The petition may be filed by the spouse, parent, adult children or legal guardian of the person to be treated or by any physician, ***physician assistant,*** psychologist, social worker or registered nurse, by an accredited agent of the Department or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:

(a) By a certificate of a physician, psychiatrist or ***a*** licensed psychologist ***, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department*** stating that he or she has examined the person alleged to be a person with mental illness and has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services; or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon the petitioner's personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services; and

(2) The person alleged to be a person with mental illness has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.

2. Except as otherwise provided in NRS 432B.6075, if the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, the petition must, in addition to the certificate or statement required by subsection 1, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

3. Except as otherwise provided in this subsection, as soon as possible after a petition is filed pursuant to subsection 1, but in no case later than 24 hours after the petition is filed, the clerk of the court with which the petition

is filed shall give notice of the petition in person, by telephone or facsimile and by certified mail to the spouse, adult child or legal guardian of the person alleged to be a person with mental illness or, if a spouse, adult child or legal guardian is unavailable, to another person who has a legitimate interest in the person, if any. The provisions of this subsection do not apply if the application was filed by the spouse, adult child or legal guardian of the person alleged to be a person with mental illness.

Sec. 4.1. **NRS 433A.310 is hereby amended to read as follows:**

433A.310 1. Except as otherwise provided in NRS 432B.6076 and 432B.6077, if the district court finds, after proceedings for the involuntary court-ordered admission of a person:

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness or exhibits observable behavior such that the person is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services, the court shall enter its finding to that effect and the person must not be involuntarily admitted to a public or private mental health facility or to a program of community-based or outpatient services.

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services, the court may order the involuntary admission of the person for the most appropriate course of treatment, including, without limitation, admission to a public or private mental health facility or participation in a program of community-based or outpatient services. The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390.

2. A court shall not admit a person to a program of community-based or outpatient services unless:

(a) A program of community-based or outpatient services is available in the community in which the person resides or is otherwise made available to the person;

(b) The person is 18 years of age or older;

(c) The person has a history of noncompliance with treatment for mental illness;

(d) The person is capable of surviving safely in the community in which he or she resides with available supervision;

(e) The court determines that, based on the person's history of treatment for mental illness, the person needs to be admitted to a program of community-based or outpatient services to prevent further disability or deterioration of the person which is likely to result in harm to himself or herself or others;

(f) The current mental status of the person or the nature of the person's illness limits or negates his or her ability to make an informed decision to seek

treatment for mental illness voluntarily or to comply with recommended treatment for mental illness;

(g) The program of community-based or outpatient services is the least restrictive treatment which is in the best interest of the person; and

(h) The court has approved a plan of treatment developed for the person pursuant to NRS 433A.315.

3. Except as otherwise provided in NRS 432B.608, an involuntary admission pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private mental health facility as provided for in subsection 2 of NRS 433A.390 or by the professional responsible for providing or coordinating the program of community-based or outpatient services as provided for in subsection 3 of NRS 433A.390. Except as otherwise provided in NRS 432B.608, at the end of the court-ordered period of treatment, the Division, any mental health facility that is not operated by the Division or a program of community-based or outpatient services may petition to renew the involuntary admission of the person for additional periods not to exceed 6 months each. For each renewal, the petition must include evidence which meets the same standard set forth in subsection 1 that was required for the initial period of admission of the person to a public or private mental health facility or to a program of community-based or outpatient services.

4. Before issuing an order for involuntary admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment, including involuntary admission to a program of community-based or outpatient services, as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the person.

5. If the court issues an order involuntarily admitting a person to a public or private mental health facility or to a program of community-based or outpatient services pursuant to this section, the court shall, notwithstanding the provisions of NRS 433A.715, cause, on a form prescribed by the Department of Public Safety, a record of such order to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

6. ***On or before February 1 of each year, each public or private mental health facility and program of community-based or outpatient services and any other provider of treatment to which a person is admitted pursuant to this section shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission a report which must include, without limitation, the number of persons admitted to the facility, program or other treatment by a court pursuant to this section during the previous calendar year, categorized by the relationship of the person who signed the petition for involuntary admission pursuant to subsection 1 of***

NRS 433A.200, to the person admitted, including family, guardian or specific profession.

7. As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 4.2. NRS 632.120 is hereby amended to read as follows:

632.120 1. The Board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to practice professional or practical nursing or a certificate to practice as a nursing assistant or medication aide - certified.

(2) Of professional conduct for the practice of nursing.

(3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

(4) For the psychiatric training and experience necessary for an advanced practice registered nurse to be authorized to make the certifications described in NRS 433A.170, 433A.195 and 433A.200.

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.

(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate under this chapter.

(b) Standards for the continuing professional competence of licensees or holders of a certificate. The Board may evaluate licensees or holders of a certificate periodically for compliance with those standards.

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;

(b) Evaluating the professional competence of licensees or holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing,

➥ and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term "in the process of obtaining accreditation."

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter

relating to nursing assistant trainees, nursing assistants and medication aides - certified.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 4.7. NRS 641B.160 is hereby amended to read as follows:

641B.160 The Board shall adopt ~~[such]~~ ***:***

1. Such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter ~~[.]~~ ***; and***

2. Regulations establishing reasonable standards for the psychiatric training and experience necessary for a clinical social worker to be authorized to make the certifications described in NRS 433A.170, 433A.195 and 433A.200.

Sec. 5. **1.** This **section and sections 1, 1.5, 1.6 to 4, inclusive, 4.2 and 4.7 of this** act ~~[becomes]~~ **become** effective upon passage and approval.

2. Sections 1.55 of this act becomes effective on February 2, 2020.

3. Section 4.1 of this act expires by limitation on February 1, 2020.

Assemblyman Moore moved the adoption of the amendment.

Remarks by Assemblymen Moore and Kirkpatrick.

ASSEMBLYMAN MOORE:

Amendment 636 requires notification of a family member or, if there is not a family member available, a person with a legitimate interest if a person is being transported to a facility for an emergency admission. It also requires notification to such persons if a petition has been filed for an involuntary admission. In both of these cases, the notice must be given as soon as possible but no later than 24 hours after either arrival at the facility or the filing of the petition, as the case may be. It also clarifies that notification is not needed if the application for an emergency or involuntary admission was made by the spouse, legal guardian, or adult child of the patient.

Finally, the amendment requires each public or private facility receiving emergency or involuntary admissions to file an annual report with the Legislative Counsel Bureau detailing the number of persons admitted and including information regarding the category of persons who signed the application for emergency admission or who filed the petition for an involuntary admission.

I would like to thank my colleague from District 1 for working with me on this amendment so we can advance this bill and get it going. I still do not agree with the bill, but this is the best agreement that we came to.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Amendment 636 to Assembly Bill 91. The amendment allows for a reporting mechanism per profession so that we can see who is involved in the process. The report will go to the legislators so they can have it on a regular basis. I gave my word to my colleague from Assembly District 8. I do follow legislation all the way through the process, and I hope that this Chamber adopts the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 114.

Bill read third time.

Remarks by Assemblywoman Shelton.

ASSEMBLYWOMAN SHELTON:

Assembly Bill 114 is a judgement for restitution order by a court. Currently, we have amended that to expire after ten years. The judgement would be at the current date of ten years. It would also allow collection of actions which may be initiated at this time.

Roll call on Assembly Bill No. 114:

YEAS—42.

NAYS—None.

Assembly Bill No. 114 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 239.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 239 regulates the operators of unmanned aerial vehicles [UAVs] and provides certain criminal and civil penalties for the unlawful operation or use of a UAV in this state. The bill authorizes a person who owns or lawfully occupies real property in the state to bring an action for trespass against the owner or operator of a UAV that is flown at a height of less than 250 feet over the property under certain circumstances. The measure establishes the circumstances under which a law enforcement agency may operate a UAV in this state. A law enforcement agency is prohibited from operating a UAV for the purpose of gathering evidence or other information within the curtilage of a residence or any other location upon the property in the state at which a person has reasonable expectation of privacy, unless a warrant is first obtained.

The hour is late, so I promise not to drone on. The bill before you balances privacy rights, our physical security, and our economic security. The Nevada Homeowner Privacy Protection Act will keep Nevadans secure in their homes while allowing law enforcement to keep us safe. The act will ensure that we do not hurt our burgeoning unmanned aerial vehicle industry, while setting clear rules for that industry. Finally, the act will protect critical infrastructure in our state while allowing for hobbyist and private use.

I have worked with many parties to get to the version of A.B. 239 you see today—the law enforcement representatives of our state, including Las Vegas Metro, the Washoe County Sheriff's Office, and the Nevada Sheriffs' and Chiefs' Association. They support this measure. I have worked with them since August of last year to build consensus. I have also worked with industry representatives to make it easier for businesses to comply with this act. Most notably, I worked very diligently with the Governor's Office of Economic Development throughout this process. The Governor's Office of Economic Development now supports the current version of this bill as amended. Finally, I am proud to report that your Committee on Judiciary passed Assembly Bill 239 unanimously.

Justice Alito said it best: Modern forms of technology "are making it easier and easier for both government and private entities to amass a wealth of information about the lives of ordinary Americans . . . In light of these developments, it would be very unfortunate if privacy protection in the 21st century were left primarily to the federal courts using the blunt instrument of the Fourth Amendment. Legislatures, elected by the people, are in a better position than we are to assess and respond to the changes that have already occurred and those that almost certainly will take place in the future." I would appreciate your support.

Roll call on Assembly Bill No. 239:

YEAS—42.

NAYS—None.

Assembly Bill No. 239 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 386.

Bill read third time.

Remarks by Assemblymen Flores and Seaman.

ASSEMBLYMAN FLORES:

Assembly Bill 386 creates and defines the crimes and associated penalties for "housebreaking," "unlawful occupancy," and "unlawful reentry." The measure addresses summary procedures to obtain possession of real property by revising the definitions of "forcible entry" and "forcible detainer" and setting forth the procedure for giving notice of surrender in such situations; establishing the procedure for recovering possession in a forcible entry or forcible detainer action; allowing treble damages and repealing a related damages statute; modifying requirements for notice of proceedings to obtain possession and for notice served upon tenants in an unlawful detainer action; eliminating the need for a witness if service is made by a sheriff, constable, or licensed process server and revising the proof of service that must be filed with the court; establishing procedures for locking out occupants and retaking possession of property in cases involving housebreaking or unlawful occupancy along with procedures for recovery of possession by an occupant who has been locked out; and clarifying the types of property and dwellings subject to unlawful detainer actions after failure to perform lease conditions.

This is the squatter bill. Throughout the state, we have had a huge issue with individuals who are not entitled to homes moving in and creating a nightmare for our law enforcement. Presently, there is nothing in statute which allows law enforcement to kick them out. Everything in statute has a landlord-tenant relationship. The issue now is that a squatter is not a tenant and because that is a technical term of art, they cannot use tenant NRS [*Nevada Revised Statutes*] code against squatters. It is imperative that we support this bill. Everyone who came to the table as a stakeholder has agreed that this is the best version to address this issue. I urge your support.

ASSEMBLYWOMAN SEAMAN:

I also rise in support of Assembly Bill 386, and I urge all my colleagues on the right to support this bipartisan bill that will help to rid us of the problem of the squatters in all of our communities. I am asking all of you to support this bill.

Roll call on Assembly Bill No. 386:

YEAS—42.

NAYS—None.

Assembly Bill No. 386 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 85.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Assembly Bill 85 makes various changes to statutes governing the operation of the Board of Examiners for Alcohol, Drug and Gambling Counselors and the professions it regulates. Assembly Bill 85 recognizes a new profession to be certified by the Board of Examiners for Alcohol, Drug and Gambling Counselors, called a "certified peer support specialist," and outlines the qualifications and scope of practice for the profession.

Roll call on Assembly Bill No. 85:

YEAS—33.

NAYS—Dickman, Dooling, Fiore, Gardner, Jones, Moore, Shelton, Titus, Wheeler—9.

Assembly Bill No. 85 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 356.

Bill read third time.

The following amendment was proposed by Assemblywoman Fiore:

Amendment No. 576.

AN ACT relating to unlawful acts; prohibiting a person from engaging in certain acts against a business; prohibiting certain activities while engaged in picketing; providing civil and criminal penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill prohibits a person from committing certain acts with the intent to coerce or intimidate a business. **Section 3** of this bill prohibits a person from intentionally or recklessly destroying, marking or damaging the property or merchandise owned by or in the control of a business. **Section 4.5** of this bill prescribes certain civil remedies that may be available for a violation of **section 2 or 3**.

Section 9.7 of this bill repeals provisions of existing law which provide that it is unlawful, in the context of certain labor-related disputes, to engage in certain activities while picketing. (NRS 614.160) **Section 9.3** of this bill reenacts provisions of general applicability which prohibit certain activities while picketing, without regard to the purpose for which a person is engaged in picketing. **Section 9.3** provides that it is unlawful for a person, while picketing, to: (1) picket on private property without consent or a court order; (2) narrow, block, or otherwise obstruct the ingress or egress to public or private property or obstruct any public or private roadway so as to prevent the safe passage of vehicles; (3) knowingly threaten, assault or touch a person entering or leaving any public or private property, or to use language or words threatening to do immediate physical harm to a person or the property of a person or to incite fear of immediate physical harm to a person; or (4) knowingly spread, drop, throw or disperse certain sharp objects in the entrances to or exits from any public or private property. A violation of **section 9.3** is a misdemeanor, and a person may petition a court to enjoin ongoing activity that is a violation of that section. A person who files a petition to enjoin such activity is entitled to a rebuttable presumption of irreparable harm.

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4.5, inclusive, of this act.

Sec. 2. ***A person shall not damage, injure, harm, threaten or maliciously disrupt the lawful activities of any business or any employee or representative of that business with the intent to coerce or intimidate that business.***

Sec. 3. ***A person shall not intentionally or recklessly destroy, mark or damage the property or merchandise owned by or in the control of any business.***

Sec. 4. ***The provisions of sections 2 and 3 of this act are not intended to infringe upon or impede any lawful exercise of rights provided by the First Amendment to the United States Constitution, including, without limitation, lawful picketing conducted in accordance with the provisions of section 9.3 of this act.***

Sec. 4.5. ***1. A business or the owner of a business may bring a civil action against a person for an alleged violation of*** ~~***[section]***~~ ***:***

(a) Section 2 ~~***[or 3]***~~ ***of this act, and may recover:***

~~***[(a) Actual]***~~

(1) Statutory damages ~~***[,]***~~ ***in the amount of $2,500 or the amount of actual damages, whichever is greater; and***

~~***[(b)]***~~ ***(2) Attorney's fees and costs incurred in the action.***

(b) Section 3 of this act, and may recover:

(1) Actual damages; and

(2) Attorney's fees and costs incurred in the action.

2. A business or the owner of a business aggrieved by a violation of section 2 or 3 of this act may petition a court of competent jurisdiction to enjoin any ongoing activity that is alleged to be a violation of section 2 or 3 of this act.

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. 9.3. Chapter 203 of NRS is hereby amended by adding thereto a new section to read as follows:

1. It is unlawful for any person:

(a) To picket on private property without the written permission of the owner or unless the person obtains an order from a court or agency of competent jurisdiction authorizing such activity, except that an employee may enter or leave his or her employer's property in the course of his or her employment or for the purpose of receiving payment for services performed;

(b) To maintain any picket or picket line, individually or as part of a group, in front of or across entrances to or exits from any property if such picket or picket line narrows or blocks the entrances or exits, or interferes with the ability of a person or vehicle to enter or leave the property;

(c) Knowingly to threaten, assault or in any manner physically touch the person, clothing or vehicle of any person attempting to enter or leave any

property, including, without limitation, any employees, agents, contractors, representatives, guests, customers or others doing or attempting to do business with the owner or occupant of the property;

(d) Intentionally to operate a motor vehicle so as to delay, impede or interfere with the ability of persons or vehicles to enter or leave any property;

(e) To use language or words threatening to do immediate physical harm to a person or the property of the person or designed to incite fear of immediate physical harm in any person attempting to enter or leave any property;

(f) Knowingly to spread, drop, throw or disperse nails, tacks, staples, glass or other sharp objects in the entrances to or exits from any property;

(g) Intentionally to obstruct the ingress or egress of any property from any public or private place in such a manner as to not leave a free passageway for persons and vehicles lawfully seeking to enter or leave the public or private place; or

(h) Intentionally to obstruct any public or private roadway, including, without limitation, intersections, so as to prevent the safe passage of vehicles thereon or therethrough.

2. Each local government shall by ordinance adopt a procedure by which it may grant a variance from the provisions of paragraph (b) of subsection 1, except that the local government shall not grant a variance:

(a) Specifically permitting the obstruction by picketing of any public or private roadway or the ingress or egress of any public or private place; or

(b) Permitting picketing if such activity would necessarily involve or require the obstruction of any public or private roadway or the ingress or egress of any public or private place.

3. A person who violates this section is guilty of a misdemeanor.

4. A person aggrieved by a violation of this section may petition a court of competent jurisdiction to enjoin any ongoing activity that is alleged to be a violation of this section. A person who files a petition to enjoin any activity that is alleged to be a violation of this section is entitled to a rebuttable presumption of irreparable harm.

5. The provisions of subsections 3 and 4 do not preclude any additional civil action or criminal prosecution based upon acts which are otherwise prohibited by law.

6. Nothing in this section shall be deemed to alter, modify, amend or conflict with any provision of federal law, including, without limitation, the National Labor Relations Act, 29 U.S.C. §§ 151 et seq., or the Labor Management Relations Act, 29 U.S.C. §§ 401 et seq.

7. As used in this section, "picket" or "picketing" means the stationing of a person or persons at any location or area for the purpose of engaging in a demonstration or protest.

Sec. 9.5. NRS 449.760 is hereby amended to read as follows:

449.760 1. Except as otherwise provided in this section, a person shall not intentionally prevent another person from entering or exiting the office of

a physician, a health facility, a nonprofit health facility, a public health center, a medical facility or a facility for the dependent by physically:

(a) Detaining the other person; or

(b) Obstructing, impeding or hindering the other person's movement.

2. The provisions of subsection 1 are inapplicable to:

(a) An officer, employee or agent of the physician, health facility, nonprofit health facility, public health center, medical facility or facility for the dependent; or

(b) A peace officer as defined in NRS 169.125,

➥ while acting within the course and scope of his or her duties or employment.

3. The provisions of subsection 1 do not prohibit a person from maintaining a picket during a strike or work stoppage in compliance with the provisions of ~~[NRS 614.160,]~~ ***section 9.3 of this act*** or from engaging in any constitutionally protected exercise of free speech.

4. A person who violates the provisions of subsection 1 is guilty of a misdemeanor and shall be punished by a fine of not more than $1,000, or by imprisonment in the county jail for not more than 3 months, or by both fine and imprisonment.

5. As used in this section, the terms "health facility," "nonprofit health facility" and "public health center" have the meanings ascribed to them in NRS 449.260.

Sec. 9.7. NRS 641.160 is hereby repealed.

Sec. 10. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

614.160 Picketing: Unlawful acts; acceptable acts; local variance; penalty.

1. During the pendency of a strike, work stoppage or other dispute, it is unlawful for any person:

(a) To picket on private property without the written permission of the owner or pursuant to an order from a federal court or agency of competent jurisdiction, even if the private property is open to the public as invitees for business, except that an employee may enter or leave his or her employer's property in the course of his or her employment or for the purpose of receiving payment for services performed;

(b) To maintain any picket or picket line, individually or as part of a group, in front of or across entrances to or exits from any property, except that the following numbers of pickets may be maintained across entrances or exits if the pickets do not narrow or block the entrances or exits or delay, impede or interfere with the ability of persons or vehicles to enter or leave the property:

(1) Two pickets at pedestrian entrances and exits;

(2) Two pickets at driveway entrances and exits 20 feet or less in width; and

(3) Six pickets at driveway entrances and exits more than 20 feet in width;

(c) Knowingly to threaten, molest, assault, or in any manner physically touch the person, clothing or vehicle of any person attempting to enter or leave any property, including employees, agents, contractors, representatives, guests, customers or others doing or attempting to do business with the owner or occupant;

(d) Intentionally to operate a motor vehicle so as to delay, impede or interfere with the ability of persons or vehicles to enter or leave any property;

(e) To use language or words threatening to do harm to a person or the property of the person or designed to incite fear in any person attempting to enter or leave any property; or

(f) Knowingly to spread, drop, throw or otherwise knowingly to disperse nails, tacks, staples, glass or other objects in the entrances to or exits from any property.

2. Any persons participating in a strike, work stoppage or other dispute may picket on the public sidewalks or other public areas between entrances and exits to any property if the pickets maintain a distance of 30 feet from each person or group of two persons to the next person or group and no more than two persons walk abreast.

3. Persons who picket any property may congregate in groups of 10 or fewer to confer with their captain at reasonable times or to obtain food and drink at reasonable times, but shall not so congregate within 30 feet of any entrance or exit.

4. Each county shall adopt by ordinance a procedure by which it may grant a variance from the provisions of paragraph (b) of subsection 1.

5. Any person who violates the prohibitions of this section or of a variance granted pursuant to subsection 4 is guilty of a misdemeanor. This section does not preclude civil action or additional criminal prosecution based upon acts which are prohibited by this section.

Assemblywoman Fiore moved the adoption of the amendment.

Remarks by Assemblywomen Fiore and Carlton.

ASSEMBLYWOMAN FIORE:

Amendment 576 to Assembly Bill 356 basically changes the damages which may be recovered for a violation of section 2, relating to injuring or disrupting a business with the intent to intimidate the business, to statutory damages of $2,500 or the amount of actual damages, whichever is greater, along with attorney fees.

My colleague from Assembly District 14 had some questions on this, and Amendment 576 is the actual amendment.

ASSEMBLYWOMAN CARLTON:

In comparing the two amendments that were processed, the difference is the fine is going from $5,000 to $2,500—just to make sure the body is aware of that. It is still a $2,500 fine. The proponent of the amendment is shaking her head yes, so I will enter that into the record for her.

I rise in opposition to Amendment 576 to Assembly Bill 356. I shared this opposition in the committee. Here is the thing. I have the right to picket in front of my employer. It was given to me through the National Labor Relations Board. It is an economic sanction that is recognized across this country. What this bill is doing is basically criminalizing free speech. It does not only go after picketers. If you want to come after my labor friends—we have been doing it for God

knows how long—bring it on. We are fine with that. But you are not just going after my folks. You are going after anyone who wants to express their freedom of speech. Religious organizations and other civil groups out there will be limited in what they can do in front of certain businesses.

Now, maybe there were some problems on a picket line. Lord knows I have seen those things happen. We do not have to draft new legislation and take it out of the employee practice act and put it into the criminal statute. We will be criminalizing this. It will be considered a misdemeanor. You will go to jail for 364 days or you could be fined $2,500. This bill goes way too far in addressing what is perceived as a problem. You have some unruly picketers. You have some people who do not follow the rules. Let us know; we will take care of them. I was on a picket line for six years, four months, ten days. I know what it is like to stand next to these people when they are fighting for their rights, and to turn them into criminals is an atrocity.

Assemblywomen Carlton, Joiner, and Spiegel requested a roll call vote on motion to adopt Amendment No. 576 to Assembly Bill No. 356.

Roll call on motion.

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Hickey, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—18

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 357.

Bill read third time.

Remarks by Assemblymen Fiore and Edwards.

ASSEMBLYWOMAN FIORE:

Assembly Bill 357 allows a person who is prohibited from owning, possessing, or having under his or her custody or control any firearm or who has had his or her civil rights to vote, to serve as a juror in a civil or criminal action, and to hold office taken away and has not had all such rights restored to petition for the restoration of rights under certain circumstances. The bill prohibits a person who is convicted of a domestic violence misdemeanor from owning, possessing, or having under their custody or control any firearm. The measure establishes the procedure by which a person may, after a certain applicable waiting period, petition the district court in the county where the person lives or where the person was convicted for the restoration of such rights. The criteria for eligibility for the restoration of rights is established. The court is required to issue an order restoring the petitioner's civil rights and the right to own, possess, and control any firearm under certain circumstances. A person whose right to own or have in his or her possession, or under his or her control, any firearm is required to carry a copy of the order restoring such a right. The bill authorizes a prosecuting attorney to inquire and inspect certain sealed records for the petitioner and use such records as evidence during a hearing on a petition to restore rights.

ASSEMBLYMAN EDWARDS:

I have a quick question for my colleague from District 4. I understand in the bill there is a seven-year time frame, and I am just curious if you could better explain what the purpose of seven years is versus either four, six, or nine.

ASSEMBLYWOMAN FIORE:

It is always such a pleasure to respond to my colleague in Assembly District 19. It is matching federal law, Mr. Assembly District 19.

Roll call on Assembly Bill No. 357:

YEAS—41.

NAYS—Edwards.

Assembly Bill No. 357 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 362.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 362 authorizes a party in an action for divorce, separate maintenance, or annulment to file a postjudgment motion to obtain an adjudication of any community property or liability that was omitted from the final decree or judgment. A postjudgment motion as a result of fraud or a mistake must be filed within three years after the discovery. Lastly, in dividing the benefits from a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than six years after the installment payment.

Roll call on Assembly Bill No. 362:

YEAS—34.

NAYS—Armstrong, Dickman, Dooling, Ellison, Fiore, Kirner, Seaman, Shelton—8.

Assembly Bill No. 362 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 408.

Bill read third time.

The following amendment was proposed by Assemblywoman Shelton:

Amendment No. 642.

AN ACT relating to governmental administration; ~~[declaring the support of the Legislature for certain uses of private property and public lands in this State; authorizing the sheriff of a county to enter into an agreement with a federal agency concerning primary responsibility or the exercise of law enforcement authority on land managed by the federal agency under certain circumstances;]~~ **enacting provisions governing the right to access and use public lands for certain purposes and the right to the beneficial use of any resources located on deeded property in this State; enacting provisions governing certain grazing rights; prohibiting the Federal Government from engaging in certain activities in this State; providing that certain land, water or other natural resources for which ownership is claimed by the Federal Government shall be deemed to be the common property of the residents of this State;** providing that sheriffs and their deputies are the primary law enforcement officers in ~~[the unincorporated areas of]~~ their respective counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, the Legislature has declared that the public policy of this State is to continue to seek the acquisition of lands retained by the Federal Government within the borders of this State. (NRS 321.00051) Section 11 of this bill expands that public policy to include: (1) support for an owner of private property in this State to use any resources located on that private~~

~~property; (2) support for the members of the general public in this State to access and use any public lands in this State for certain recreational activities; and (3) support for the residents of this State to use any public lands in this State in a manner which ensures multiple uses of those public lands for those residents.]~~ **Section 12.5 of this bill enacts certain provisions concerning rights to use land and prohibits the Federal Government from engaging in certain activities in this State. Specifically, section 12.5 provides that, notwithstanding any other provision of law to the contrary: (1) the right of the residents of this State to access and use public lands in this State for recreational use must not be infringed; (2) the right to the beneficial use of any resources located on deeded property in this State shall be deemed to be reserved to the owner of the property; and (3) a person who owns any stock watering rights pursuant to chapter 533 of NRS shall be deemed to be the owner of any grazing rights for stock watering rights. In addition, section 12.5: (1) prohibits the Federal Government from enforcing any law or regulation in this State except on certain land; (2) prohibits the Federal Government and any governmental entity located outside this State from submitting an application for, owning or otherwise claiming stock watering rights on certain land; and (3) provides that certain land, water or other natural resources to which the Federal Government claims ownership shall be deemed to be the common property of the residents of this State which must be acquired and used in a certain manner.**

Existing law sets forth the general powers and duties of sheriffs and their deputies in this State. (NRS 248.090**)** ~~[248.250) Section 12 of this bill authorizes the sheriff of any county in this State to enter into an agreement with certain federal agencies pursuant to which the sheriff and his or her deputies are primarily responsible for the exercise of law enforcement authority on land managed by those federal agencies if the agreement: (1) requires the payment of fair compensation to the sheriff for exercising law enforcement authority based on federal statutes and regulations; and (2) provides that the federal agency recognizes the sheriff as the primary law enforcement authority on the land managed by the federal agency.]~~ **Section 13** of this bill **removes the existing provisions of NRS 248.090 which impose a duty on sheriffs and their deputies to: (1) keep and preserve the peace and quiet; (2) suppress all affrays, riots and insurrections; (3) provide service of process in civil or criminal cases; and (4) apprehend or secure any person for a felony or breach of the peace and instead** provides that the sheriffs and their deputies are the primary law enforcement officers ~~[of the unincorporated areas of]~~ **in** their respective counties ~~[.]~~ **and any exercise of law enforcement authority in a county in this State must be authorized by the sheriff of that county.**

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. ~~[NRS 321.00051 is hereby amended to read as follows:~~

~~321.00051 The Legislature hereby declares that the public policy of this State is [to] :~~

~~*1. To* continue to seek the acquisition of lands retained by the Federal Government within the borders of this State **[.] ;** ~~*and*~~~~

~~*2. To support the ability of:*~~

~~*(a) An owner of private property in this State to use any resources located on that private property, including, without limitation, the development of any subsurface rights;*~~

~~*(b) The members of the general public in this State to access and use any public lands in this State, including, without limitation, any public lands managed and controlled by the Federal Government in this State, for camping, fishing, hiking, hunting, rock climbing, trail riding and any other recreational activity; and*~~

~~*(c) The residents of this State to use those public lands in a manner which ensures multiple uses of those public lands for those residents.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[Chapter 248 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The sheriff of a county in this State may enter into an agreement with a federal agency pursuant to which the sheriff and his or her deputies are primarily responsible for the exercise of law enforcement authority on land managed by the federal agency, if the agreement:*~~

~~*(a) Requires the payment of fair compensation to the sheriff for exercising law enforcement authority based on federal statutes and regulations on the land managed by the federal agency; and*~~

~~*(b) Provides that the federal agency recognizes the sheriff as the primary law enforcement authority on the land managed by the federal agency.*~~

~~*2. As used in this section:*~~

~~*(a) "Exercising law enforcement authority" and "exercise of law enforcement authority" means:*~~

~~*(1) To take any action to investigate, stop, serve process on, search, arrest, cite, book or incarcerate a person for a federal criminal violation when the action is based on a federal statute or regulation; or*~~

~~*(2) To gain access to or use the correctional or communication facilities and equipment of any state or local law enforcement agency.*~~

~~*(b) "Federal agency" means:*~~

~~*(1) The Bureau of Land Management;*~~

~~*(2) The Bureau of Reclamation;*~~

~~*(3) The National Park Service;*~~

~~*(4) The United States Fish and Wildlife Service; or*~~

~~*(5) The United States Forest Service.]*~~ **(Deleted by amendment.)**

Sec. 12.5. **Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Notwithstanding any provision of law to the contrary:

(a) The right of the residents of this State to access and use any public lands in this State for camping, fishing, hiking, hunting, rock climbing, trail riding, including motorized vehicles, or any other recreational use must not be infringed and those public lands must be administered in a manner which ensures multiple uses of those public lands for those residents.

(b) The right to the beneficial use of any resources located on deeded property in this State, including, without limitation, the development of any subsurface minerals, shall be deemed to be reserved to the owner of the property.

(c) Forage and access are essential components of stock watering rights and a person who owns any stock watering rights pursuant to chapter 533 of NRS shall be deemed to be the owner of any grazing rights for the vested stock watering rights.

(d) The Federal Government and any officer or agent of the Federal Government shall not enforce any law or regulation in this State except on land for which this State has given its consent to acquisition by the United States in accordance with Clause 17 of Section 8 of Article 1 of the Constitution of the United States.

(e) The Federal Government, and any officer or agent of the Federal Government, and any governmental entity located outside this State may not file an application for, be issued a permit or certificate for, own or otherwise claim any stock watering rights pursuant to chapter 533 of NRS on any land in this State other than land specified in paragraph (d).

(f) Any land, water or other natural resource to which the Federal Government claims ownership in this State, other than on land specified in paragraph (d), shall be deemed to be the common property of the residents of this State and must be acquired and used in the same manner as a right to appropriate water for a beneficial use pursuant to NRS 533.324 to 533.435, inclusive.

2. As used in this section, "public lands" includes, without limitation, any public lands managed and controlled by the Federal Government in this State.

Sec. 13. NRS 248.090 is hereby amended to read as follows:

248.090 ~~[1.]~~ Sheriffs and their deputies ***are the primary law enforcement officers in*** ~~[the unincorporated areas of]~~ ***their respective counties.*** ~~[In a county within the jurisdiction of a metropolitan police department, the sheriff and his or her deputies are the primary law enforcement officers in the unincorporated areas of the county and in any incorporated city whose law enforcement agency has been merged into the metropolitan police department.]~~ ***Any exercise of law enforcement authority in a county in this State must be authorized by the sheriff of that county.***

~~[2. Sheriffs and their deputies~~ shall keep and preserve the peace in their respective counties, and quiet and suppress all affrays, riots and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony, or breach of the peace, they may call upon the power of their county to aid in such arrest or in preserving the peace.~~]~~

Sec. 14. This act becomes effective upon passage and approval.

Assemblywoman Shelton moved the adoption of the amendment.

Remarks by Assemblymen Shelton, Kirkpatrick, Edwards, Carlton, Wheeler, Swank, Benitez-Thompson, Ellison, and Fiore.

ASSEMBLYWOMAN SHELTON:

The amendment is a substitution for the provisions of the first reprint and prohibits any infringement of the public's right to use public lands for recreation, including motorized vehicles. It provides that the right to the beneficial use of resources on deeded property, including subsurface minerals, are deemed to belong to the property owner. It provides that the owner of a stock watering right is also deemed to be the owner of the associated grazing rights.

Except on lands given under the Enclave Clause of the *U.S. Constitution*, it prohibits the federal government from enforcing laws in the state; prohibits the federal government or any out-of-state governmental entity from claiming or filing for stock watering rights; and provides that land, water, or other natural resources claimed by the federal government are deemed the common property of the residents of Nevada and must be appropriated in the same way as a water right. Finally, it clarifies that the sheriffs are the primary law enforcement officers in their counties.

ASSEMBLYWOMAN KIRKPATRICK:

To my colleague from Assembly District 10, I have a few questions in section 12.5, subsection 1, paragraphs (b) through (d). To amend *Nevada Revised Statutes* Chapter 533 would be a pretty big process, and my rural friends have always warned me about messing with water in this state. Water provides everything possible to feed their families. In paragraph (b), it says any beneficial uses, and to me that would include water rights, for which we have a current adjudication process in *Nevada Revised Statutes* Chapter 533. It also talks about the grazing rights. Would this circumvent the process we now have in place and would my northern colleagues be fighting for their water?

ASSEMBLYWOMAN SHELTON:

Actually, the laws that you are speaking about, with the stock watering rights, have the exact same effect as getting the land rights back for the state of Nevada.

ASSEMBLYWOMAN KIRKPATRICK:

As the former Chair of Government Affairs for two sessions, I worked to help my folks, all the way from White Pine County down to Moapa, ensure that their water rights were protected from southern Nevada, which was always a big, controversial issue. There is currently a process in place. I believe this circumvents that process, which may open it to other folks coming in to circumvent it also. This is a big deal. We have a drought in our state. During the summer, my

colleague in the Senate from White Pine County was telling me how terrible it was that they were having to bring in water for their animals that feed their family on many hundreds of acres. I want to be sure that this would not allow other folks to come in and circumvent the system.

Our current process, found in *Nevada Revised Statutes* Chapter 533, is very contentious, and we have had many Supreme Court lawsuits. I would like you to explain to me the process that this bill would allow for, especially when, in section 12.5, subsection 1, paragraph (e), it talks about how nobody in the federal government can come and tell us what to do. The last time I checked, the federal government preempted us in many areas. I supported the bill of my colleague from Sparks to ensure that our sheriffs can work hand in hand when we have contentious issues within our state to make sure that there is no drama. I would like to understand the process. Water is very special in this state. We are one of the few states that have very special water laws. It is in our *Constitution*, so I would like to understand how this amendment works.

ASSEMBLYWOMAN SHELTON:

In regard to the water rights, BLM [Bureau of Land Management] claimed over 2,700 water rights in Nevada. Each of those water rights once belonged to a Nevada citizen: a rancher, a farmer, a miner, or someone else with a dream. The Bureau of Land Management and other federal agencies have also adversely taken water rights from individuals and are now claiming them in Nevada's own water registry. The Legislative Counsel Bureau did send out a letter, attached with this amendment, stating this is unconstitutional. They are going by case law that has been brought up in the past. I would also like to mention, there have been several other times that the Supreme Court has called things unconstitutional in our past history of the United States. I would like to bring that to the attention of everybody here.

ASSEMBLYMAN EDWARDS:

I rise with a couple of questions of clarification. Looking at the bill, it talks about establishing funding for the Attorney General and also taking in grant money. It seems as though we are going to be raising a whole lot of money, but not enough money through grants. I see that this is going to ultimately lead to taxes, which I am quite sure many of the tax-pledge signers would be opposed to because they do not want to have to deal with the bad press. I want to bring that to their attention and ask them if, in fact, this will bring about taxes. I do not see anywhere else in the bill that really affords the total cost of the Attorney General fighting all these lawsuits.

The second thing that I would like to know is, this seems to violate the Federal Supremacy Clause that has been established for almost 200 years, and I wonder about the dangers that would be incurred. . .

ASSEMBLYWOMAN CARLTON:

I am sorry to interrupt my colleague, but point of order. He is addressing the wrong amendment.

ASSEMBLYMAN WHEELER:

I am well known in this Chamber as a strong Tenth Amendment advocate. I am also well known in this Chamber as one who would like to get the control of our lands back. I must rise in absolute opposition to this amendment. The way I read this amendment, my colleague from District 1 is exactly 100 percent right. Almost anyone could walk in and claim beneficial use of our water rights. Given such, I must vote no on this amendment, and I hope you will join me.

ASSEMBLYWOMAN SWANK:

I have a question for my colleague from District 10. As I look through section 12.5, I see there are a lot of uses for the land that are guaranteed to residents of this state. I know that just recently we passed a bistate compact to protect the sage grouse, and this is something that we have been working really hard on in the state of Nevada to make sure that we can keep our sage grouse numbers up. I know we also have an issue with the desert tortoise that is endangered—well, not quite endangered. I am wondering, what is the process by which we are going to ensure that these habitats stay in place if we are going to have relatively unrestricted use of our public lands by motorized vehicles and hunters? Think of folks who are the nonconsumptive users—the hikers and the campers who actually come to see these animals and their habitats. I am wondering what process there is for making sure we maintain all of these habitats.

ASSEMBLYWOMAN SHELTON:

You are right. This would allow for everything to work together as far as your habitats or the areas of critical environmental concern. I know that the federal government has already filed with the federal registry to make 3.1 million acres just in southern Nevada areas of critical environmental concern. Your concern for the turtles or the sage grouse will still be addressed because they are still allowed access.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

My concerns come from the general angst that might come with being a Nevadan and knowing how precious our water is and knowing that whenever we start to mess with chapters that are essentially sacred, dealing with our water rights, we undo processes that have been in place for a long time. Junior water rights, senior water rights, vested water rights—these are not things that we can take lightly or amend away lightly.

Not only that, but we want to consider the message we are sending to the rest of the United States—how sensitive as a state we have to be to Chapter 538, especially with our water compacts. Water for southern Nevada originates in Colorado. Water for northern Nevada originates in California with the Truckee River. The Truckee River is the most adjudicated river in these United States. When we send the message that we are going to start to peel away or change, through a ten-minute floor discussion, any water rights, it puts us in a very precarious position.

We have a saying here in Nevada: Fight for gold, kill for water. Fight for gold, kill for water.

ASSEMBLYWOMAN CARLTON:

To the sponsor of the amendment, at the beginning of her statement she alluded to a constitutional issue and stated there was a note attached to the amendment about the constitutionality. I would like that statement to be shared with the body so that everyone has the same information, because it is not attached to my amendment.

ASSEMBLYWOMAN SHELTON:

I can definitely get that for her. I just did not know that it was supposed to go with the amendment.

ASSEMBLYWOMAN CARLTON:

That is fine. Mr. Speaker, if we could, as this procedure winds down toward the end of the day, I would definitely like that statement to be included in the record. I think it is very important that all information pertaining to this amendment is made part of the record.

Without objection, Mr. Speaker directed that the following letter from Brenda J. Erdoes, Legal Counsel, Legislative Counsel Bureau, be made part of the record.

April 20, 2015

Speaker John Hambrick
Assembly Chambers
Dear Speaker Hambrick:

You have asked to be informed when we have identified constitutional problems with a particular bill or amendment during the drafting process. This letter is to notify you that, based on the authorities and analysis provided in this letter, it is the opinion of this office that Amendment No. 642 to the First Reprint of Assembly Bill No. 408 presents such constitutional problems. Amendment No. 642 proposes to amend the provisions of chapter 321 of NRS governing public lands in a manner which restricts the Federal Government from managing and controlling public lands in this State in accordance with federal laws and regulations. For the reasons set forth below, it is the opinion of this office that, if enacted into law in its current form, the amendment would be found unconstitutional.

Amendment No. 642 proposes to amend the provisions of chapter 321 of NRS governing public lands by adding a new section to that chapter concerning the use of public lands in Nevada that are currently managed and controlled by the Federal Government. Specifically, the amendment will add a new section to that chapter that will, if enacted: (1) ensure that the right of the residents

of this State to access and use any public lands in this State for camping, fishing, hiking, hunting, rock climbing, trail riding, including motorized vehicles, or any other recreational use must not be infringed and will require those lands to be administered in a manner which ensures multiple uses of those public lands for those residents; (2) provide that the beneficial use of any resources located on deeded property in this State, including, without limitation, the development of any subsurface minerals, shall be deemed to be reserved to the owner of the property; (3) provide that a person who owns any stock watering rights pursuant to chapter 533 of NRS shall be deemed to be the owner of any grazing rights for stock watering rights; (4) prohibit the Federal Government and any officer or agent of the Federal Government from enforcing any law or regulation in this State except on land for which this State has given its consent to acquisition by the United States in accordance with Clause 17 of Section 8 of Article 1 of the Constitution of the United States; (5) prohibit the Federal Government and any governmental entity located outside this State from filing an application for, being issued a permit or certificate for, owning or otherwise claiming any stock watering rights on any land in this State other than land for which such consent has been given; and (6) provide that any land, water or other natural resource to which the Federal Government claims ownership in this State, other than on land for which such consent has been given, shall be deemed to be the common property of the residents of this State and must be acquired and used in the same manner as a right to appropriate water for a beneficial use pursuant to NRS 533.324 to 533.435, inclusive. For the purpose of those provisions, Amendment No. 642 defines "public lands" to include "any public lands managed and controlled by the Federal Government in this State." Additionally, Amendment No. 642 will, if enacted, amend the current provisions of existing law set forth in NRS 248.090 to provide that the sheriffs and their deputies in this State "are the primary law enforcement officers in their respective counties" and that any "exercise of law enforcement authority in a county in this State must be authorized by the sheriff of that county." Finally, Amendment No. 642 will, if enacted, remove the existing provisions of NRS 248.090 which impose a duty on sheriffs and their deputies to (1) keep and preserve the peace and quiet; (2) suppress all affrays, riots and insurrections; (3) provide service of process in civil and criminal cases; and (4) apprehend or secure any person for a felony or breach of the peace.

In determining the constitutionality of Amendment No. 642, it is important to consider that the principal source of federal power to regulate and manage the public lands in this State is set forth in the Property Clause of the United States Constitution, which provides, in relevant part, that "[t]he Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." U.S. Const. art. IV, § 3, cl. 2. It has long been held that the power of the Federal Government over the public lands entrusted to Congress pursuant to this clause is without limitation, Kleppe v. New Mexico, 96 S. Ct. 2285, 2291 (1976), and the exercise of that power may not be curtailed by state legislation. Denee v. Ankeny, 38 S. Ct. 226, 227 (1918); Itcaina v. Marble, 56 Nev. 420, 433 (1936). When Congress exercises its exclusive right to control and dispose of the public lands of the United States, neither a state nor any state agency has any power to interfere. United States v. Montgomery, 155 F. Supp. 633, 635 (D. Mont. 1957). The United States Supreme Court and various federal courts have expanded these holdings to the extent that the power over federally owned public land entrusted to Congress by the Property Clause of the United States Constitution is substantially without limitation. *See* California Coastal Comm'n v. Granite Rock Co., 107 S. Ct. 1419, 1425 (1987); and Nevada v. United States, 512 F. Supp. 166, 171 (D. Nev. 1981) The basic import of these holdings is that Congress may adopt any regulations concerning public lands so long as the regulations do not violate some specific provision of the United States Constitution.

The provisions of clause 17 of section 8 of article I of the United States Constitution, commonly referred to as the "Enclave Clause," provide another source of federal authority to regulate and manage lands belonging to the United States. Those provisions state, in relevant part, that "[t]he Congress shall have Power To . . . exercise exclusive Legislation . . . over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings." U.S. Const. art. I, § 8, cl. 17. Pursuant to those provisions, the Federal Government may acquire land within a state by purchasing the land with the consent of the legislature of the state in which the land is located. The phrase "exclusive [l]egislation" used in those provisions has been construed to mean exclusive

jurisdiction. Thus, where the Federal Government acquires land in accordance with those provisions, the Federal Government retains exclusive jurisdiction over that land and state laws generally do not apply within the area so acquired. Surplus Trading Co. v. Cook, 50 S. Ct. 455, 457 (1930) (holding that personal property belonging to a defendant located on a federal military installation in Arkansas was not subject to the laws of Arkansas taxing personal property in that state).

Despite the expansive reading by the courts of the power of Congress over public lands pursuant to the Property Clause and the Enclave Clause, the states are allowed, to a limited extent, to regulate areas in the federal public domain. States may enact quarantine rules and measures to prevent breaches of the peace, or prescribe other reasonable police regulations so long as the regulations are not arbitrary or inconsistent with applicable congressional enactments. *See* McKelvey v. United States, 43 S. Ct. 132, 135 (1922); In re Calvo, 50 Nev. 125, 135 (1927); Hagood v. Heckers, 513 P.2d 208 213 (1973); 43 Op. Att'y Gen. (1931). The United States does not in every case acquire exclusive jurisdiction when it receives title to lands located within a state. Acquisition by the United States of title to lands within the boundaries of a state is not sufficient in itself to exclude the state from exercising any legislative authority, including its taxing and police power, in relation to property and activities of individuals and corporations within the state. It must appear that the state, by consent or cession, has transferred to the United States that residuum of jurisdiction which it would otherwise be free to exercise before exclusive jurisdiction is acquired by the United States. State v. Cline, 322 P.2d 208, 213 (Okla. 1958). However, where Congress acts under the Property Clause by providing rules and regulations for public land, any state law which conflicts with federal law is superseded and must recede. *See* Bilderback v. United States, 558 F. Supp. 903 (D. Or. 1982); United States v. Brown, 431 F. Supp. 56, 63 (D. Minn. 1976); Ansolabehere v. Laborde, 73 Nev. 93, 107 (1957). Consent or cession of jurisdiction of a state is not required when Congress acts pursuant to its plenary authority to regulate public lands. United States v. Bohn, 622 F.3d 1129, 1134 (9th Cir. 2010); Nevada v. Watkins, 914 F.2d 1545, 1552 (9th Cir. 1990). Therefore, even though the State of Nevada may have a limited amount of concurrent jurisdiction over federal public lands under its taxing and police power, any state laws passed which conflict with existing federal laws are superseded under the Supremacy Clause of the United States Constitution.

Various persons and groups who criticize the authority of the Federal Government to manage and control lands in Nevada have often based their criticism in part upon the theory that the United States may not acquire title to land within a state unless the land was purchased with the consent of the legislature of the state in accordance with the provisions of the Enclave Clause. Because most federal public lands in Nevada were never acquired in this manner, those persons and groups argue that the Federal Government has unconstitutionally acquired title to the public lands in Nevada and therefore any federal law pertaining to the public lands has no effect. This argument has been rejected by the courts. The United States Supreme Court has long recognized that the United States, at the discretion of Congress, may acquire and hold real property in any state, whenever such property is needed for the use of the government in the execution of any of its powers, whether for arsenals, fortifications, light-houses, custom-houses, barracks or hospitals, or for any other of the many public purposes for which such property is used. Van Brocklin v. Tennessee, 6 S. Ct. 670, 672 (1886). Although the mode in which the United States may acquire property is not prescribed by the Constitution, In re Will of Fox, 52 N.Y. 530 (N.Y. 1873), aff'd, 94 U.S. 315 (1877), Courts have held that the provisions of the Enclave Clause are not restrictive of the power of the United States to acquire lands for other governmental purposes and functions, United States v. Vogler, 859 F.2d 638, 641 (9th Cir. 1988), and those large areas of public lands used for forests, parks, ranges, wildlife sanctuaries, flood control and other such purposes are not covered by the Enclave Clause. Collins v. Yosemite Park & Curry Co., 58 S. Ct. 1009, 1014 (1938). Courts have also held that exclusive jurisdiction over land located within the boundary of a state may be obtained by: (1) excepting the land from the jurisdiction of the state upon admission of the state into the union; (2) cessation of jurisdiction from the state to the Federal Government; and (3) pursuant to the Enclave Clause. State v. Cline, 322 P.2d 208, 212 (Okla. 1958); Richardson v. Turner, 401 P.2d 443, 444 (Utah 1965). Based upon these authorities, it is clear that the United States may acquire property located within a state by means and for purposes other than those provided for in the Enclave Clause. This Clause simply establishes the exclusive jurisdiction of

the United States over property which is acquired in the manner provided in the Enclave Clause. This clause does not dictate the only method by which the United States may gain title to property located within a state.

Based upon these authorities, it is clear that Congressional power to prescribe rules and regulations concerning public lands entrusted to Congress is firmly entrenched, and ample authority exists upon which to invalidate state laws which conflict with federal laws concerning the management and control of federal public lands.

In addition to the general authority of the Federal Government to regulate and manage the public lands discussed above, several courts have specifically ruled on the issue of whether the Federal Government owns the public lands in Nevada, and at least one court has held that Nevada's current statutory claim of ownership to the unappropriated public lands in this State set forth in NRS 321.596 to 321.599, inclusive, is unconstitutional and fails as a matter of law.

Before discussing the holdings in those cases, it may be helpful to provide a brief discussion concerning the provisions of NRS 321.596 to 321.599, inclusive, which set forth the statutory claim of ownership of the State of Nevada to certain public lands located within this State. Specifically, the provisions of NRS 321.5973 state that "[s]ubject to existing rights, all public lands in Nevada and all minerals not previously appropriated are the property of the State of Nevada and subject to its jurisdiction and control." The provisions of NRS 321.5963 define the term "public lands" to mean:

> [A]ll lands within the exterior boundaries of the State of Nevada except lands:
>
> (a) To which title is held by any private person or entity;
>
> (b) To which title is held by the State of Nevada, any of its local governments or the Nevada System of Higher Education;
>
> (c) Which are located within congressionally authorized national parks, monuments, national forests or wildlife refuges or which are lands acquired by purchase consented to by the Legislature;
>
> (d) Which are controlled by the United States Department of Defense, Department of Energy or Bureau of Reclamation; or
>
> (e) Which are held in trust for Indian purposes or are Indian reservations.

The provisions of NRS 321.597 require the Division of State Lands of the State Department of Conservation and Natural Resources to "hold the public lands of the State in trust for the benefit of the people of the State."

In United States v. Nye County, 920 F. Supp. 1108 (D. Nev. 1996), the defendant Nye County, through its Board of County Commissioners, adopted a resolution claiming that the State of Nevada owned the public lands to which the provisions of NRS 321.596 to 321.599, inclusive, apply, and that the United States lacked the authority to manage those public lands within the boundaries of Nye County. The Board of County Commissioners also adopted a resolution declaring that certain roads, highways and other rights-of-way located on or crossing over those public lands were public roads of Nye County and were the property of Nye County. After those resolutions were adopted, a member of the Board of County Commissioners used a bulldozer owned by Nye County to reopen a road located within the Toiyabe National Forest which had been closed by the United States Forest Service. Id. at 1111. In response, the United States filed a civil complaint against Nye County in which it sought a declaratory judgment indicating that the United States owns and has the authority to manage the disputed public lands in Nye County and that the resolutions adopted by Nye County were preempted under federal law. Id. at 1110. In granting summary judgment in favor of the United States, the United States District Court for the District of Nevada stated that Nevada's statutory claim of ownership of the unappropriated public lands of the United States is "unsupported, unconstitutional, and fails as a matter of law." Id. at 1114. The Court further held that "the United States owns and has the power and authority to manage and administer the unappropriated public lands and National Forest System lands within Nye County, Nevada." Id. at 1120.

Similarly, in United States v. Gardner, 107 F.3d 1314 (9th Cir. 1997), the defendants appealed the granting of an injunction and the imposition of a fee against the defendants for engaging in unauthorized grazing upon lands managed by the United States Forest Service. In affirming the injunction and the imposition of the fee, the United States Court of Appeals for the Ninth Circuit

rejected the assertion made by the defendants that they were not required to obtain a grazing permit or pay fees for grazing on public lands managed by the United States Forest Service because those lands do not belong to the United States. The Court firmly rejected that argument and held that the United States is not required to hold, in trust for the establishment of future states, any public lands it acquires within the boundaries of this State and that the United States has authority under the Property Clause to "administer its federal lands any way it chooses." Id. at 1318. The Court further held that the Equal Footing Doctrine does not "operate . . . to give Nevada title to the public lands within its boundaries." Id. at 1319.

It is important to note that the holdings in Nye County and Gardner comport with the holding in the early case of Vansickle v. Haines, 7 Nev. 249 (1872) (overruled on other grounds in Jones v. Adams, 19 Nev. 78, 88 (1885)), wherein the Nevada Supreme Court stated that the United States has "absolute and perfect" title to the unappropriated public lands in Nevada. Vansickle, 7 Nev. at 260. In support of its conclusion, the Court stated that the:

> United States is the unqualified proprietor of all public land to which the Indian title has been extinguished. Certainly there is none other who has any right to, or claim upon it, which in any way qualifies the right of the federal government. *Although it has sometimes been suggested that the unoccupied lands belonged to the several states in which they may be located, the suggestion has never received the serious sanction of statesmen, or the courts of the country*.

Id. at 261 (emphasis added).

Based upon the holdings in these cases, it is well-settled that the United States has been judicially declared to be the owner of the unappropriated public lands in this State and, as such, has the authority to manage and control those public lands. It is also well-settled that Nevada's current statutory claim of ownership over those public lands set forth in NRS 321.596 to 321.599, inclusive, is unconstitutional and fails as a matter of law.

Based upon the authorities discussed above concerning the authority of the Federal Government to manage and control federal public lands in this State, the provisions of Amendment No. 642 will, if enacted, directly conflict with that authority. The Federal Government currently exercises significant regulatory authority over the federal public lands in this State in accordance with numerous provisions of federal law, including, without limitation, the General Mining Laws of 1872, 30 U.S.C. §§ 21 et seq., the Taylor Grazing Act of 1934, 43 U.S.C. §§ 315 et seq., the Desert Land Act of 1877, 43 U.S.C. §§ 321 et seq., the Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq., and the Public Rangelands Improvement Act of 1978, 43 U.S.C. §§ 1901. Specifically, Congress has declared that "[a]ll valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase." 30 U.S.C. § 22. Congress has also declared, that "it is the policy of the United States that . . . the public lands be retained in Federal ownership, unless as a result of the land use planning procedure provided for in [the Federal Land Policy and Management] Act, it is determined that disposal of a particular parcel will serve the national interest." 43 U.S.C. § 1701. As to the National Park System, the purpose of the System is to "conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life . . . for the enjoyment of future generations." 54 U.S.C. § 100101. In addition, as to entries made on public lands and patents issued under the provisions of federal law concerning stock-raising homesteads, Congress has required "[a]ll entries made and patents issued under the provisions of this Act [to] be subject to and contain a reservation to the United States of all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine and remove the same." 43 U.S.C. § 299. Those provisions are a clear indication of the intent of Congress to retain management and control of the public lands in this State. In direct conflict with those provisions, Amendment No. 642 will, if enacted, prohibit the Federal Government from claiming ownership of any land, water or other natural resources on public lands which the Federal Government currently

administers for mining operations and other activities under applicable federal laws and regulations, and those provisions will deem the land, water or natural resources to be the "common property" of the residents of this State. Furthermore, the Amendment will reserve to the owner of any "deeded property" in this State the right to the development of any subsurface minerals on the property. If the property consists of land that was acquired as a homestead for which the United States has reserved any coal or other minerals in that property pursuant to 43 U.S.C. § 299, the provisions of Amendment No. 642 would be contrary to applicable federal law. As such, all of these provisions would, if enacted, directly conflict with the authority of the Federal Government to manage and control the federal public lands in this State.

In addition to the issue concerning the enactment of laws by the State of Nevada which directly conflict with federal laws and regulations, the Supreme Court of the United States has held that state laws which are hostile to federal interests concerning public lands or which interfere with or otherwise handicap the efforts of federal agencies to carry out a national purpose are invalid. *See* North Dakota v. United States, 103 S. Ct. 1095, 1105 (1983); United States v. Little Lake Misere Land Co., 93 S. Ct. 2389, 2399 (1973); James Stewart & Co. v. Sardrakula, 60 S. Ct. 431, 436 (1940). This concept was borrowed by the court from the area of labor relations, stating that "incompatible doctrines of local law must give way to principles of federal labor law." UAW v. Hoosier Cardinal Corp., 86 S. Ct. 1107, 1111 (1966). Other federal courts have reiterated and relied upon these holdings to invalidate various state laws when those state laws have been applied to federal interests. *See* Central Pines Land Co. v. United States, 274 F.3d 881, 890 (5th Cir. 2001) (stating that the application of state laws may in some instances so strongly conflict with federal interests that those laws may be rejected without further analysis); LaFargue v. United States, 4 F. Supp. 2d. 593 (E.D. La. 1998) (holding that a law of the State of Louisiana which prohibited the Federal Government from selling certain pipeline rights-of-way separately from a related gas facility was inconsistent with and therefore inapplicable to federal interests in carrying out the Energy Policy and Conservation Act, 42 U.S.C. §§ 6201 et seq.); Sierra Club v. Marsh, 692 F. Supp. 1210, 1214 (S.D. Cal. 1988) (holding that a city ordinance which prohibited the transfer of certain land to the Federal Government in its attempt to carry out the provisions of the Endangered Species Act, 42 U.S.C. §§ 4321 et seq., was hostile to federal interests and therefore inapplicable to the transaction). At least one state court has held that state legislation which is "manifestly hostile" to the exercise of rights granted by a federal statute cannot stand. Fullerton v. Lamm, 163 P.2d 941, 945 (Or. 1945). The thrust of the holdings in these cases is that if a state enacts a state law which, either on its face or in its effect, is hostile to federal interests or impermissibly interferes or strongly conflicts with or handicaps the efforts of any agency of the Federal Government in carrying out federal laws having a national purpose, the state law may be struck down.

Finally, the concurring opinion of Justice Rehnquist in United States v. Little Lake Misere Land Co., *supra,* stated that the "doctrine of intergovernmental immunity enunciated in McCulloch v. Maryland, however it may have evolved since that decision, requires at least that the United States be immune from discriminatory treatment by a State which in some manner interferes with the execution of federal laws." Little Lake Misere Land Co., 93 S. Ct. at 608 (citation omitted). This prohibition against discriminatory treatment has been reiterated to a certain extent by the Ninth Circuit in Clifton v. Cox, 549 F.2d 722 (9th Cir. 1977), wherein the Court stated that "[o]ne of the basic tenets in the application of the Supremacy Clause is that the states have no power to determine the extent of federal authority. To rule otherwise would allow a state to punish the exercise of federal authority under the guise of questioning the right of federal officials to act." Id., at 730 (footnote omitted). The Nevada Supreme Court has made similar statements in State v. Morros, 104 Nev. 709 (1988), wherein the Court held that, as to the issue of the application of state water law to the Federal Government, the United States is to be "treated as a person . . . it is not to be feared, given preferential treatment and certainly not discriminated against." Id., at 717. The Nevada Supreme Court has also held that the plain language of the provisions of chapter 533 of NRS governing the appropriation of water for a beneficial use do not prohibit the Federal Government, through the Bureau of Land Management, from applying for and receiving a permit for a stock watering right in the name of the United States. United States v. State Engineer, 117 Nev. 585, 587 (2001). The provisions of Amendment No. 642, if enacted, will prohibit the Federal Government from holding a permit or certificate for a stock watering right or from owning or

otherwise claiming a stock watering right in this State. The provisions of Amendment No. 642 will also prohibit the Federal Government and any officer or agent of the Federal Government from enforcing any law or regulation in this State except on land acquired under the Enclave Clause. As such, the provisions of the amendment are hostile to federal interests concerning federal public lands and would handicap and interfere with the efforts of federal agencies to carry out federal laws enacted for a national purpose and will not withstand a constitutional challenge.

In conclusion, it is the opinion of this office that the provisions of Amendment No. 642 would, if enacted, be constitutionally invalid. The authority of the United States to acquire and control the public lands located in this State is extensive, and ample bases exist upon which a court could invalidate any state laws which are in direct conflict with existing federal laws concerning those public lands or which are hostile to or interfere with the exercise of federal authority over public lands. The provisions of Amendment No. 642 which propose to prohibit or limit the activities of the Federal Government in this State which the Federal Government is currently authorized to engage in under federal laws are in direct conflict with and would be superseded by those federal laws. Additionally, the provisions of Amendment No. 642 which attempt to prohibit the Federal Government from applying for a permit or certificate for a stock watering right and which restrict the Federal Government in the enforcement of laws and regulations on those public lands would be held to be manifestly hostile to federal interests and discriminatory towards the Federal Government in carrying out policies of national concern. As such, it is the opinion of this office that under the current precedent, the provisions of Amendment No. 642, if enacted, would be held unconstitutional.

If you have any further questions regarding this matter, please do not hesitate to contact this office.

Sincerely,
Brenda J. Erdoes
Legislative Counsel

cc: Assemblyman Paul Anderson, Assembly Majority Leader

ASSEMBLYMAN ELLISON:

Maybe I can help a little bit on this. I co-sponsored Assembly Bill 277 of the 2013 Session on public land rights. This year I was a co-sponsor of Senate Joint Resolution 1, which is about the rights of Nevada. That is a whole different ball game than what Assembly Bill 408 does. What S.J.R. 1 does is ask that the state be given control of lands only on areas that the BLM already has set for disposal.

The big thing to come up just now was water rights. Water rights are vested. They are owned by the state; you have to show beneficial use. You cannot just go and say, "It is mine," and take it. Without beneficial use, you lose those rights. In addition, rights to public lands and access are vested through grazing rights. You cannot determine anything more than the grazing rights on public lands.

I think the sponsor of the bill was trying to address some of the issues that happened last year out there in Clark County. Water facilities were shot up and destroyed, that water was wasted, and cattle died. The other thing was denying access to public lands which crossed private property, and I think the sponsor of the bill could probably address that also. What she was trying to do in her amendment to this bill was address those issues.

ASSEMBLYWOMAN FIORE:

Looking at Amendment 642, I love what my colleague from the north talked about—we will fight for this, and we will kill for water. That is exactly what I think people are missing on this bill. When it is stated that the amendment is unconstitutional, it is not unconstitutional. That is a legal opinion from our staff. As lawmakers, we have staff that give us their opinion. That opinion is based on court cases, not the *Constitution*.

I want to make sure that you guys are aware that we are fighting for our water—to keep our water, north and south, and not let the federal government own it. If you go to the water district website and type in "BLM" or the "United States," you will find they own more water than we do.

I rise in support of Amendment 642. We have to start somewhere to make changes in this state. In order to do that, we have brought the fight here to Carson City, to lawmakers, to protect our

folks and to fight for them and not leave them stranded out there. I think you guys are misunderstanding Amendment 642. I rise in support of Amendment 642, and I urge my colleagues to support it as well.

Assemblywomen Fiore, Benitez-Thompson, and Kirkpatrick requested a roll call vote on the motion to adopt Amendment No. 642 to Assembly Bill No. 408.

Roll call on motion.

YEAS—8.

NAYS—Elliot Anderson, Paul Anderson, Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Edwards, Flores, Gardner, Hambrick, Hickey, Joiner, Kirkpatrick, Kirner, Munford, Neal, Nelson, Ohrenschall, O'Neill, Oscarson, Seaman, Silberkraus, Spiegel, Sprinkle, Stewart, Swank, Thompson, Titus, Trowbridge, Wheeler, Woodbury—34.

Amendment failed.

The following amendment was proposed by Assemblywoman Fiore:

Amendment No. 595.

SUMMARY—Enacts provisions relating to ~~[certain uses of land and the exercise of law enforcement authority in this State.]~~ **governmental administration.** (BDR 26-1060)

AN ACT relating to governmental administration; **requiring the establishment of a fund to provide assistance to the Attorney General in defending or protecting certain interests of this State;** declaring the support of the Legislature for certain uses of private property and public lands in this State; authorizing the sheriff of a county to enter into an agreement with a federal agency concerning primary responsibility or the exercise of law enforcement authority on land managed by the federal agency under certain circumstances; providing that sheriffs and their deputies are the primary law enforcement officers in the unincorporated areas of their respective counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing the acquisition, use and management of state lands and certain other public lands in this State. (Chapter 321 of NRS) Section 10.5 of this bill requires the Secretary of the Interim Finance Committee to establish a fund to provide assistance to the Attorney General in defending or protecting: (1) the interests of this State and its residents in the ownership, management or control of any public lands in this State, including, without limitation, any public lands managed and controlled by the Federal Government in this State; and (2) the sovereignty of this State as impaired by the management and control of those public lands by the Federal Government.

Under existing law, the Legislature has declared that the public policy of this State is to continue to seek the acquisition of lands retained by the Federal Government within the borders of this State. (NRS 321.00051) **Section 11** of this bill expands that public policy to include: (1) support for an owner of private property in this State to use any resources located on that private property; (2) support for the members of the general public in this State to

access and use any public lands in this State for certain recreational activities; and (3) support for the residents of this State to use any public lands in this State in a manner which ensures multiple uses of those public lands for those residents.

Existing law sets forth the general powers and duties of sheriffs and their deputies in this State. (NRS 248.090-248.250) **Section 12** of this bill authorizes the sheriff of any county in this State to enter into an agreement with certain federal agencies pursuant to which the sheriff and his or her deputies are primarily responsible for the exercise of law enforcement authority on land managed by those federal agencies if the agreement: (1) requires the payment of fair compensation to the sheriff for exercising law enforcement authority based on federal statutes and regulations; and (2) provides that the federal agency recognizes the sheriff as the primary law enforcement authority on the land managed by the federal agency. **Section 13** of this bill provides that the sheriffs and their deputies are the primary law enforcement officers of the unincorporated areas of their respective counties.

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. 10.5. **Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Upon the commencement, maintenance or defense of any civil or criminal action in which the Attorney General determines any interest or the sovereignty of this State must be defended or protected pursuant to this subsection, the Attorney General may request that the Secretary of the Interim Finance Committee establish a fund to provide assistance to the Attorney General in defending or protecting:

(a) The interests of this State and its residents in the ownership, management or control of any public lands in this State, including, without limitation, any public lands managed and controlled by the Federal Government in this State; and

(b) The sovereignty of this State as impaired by the management and control of those public lands by the Federal Government.

2. The fund must be administered by the Interim Finance Committee which may:

(a) Apply for and accept any gift, donation, bequest, grant or other source of money for deposit into the fund; and

(b) Expend any money received pursuant to paragraph (a) in accordance with subsection 3.

3. The Attorney General may submit a request to the Interim Finance Committee for an allocation of money from the fund. In considering the request, the Interim Finance Committee may require any additional information specified by the Interim Finance Committee to consider the request. As soon as practicable after receiving the request, the Interim Finance Committee shall grant or deny the request and notify the Attorney General of its decision.

4. Any interest and income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund. The money in the fund must remain in the fund and does not revert to the State General Fund at the end of any fiscal year.

Sec. 11. NRS 321.00051 is hereby amended to read as follows:

321.00051 The Legislature hereby declares that the public policy of this State is ~~[to]~~ ***:***

1. To continue to seek the acquisition of lands retained by the Federal Government within the borders of this State ~~[.]~~ ***; and***

2. To support the ability of:

(a) An owner of private property in this State to use any resources located on that private property, including, without limitation, the development of any subsurface rights;

(b) The members of the general public in this State to access and use any public lands in this State, including, without limitation, any public lands managed and controlled by the Federal Government in this State, for camping, fishing, hiking, hunting, rock climbing, trail riding and any other recreational activity; and

(c) The residents of this State to use those public lands in a manner which ensures multiple uses of those public lands for those residents.

Sec. 11.5. **NRS 218E.405 is hereby amended to read as follows:**

218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.

2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, NRS 285.070, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.224, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.4905, 439.620, 439.630, 445B.830 and 538.650 ~~[.]~~ ***and section 10.5 of this act.*** In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet

separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.

3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:

(a) The Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;

(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and

(c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.

Sec. 12. Chapter 248 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The sheriff of a county in this State may enter into an agreement with a federal agency pursuant to which the sheriff and his or her deputies are primarily responsible for the exercise of law enforcement authority on land managed by the federal agency, if the agreement:

(a) Requires the payment of fair compensation to the sheriff for exercising law enforcement authority based on federal statutes and regulations on the land managed by the federal agency; and

(b) Provides that the federal agency recognizes the sheriff as the primary law enforcement authority on the land managed by the federal agency.

2. As used in this section:

(a) "Exercising law enforcement authority" and "exercise of law enforcement authority" means:

(1) To take any action to investigate, stop, serve process on, search, arrest, cite, book or incarcerate a person for a federal criminal violation when the action is based on a federal statute or regulation; or

(2) To gain access to or use the correctional or communication facilities and equipment of any state or local law enforcement agency.

(b) "Federal agency" means:

(1) The Bureau of Land Management;

(2) The Bureau of Reclamation;

(3) The National Park Service;

(4) The United States Fish and Wildlife Service; or

(5) The United States Forest Service.

Sec. 13. NRS 248.090 is hereby amended to read as follows:

248.090 ***1.*** Sheriffs and their deputies ***are the primary law enforcement officers in the unincorporated areas of their respective counties. In a county within the jurisdiction of a metropolitan police department, the sheriff and***

his or her deputies are the primary law enforcement officers in the unincorporated areas of the county and in any incorporated city whose law enforcement agency has been merged into the metropolitan police department.

2. Sheriffs and their deputies shall keep and preserve the peace in their respective counties, and quiet and suppress all affrays, riots and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony, or breach of the peace, they may call upon the power of their county to aid in such arrest or in preserving the peace.

Sec. 14. This act becomes effective upon passage and approval.

Assemblywoman Fiore moved the adoption of the amendment.

Remarks by Assemblymen Fiore, Sprinkle, Edwards, and Benitez-Thompson.

ASSEMBLYWOMAN FIORE:

Since we have plenty of time, we will go through Amendment 595 to Assembly Bill 408. Basically, this amendment authorizes the Attorney General to request the creation of a fund by the Interim Finance Committee [IFC] to provide assistance to the Attorney General to use in the defense or protection of the state's sovereignty and any interest of the state in managing or controlling public lands. It allows the IFC to accept gifts, grants, and donations for the fund and requires the IFC to notify the Attorney General of its decision. It must retain any unspent money at the end of the fiscal year and retain any earned interest.

Basically, Amendment 595 addresses the questions of my favorite colleague from Assembly District 19 regarding taxes and how we would raise money in defense of the previous amendment. Assembly Bill 595 is addressing that, so we will not have to fund fights for this with taxpayer dollars.

ASSEMBLYMAN SPRINKLE:

Not having had a lot of time to look at this amendment this evening, I do have a few questions for my colleague from the south in reference to section 10.5, subsections 1, 2, 3, and 4—pretty much the entire amendment. First off, I would like to know what exactly is the justification for the Attorney General, who already has a budget, to now need to establish a new budget within the IFC? I would certainly like to hear what that justification is for him to do his job to begin with.

Secondly, what authority actually exists to come to the IFC for creating such an account? I do not really think there is authority to do so. Finally, along the lines of previous questions, where exactly is the money going to come from for this account? I read in here about having the ability to go after grants and other funds. As far as I know, that is not in the purview of the IFC; they are not allowed to do that. I would certainly like to know the justification and if any of this is even allowed through IFC, because I do not believe it is.

ASSEMBLYWOMAN FIORE:

Thank you to my colleague from Assembly District 30. This amendment was prepared by our Legislative Counsel Bureau when I asked, How do we do this? This is exactly how we do this, according to our legal counsel. So if you doubt it, I suggest you talk to them.

ASSEMBLYMAN EDWARDS:

The bad news is, I still have a couple of questions for clarification. The good news is, I already asked most of it. I will blame it on the late hour. My eyes are failing, and I am just too eager to find out the answers to these questions.

When it comes to the funding, we have to fund a whole lot of things. As I discussed earlier, there are a lot of things we really need to fund. I think my other colleagues have presented well the fact that we already have funding for the Attorney General. Setting up an additional fund

through IFC is highly questionable, and I do not know exactly the rationale you were given. I do believe my other colleague talked about IFC and the way it works and I would defer to him.

Although my distinguished colleague from Assembly District 4 does not quite trust LCB's constitutional reading of case law that is, of course, based on the *Constitution*, I happen to have great faith in our LCB team and I will defer to LCB's legal advice on this amendment. Therefore, I have major problems with the constitutionality of it. I have a lot of problems with why we are setting up a separate fund for the Attorney General to do some kind of business that seems to violate the Supremacy Clause, which is kind of strange since I know my distinguished colleague from District 4 has great respect for the *Constitution* and our federal system. Therefore, I have a whole lot of trouble voting in favor of this amendment. I think we all need to have answers to these questions.

For the tax pledgers, I really do not think we are going to get enough donations at the door or on the street corners for this fund, which means we are going to have more taxes, which means we are going to violate that tax pledge again, and then you are going to have somebody not saying nice things about you in his little blog and those things will follow you, as you can expect.

ASSEMBLYWOMAN FIORE:

Mr. Speaker, can you stop this circus with Assemblyman from District 19. Could you just sit your ass down and be quiet.

Assemblywoman Kirkpatrick rose to a point of order regarding the disorderly use of words.

Mr. Speaker sustained the point of order.

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

Assembly in recess at 8:05 p.m.

ASSEMBLY IN SESSION

At 8:07 p.m.
Mr. Speaker presiding.
Quorum present.

ASSEMBLYWOMAN FIORE:

Mr. Speaker, I must apologize to my esteemed colleagues in the Chamber for my outburst.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

I just had a technical question. I was wondering if these funds were to be held restricted or unrestricted. What is the reasoning behind either restricted or unrestricted?

ASSEMBLYWOMAN FIORE:

Thank you for the question. This amendment would be restricted for the purposes of defending any lawsuits against our state.

Amendment lost.

Roll call on Assembly Bill No. 408:

YEAS—8.

NAYS—Elliot Anderson, Paul Anderson, Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Dickman, Edwards, Flores, Hambrick, Hickey, Joiner, Kirkpatrick, Kirner, Munford, Neal, Nelson, Ohrenschall, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Spiegel, Sprinkle, Stewart, Swank, Thompson, Trowbridge, Wheeler, Woodbury—34.

Assembly Bill No. 408 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 91.

Bill read third time.

Remarks by Assemblymen Benitez-Thompson, Moore, Kirkpatrick, Fiore, Jones, Titus, Hickey, Seaman, and Oscarson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Assembly Bill 91 expands the list of persons authorized to file an application for the emergency admission of an alleged person with mental illness to include a physician assistant. In addition, a physician assistant is authorized to file a petition for the involuntary court-ordered admission of such a person to a mental health facility or to a program of community-based or outpatient services. The measure expands the list of health professionals authorized to complete a certificate stating that a person has a mental illness and because of that mental illness is likely to harm himself, herself, or others, if not admitted to certain facilities or programs. A public or private mental health facility must notify a family member or other person with a legitimate interest in a person who has an emergency admission or involuntary court-ordered admission to a facility. This requirement is not applicable if an admission was filed by a spouse, legal guardian, or adult child of a person.

The State Board of Nursing and the Board of Examiners for Social Workers are required to adopt regulations prescribing the psychiatric training and experience necessary for the professionals they license in order to meet the qualifications to complete the certificate. A mental health facility, hospital, community-based or outpatient program, or other treatment provider shall report certain information on involuntary admissions to the Legislature. Lastly, the bill prohibits a person who is related to a person with mental illness by blood or marriage within the second degree of consanguinity or affinity from completing an application or certificate.

For those of us who served last session and through the interim, we know that we went through a very painful process as legislators. We were embarrassed as a state with lawsuits brought against our mental health system. We heard stories of how poorly our mentally ill were treated, and the state reacted. The state reacted with changes to funding and policy. This bill presented before you represents two different recommendations coming out of the Behavioral Health and Wellness Council. If you want to read all of the recommendations, this is the December 2014 report to the Governor. Specifically, these are recommendations numbers 3 and 9. Why did we have to work so diligently to change these particular statutes? Let me refer you to three different news articles that give you highlights of what we as a Legislature are trying to address.

May 1, 2013, *Las Vegas Review-Journal*, Mentally Ill Patients Stack Up at Local Hospitals

> The problem reached a critical point Monday afternoon at University Medical Center which declared an "internal disaster" because of the overflow of mentally ill patients. UMC shut down its adult emergency room to arriving ambulances for 12 hours, the hospital's chief of staff and head of emergency services said Wednesday. "The situation is unfair to mentally ill patients going untreated and to those with physical ailments whose emergency room waits have gotten longer," said Dr. Dale Carrison. "The worst thing about this is that state government is doing nothing to change it," he added.

The problem went on. February 26, 2014, *Las Vegas Review-Journal*

> Hospital emergency rooms throughout the valley are closing their doors to ambulances because the mentally ill are now occupying available beds at a rate higher than in 2004, when the problem prompted then Governor Kenny Guinn to release emergency funds after Clark County declared a state of emergency.

The problem still went on. August 20, 2014, *Las Vegas Review-Journal*

> Local emergency rooms remain in "crisis mode" as mentally ill patients seeking care continue to overload hospitals ill-equipped to meet their needs. Within the last 30 days, at least three hospitals have been forced to close their emergency departments to new patients. Over the last 30 days, the emergency department at the St. Rose de Lima campus has closed to new patients four times for a total of 54 hours because it had reached capacity.

There has been a crisis. We as a state have worked hard to address it, but we are not doing right by our mentally ill by holding them longer than we have to because we have an inefficient process that will not work. We are not doing right by anyone in this state by not supporting a system of care that can treat these people properly, address their needs, and get them back to a place where they can be safe and secure. I urge your support on A.B. 91.

ASSEMBLYMAN MOORE:

I rise in strong opposition to Assembly Bill 91. The Nevada Psychiatric Association's Lesley Dickson, M.D., does not support this bill. The Nevada Psychiatric Association has told me they were not consulted on this bill at all and, therefore, they have serious concerns about the problems that it is attempting to solve. I, too, have concerns. We are talking about taking people's freedom away. This expands the number of people to include a physician assistant, a clinical social worker, an advanced practice nurse, or an "accredited agent of the Department." Can someone please explain what the "Department" is?

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Thank you for the question. It is an excellent one. All you have to do is read the chapter to know. There are three different types of admissions that can be made. Each of them has statutes addressing it. All of them fall within the Department of Health and Human Services. You have a voluntary admission, you have an emergency admission, and then you have an involuntary admission. You can read NRS [*Nevada Revised Statutes*] 433A.200, NRS 433A.115, and NRS 433A.160.

And to say that no one was consulted on this is absolutely inaccurate, for the record. You can read the report that is right here. You can read about the stakeholders who were brought to the table to develop good public policy. You can read about the conversations and how we were going to make a fair and equitable system. Most importantly, you want to remember that the thing that is least fair is holding people longer than 72 hours because we do not have a process in place that can take them off of a certification. Now we are saying, you do not get to be just a social worker to do this process. You have to be a clinically licensed social worker, which means you have to have a master's degree and clinical hours of training and psychiatric training above it. We are not saying that you are just an RN [registered nurse]; we are saying that you are an advanced practice RN with psychiatric training. We are bringing the standards up in this bill, and it is a good thing.

ASSEMBLYMAN MOORE:

Thank you, my esteemed colleague from District 27. Thank you for clearing that up for me. I will read that. I did not say that no one was consulted; I simply said that the Nevada Psychiatric Association said to me that they were not consulted. Also, this question was asked twice in committee by two different people. Does this bill in any way expand the number of persons who can commit someone involuntarily? The answer given was no. The very first line of the bill states that it does. I would like that on the record.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Assembly Bill 91. I would like to clear up a couple of comments that were made. I know that I was a little bit passionate on Friday, and I chose to leave the floor rather than to display my anger. I am concerned about the decorum in the building as a whole. I worked with my colleague from Assembly District 8. I stood up and I supported his amendment. I addressed his concerns. I do not disagree that he does not ever have to like the bill. That is fine, but I do want to make the record clear.

I spent my Sunday sending out a report that was put together over six or seven months, with many people being part of the process. There were well over 20 people who were on the committee. Dr. Dickson was in the room; you can go back to the minutes and look at that. She did have the opportunity to have discussion so she was part of the process. I am aware of the letter that she sent out recently stating that she had some concerns. I have agreed to address those concerns. But this was a six-month process to address this issue, and many of our leaders from both houses sat in on it.

Folks, do not forget: We have a lot of lawsuits regarding this. We have lots of things that we need to do better, and for people to say that we have not been putting money into mental health, that is not true. I have been in this building so long and my former colleague, Sheila Leslie, did a report in 2008. Guess how much this body has done since 2008? A big fat zero. Do you know why? Because we did not take it seriously. We take it seriously now that we have a huge lawsuit pending.

I understand there are concerns about who is part of that process. It would be very unfortunate if this bill went down because at the end of the day, our responsibility as legislators is to look out for those who cannot look out for themselves. Our responsibility is to make sure they get the services that they need so they can get back on track, so they can be part of our society, so they can work, so they can raise their families, and so they can live in their own homes.

I respect the opinion of my colleague from Assembly District 8, but I want the record to be clear. Every legislator has the report of the final recommendations. It is recommendation number 9 which addresses this issue. I have thousands of papers if anyone would like further documentation. My colleague from Reno, who at the time was the Minority Leader, sat with me on that committee. It was not an easy committee to be on. Eight to ten hours every single day for two days in a row, every other week, and that did not count all the extra stuff we did. We brought in professionals from around the country. These are their recommendations. I am happy to work with Dr. Dickson regarding the concern that she had, but this is a bigger issue. I would encourage my colleague to support it so that we can move it forward.

ASSEMBLYWOMAN FIORE:

Assembly Bill 91 is a tough bill, as I learned when my colleague from Assembly District 1 kind of lost her cool on the Chamber floor last Friday. I learned that the bill revolves around the lawsuits, which we did not know before going on the floor. But what I still do not understand about A.B. 91 is why we are expanding who can commit people involuntarily. I do not mind expanding who can let someone out, but we are talking about firefighters—they come on the scene, and they can commit you. We are talking about an array of folks who are not doctors who can commit you. This is the concern my colleague from District 8 has, and this is a valid concern. This is a very conflicting bill because I know we need it to help the state with the lawsuits and at the same time, I am very, very nervous about expanding who can commit someone.

ASSEMBLYMAN MOORE:

I thank the Minority Leader for working with me on this and I think she understands that I oppose the bill. I thank her for working with me on the amendment. I will continue to fight this bill all the way through. I know it will probably pass, but I would urge my colleagues to vote no.

ASSEMBLYMAN JONES:

I also rise in opposition to Assembly Bill 91, and I support my colleague from District 8. The problem with this bill, as I see it, is that it enables more people to involuntarily commit you. We hear, as support for this bill, that our mental health services are not sufficient here in the state of Nevada. What we are saying is, we need to be able to enable more people, such as an agent of the district, to commit you into a psychiatric facility involuntarily. I do not see how that has anything to do with helping people with a psychiatric situation. We need more professionals who are actually trained.

Think of this instance. You are with your spouse. You are in an argument and getting upset. You say, Oh, I would just like to kill you. Well, some nurse says, He is a danger to himself and others. Involuntarily off to 72 hours in the psychiatric facility, where you are drugged against your will and held against your will. A psychiatrist would say, He is in a moment of upset and probably does not know what he is saying. That is a trained person. But when you allow someone

who has no training, like a firefighter or an agent from the health district—who knows what that means. The definition of agent is basically anyone who works for the health district.

I think intent of this bill does not have to do with being involuntarily committed. The intent of the bill and its recommendations are for better psychiatric services. I am all for granting more people to get people their freedom, but if you have ever known anyone who has been involuntarily committed and they do not want to be in a psychiatric facility, it is actually hell to them. I think we should think seriously before allowing almost anybody to commit somebody involuntarily.

ASSEMBLYWOMAN TITUS:

I am rising with, hopefully, a voice of reason here. I appreciate everybody's comments and everybody's feelings about how important it is when you choose to commit somebody for a 72-hour legal hold. I have done that. I have a license to do that and, at this point, I almost could do that for everybody in this room because I am really suspicious about where you are right now.

I share the concern of my Assembly colleague from the south and I have visited with him on this issue. I, too, brought up in committee that I had concern about the expansion of those who can commit. There are checks and balances in the Legal 2000. Once you sign that form, the person does not go into some hole somewhere where no one knows they are there. They have to go through a physical screening exam by a physician in a professional setting before they are then committed to a psychiatric bed, whether that is in a separate building or in a hospital setting.

There has been a problem in our state. There is a huge mental health problem in our state. I really do not think this bill solves that problem. I think it is a step. I think we need to go forward with that. I was not going to support this bill, and I was going to support my colleague from the south who I have worked with on this. I feel the Minority Leader and the Assemblywoman from the north who sponsored this bill understand this, too. We want this process to go forward. With the amendment, I am supporting this bill because we have asked for some accountability.

I am going to be following this very closely; I think we all are. We hope that it brings changes to our state, we hope that we improve our mental health outcomes, and we hope we improve patient care. The amendment actually asks that not only do we get a report on how many of these have been done, but by which providers they have been committed. We can hold people and this state accountable. We need to move forward and pass this bill. Although I respect the feelings of the Assemblyman from the south, we need to improve mental health and I will be working on this very closely to make sure that there are improvements. I think we all want the same outcomes; we all want better treatment.

ASSEMBLYMAN HICKEY:

I rise briefly in support of Assembly Bill 91. I served on the Governor's commission and he acted, as did the countless professionals, in a most compassionate and thorough way in vetting exactly how the State of Nevada is going to begin addressing this challenge. I will assure you there were top law enforcement people, district attorneys from Clark County, top officials from all the psychiatric hospitals, and people directly involved in this field who came up with a comprehensive and a compassionate way to begin dealing with this problem. I think the fruit of that is in this bill, and we have made a huge step forward. I urge its passage.

ASSEMBLYWOMAN SEAMAN:

I rise in opposition to Assembly Bill 91. Again, the bill is not perfect, but let us pass it and let us keep an eye on it. I believe we are going to have unintended consequences with Assembly Bill 91 now that we can have physician assistants, firefighters, and so forth committing people. I urge all of my colleagues to vote no on this bill and let us work on legislation that we do not have to watch so closely because we will have done it right. I urge everyone to please vote no.

Assemblymen Oscarson, O'Neill, and Stewart moved the previous question.

The question being the passage of Assembly Bill No. 91.

Roll call on Assembly Bill No. 91:

YEAS—34.

NAYS—Dickman, Dooling, Fiore, Jones, Moore, Seaman, Shelton, Trowbridge—8.

Assembly Bill No. 91 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 356.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Assembly Bill 356 prohibits a person from damaging or disrupting the lawful activities of any business or its employees or representatives with the intent to coerce or intimidate a business. It also prohibits the intentional or reckless destruction, marking, or damage of property or merchandise owned or controlled by a business. The measure provides for the award of damages and attorney's fees as costs in a civil action brought by a party injured by these unlawful activities. Additionally, the bill repeals provisions of existing law that address picketing by labor organizations and reenacts provisions of general applicability that prohibit certain activities while picketing, without regard to the purpose for which a person is engaged in picketing.

Roll call on Assembly Bill No. 356:

YEAS—23.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Edwards, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Stewart, Swank, Thompson—19.

Assembly Bill No. 356 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 8:33 p.m.

ASSEMBLY IN SESSION

At 8:40 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Silberkraus moved that the Assembly reconsider the action whereby Assembly Bill No. 320 was refused passage.

Motion failed.

Assemblymen Silberkraus, Seaman, and Woodbury requested a roll call vote on the motion.

Roll call vote on the motion to reconsider the action whereby Assembly Bill No. 320 was refused passage.

YEAS—19.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Ellison, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Oscarson, Shelton, Spiegel, Sprinkle, Swank, Thompson, Titus, Trowbridge, Wheeler—23.

Motion failed.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 109.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Rick Vlach.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Young and Sylvester Rogers.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Melanie Bennett, Rebecca Bennett, and Wayne Bennett.

Assemblyman Paul Anderson moved that the Assembly adjourn until Friday, April 24, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 8:44 p.m.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly