

## THE SEVENTY-EIGHTH DAY

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CARSON CITY (Monday) April 20, 2015

Senate called to order at 10:52 a.m.

President Hutchison presiding.

Roll called.

All present except Senators Segerblom and Smith, who were excused.

Prayer by Rabbi Evon J. Yakar.

I am grateful to each of you for your service in this office, on behalf of all the people of the State of Nevada.

This day, the third Monday in April, is considered Patriots' Day in our Country. It is the day on which we recall the battles of Lexington and Concord, the sparks to the powder keg that would become the American Revolution. The ideals of the early Republic centered on the dream, the belief that all citizens would be represented. While the late 18th century saw this kind of thinking as revolutionary and a dream, it became a reality. This third Monday in April is a time during which we ought to consider the Patriots' dream of establishing this great Nation and all that we aim to continue to be as a country and as a state.

Patriots' Day recognizes those who were dedicated to seeing a brighter future, to dreaming of a new way of life. Their individual yearnings and prayer wrought our reality, and for that we are grateful.

The founder Modern Zionism, Theodore Herzl, coined the phrase "If you will it, it is no dream." Dreaming is a form of prayer. It is the soul's vision of the future one yearns to see as reality. Yet, when the same dream belongs to more than one person, to a people or a community, it is transcendent.

This kind of dedication is also brought to mind this week as we celebrate the reality of Israel with Yom Ha'Atzmaut—Israel's Independence Day on Thursday, April 23rd. As this day, Patriots' Day, is honored in our Country as a way to pay tribute to those dedicated to a common dream, we pray that our dedication will also see a brighter tomorrow. And, as Israel honors those who have made the ultimate sacrifice and its independence, we pray that all our dreams for good remain transcendent and become reality. May all our work, all our sacrifices and all our efforts for what is good, right and true continually help us to realize Herzl's words, "If you will it, it is no dream." And, let us say,

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

### REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Education, to which were referred Senate Bills Nos. 295, 330, 399, 460, 509, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BECKY HARRIS, *Chair*

*Mr. President:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 38, 39, 58, 99, 262, 306, 484, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GREG BROWER, *Chair*

*Mr. President:*

Your Committee on Revenue and Economic Development, to which were referred Senate Bills Nos. 334, 411, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL ROBERSON, *Chair*

*Mr. President:*

Your Committee on Transportation, to which was referred Senate Bill No. 245, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SCOTT HAMMOND, *Chair*

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 17, 2015

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 414.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 25, 50, 62, 66, 405.

CAROL AIELLO-SALA  
*Assistant Chief Clerk of the Assembly*

#### WAIVERS AND EXEMPTIONS

##### WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Senator Roberson.

For: Senate Bill No. 108.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 17, 2015.

MICHAEL ROBERSON  
*Senate Majority Leader*

JOHN HAMBRICK  
*Speaker of the Assembly*

A Waiver requested by Senator Roberson.

For: Senate Bill No. 185.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 17, 2015.

MICHAEL ROBERSON  
*Senate Majority Leader*

JOHN HAMBRICK  
*Speaker of the Assembly*

A Waiver requested by Senator Roberson.

For: Senate Bill No. 374.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 17, 2015.

MICHAEL ROBERSON  
*Senate Majority Leader*

JOHN HAMBRICK  
*Speaker of the Assembly*

A Waiver requested by Senator Roberson.

For: Senate Bill No. 421.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 17, 2015.

MICHAEL ROBERSON  
*Senate Majority Leader*

JOHN HAMBRICK  
*Speaker of the Assembly*

A Waiver requested by Senator Roberson.

For: Senate Bill No. 433.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 17, 2015.

MICHAEL ROBERSON  
*Senate Majority Leader*

JOHN HAMBRICK  
*Speaker of the Assembly*

A Waiver requested by Senator Roberson.

For: Senate Bill No. 434.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 17, 2015.

MICHAEL ROBERSON  
*Senate Majority Leader*

JOHN HAMBRICK  
*Speaker of the Assembly*

A Waiver requested by Senator Roberson.

For: Senate Bill No. 436.

To Waive:

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

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

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

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).  
Has been granted effective: Friday, April 17, 2015.

MICHAEL ROBERSON  
*Senate Majority Leader*

JOHN HAMBRICK  
*Speaker of the Assembly*

A Waiver requested by Senator Roberson.

For: Senate Bill No. 439.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 17, 2015.

MICHAEL ROBERSON  
*Senate Majority Leader*

JOHN HAMBRICK  
*Speaker of the Assembly*

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that Senate Bill No. 185 be taken from the General File and placed on the Secretary's desk.

Motion carried.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:00 a.m.

#### SENATE IN SESSION

At 11:03 a.m.

President Hutchison presiding.

Quorum present.

Senator Roberson moved that Senate Bills Nos. 108, 421, 433 be taken from the General File and placed on the Secretary's desk.

Motion carried.

Senator Farley moved that Senate Bill No. 254 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Gustavson moved that Senate Bill No. 463 be taken from the General File and placed on the Secretary's desk.

Motion carried.

Senator Goicoechea has approved the addition of Senator Hammond as a sponsor of Senate Bill No. 410.

## INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 25.

Senator Kieckhefer moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 50.

Senator Kieckhefer moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 62.

Senator Kieckhefer moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 66.

Senator Kieckhefer moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 405.

Senator Kieckhefer moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Finance.

Motion carried.

Assembly Bill No. 414.

Senator Kieckhefer moved that the bill be referred to the Committee on Judiciary.

Motion carried.

## SECOND READING AND AMENDMENT

Senate Bill No. 38.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 401.

SUMMARY—Revises provisions governing the regulation of gaming. (BDR 41-350)

AN ACT relating to gaming; revising provisions governing the operation of charitable lotteries; requiring the Nevada Gaming Commission to adopt certain regulations relating to the operation of club venues and the registration of club venue employees; revising various definitions relating to gaming; removing licensing requirements for certain persons associated with gaming; requiring persons who manufacture ~~or sell~~ or distribute associated equipment relating to gaming to be ~~licensed~~ registered; requiring the ~~Nevada Gaming~~ Commission to adopt certain regulations relating to the ~~licensure~~ registration of such persons; repealing certain provisions relating

to gaming; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the operation of charitable lotteries by certain charitable and nonprofit organizations. (Chapter 462 of NRS) Sections 1-1.2 of this bill: (1) authorize an alumni organization or a state or local bar organization to operate charitable lotteries; and (2) make certain technical changes governing the operation of charitable lotteries.

Existing law requires the Nevada Gaming Commission and the State Gaming Control Board to administer state gaming licenses and manufacturers', sellers' and distributors' licenses, and to perform various acts relating to the regulation and control of gaming. (NRS 463.140) ~~Sections 1.4-1.7 of this bill: (1) provide certain definitions related to the operation of club venues within nonrestricted gaming establishments; and (2) require the Commission to adopt regulations relating to such club venues and the registration of club venue employees.~~

~~Sections 1.9 and 2 of this bill revise the definitions of the terms "gaming employee" and "manufacture" for the purposes of the statutory provisions governing the licensing and control of gaming by including references to manufacturers of associated equipment.~~

Existing law prohibits certain actions related to gaming without the person first procuring and maintaining the required licensure. (NRS 463.160) Existing law also authorizes the Commission to provide by regulation for the licensing of service providers, who generally: (1) perform certain services on behalf of another licensed person who conducts nonrestricted gaming operations or an establishment licensed to operate interactive gaming; or (2) provide services or devices which patrons of licensed establishments use to obtain cash or wagering instruments. (NRS 463.677) ~~[Sections 3 and 6 of this bill remove the licensing requirement for a person to operate as a cash access and wagering instrument service provider.] Section 6 [also] of this bill removes the licensing requirement for persons who provide certain intellectual property or information via a database or customer list.~~

Existing law makes it unlawful to manufacture, sell or distribute certain items related to gaming without procuring and maintaining the required licensure. (NRS 463.650) ~~Section [4] 5.5 of this bill [makes it unlawful for a person to manufacture, sell or distribute any] requires the Commission to adopt regulations governing associated equipment [related to gaming without first procuring and maintaining the required licensure. Sections 4 and 5 of this bill also require the Commission to adopt regulations] , including prescribing the requirements for [such licensure] registration and the fees for the application for and issuance [or] and renewal of a [license] registration to manufacture [sell or] and distribute associated equipment.~~

Existing law authorizes the Commission to provide by regulation for the operation of interactive gaming and the licensing of: (1) the operation of interactive gaming; (2) a manufacturer of interactive gaming systems; (3) a

manufacturer of equipment associated with interactive gaming; and (4) an interactive gaming service provider. (NRS 463.750-463.767) Sections 7-10 of this bill remove and repeal the provisions authorizing the Commission to license manufacturers of equipment associated with interactive gaming.

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

*Section 1. NRS 462.125 is hereby amended to read as follows:*

462.125 "Qualified organization" means a bona fide alumni, charitable, civic, educational, fraternal, patriotic, political, religious, state or local bar or veterans' organization that is not operated for profit.

*Sec. 1.1. NRS 462.140 is hereby amended to read as follows:*

462.140 A qualified organization may operate a charitable lottery if:

1. The organization is approved by the Executive Director and the total value of all the prizes offered in charitable lotteries operated by the organization during the same calendar year exceeds \$25,000, but does not exceed \$500,000;

2. ~~[(The)]~~ Except as otherwise provided in subsection 4, the organization registers with the Executive Director and the total value of all the prizes offered in charitable lotteries operated by the organization during the same calendar year exceeds \$2,500, but does not exceed \$25,000; ~~for~~

3. The total value of the prizes offered in the charitable lottery does not exceed \$2,500 and ~~it~~

~~—(a) The~~ the organization operates no more than two charitable lotteries per calendar year; or

~~[(b)]~~ 4. The tickets or chances for the charitable lottery are sold only to members of the organization, and to guests of those members while attending a special event sponsored by the organization, and the total value of all the prizes offered in charitable lotteries operated by the organization during the same calendar year does not exceed \$15,000.

*Sec. 1.2. NRS 462.180 is hereby amended to read as follows:*

462.180 A qualified organization shall not:

1. ~~[(Sell)]~~ Except as approved by the Executive Director, sell any ticket or chance for a charitable lottery outside of:

(a) The primary county in which the charitable lottery is being conducted; and

(b) Any counties that border on the primary county.

2. If the organization has been approved by the Executive Director, conduct more than one charitable lottery in any calendar quarter without the specific authorization of the Executive Director.

*Sec. 1.3. Chapter 463 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.4 to 1.7, inclusive, of this act.*

*Sec. 1.4. "Club venue" means a venue, including, without limitation, a pool venue, that:*

1. Is located on the premises of a nonrestricted gaming establishment;

2. Prohibits patrons under 21 years of age from entering the premises;

3. Is licensed to serve alcohol;

4. Allows dancing; and

5. Offers live music, a disc jockey or an emcee.

Sec. 1.5. "Club venue employee" means a natural person or third-party contractor who is required to register under the regulations adopted by the Commission pursuant to section 1.7 of this act. The term includes:

1. Any person who provides hosting and VIP services; and

2. Any other person who the Commission determines must register because such registration is necessary to promote the public policy set forth in NRS 463.0129.

Sec. 1.6. "Club venue operator" means a person who:

1. Operates a club venue as a tenant of, or pursuant to a management or similar type of agreement with, a nonrestricted licensee; and

2. Does not, or whose controlled affiliate does not, hold a nonrestricted gaming license.

Sec. 1.7. 1. The Commission shall, with the advice and assistance of the Board, provide by regulation for the registration of club venue employees and matters associated therewith. Such regulations may include, without limitation, the following:

(a) Requiring a club venue employee to register with the Board in the same manner as a gaming employee.

(b) Establishing the fees associated with registration pursuant to paragraph (a), which may not exceed the fees for registration as a gaming employee.

(c) Requiring club venue operator to have a written agreement with:

(1) Any third-party contractor who provides hosting or VIP services to the club venue; and

(2) Any other third-party contractor who provides services to the club venue on the premises of a licensed gaming establishment and who the Commission determines must comply with the provisions of this paragraph because such compliance is necessary to promote the public policy set forth in NRS 463.0129.

(d) Requiring the registration of certain third-party contractors in the manner established for independent agents, including the authority to require the application of such persons for a determination of suitability pursuant to paragraph (b) of subsection 2 of NRS 463.167.

(e) Establishing the fees associated with registration pursuant to paragraph (d), which may not exceed the fees for registration as an independent agent.

2. Except as otherwise provided by specific statute or by the regulations adopted pursuant to this section, a club venue employee shall be deemed to be a gaming employee for the purposes of all provisions of this chapter and the regulations adopted pursuant thereto that apply to a gaming employee.

Sec. 1.8. NRS 463.013 is hereby amended to read as follows:



463.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 463.0133 to 463.01967, inclusive, and sections 1.4, 1.5 and 1.6 of this act have the meanings ascribed to them in those sections.

~~[Section 1.]~~ Sec. 1.9. NRS 463.0157 is hereby amended to read as follows:

463.0157 1. "Gaming employee" means any person connected directly with an operator of a slot route, the operator of a pari-mutuel system, the operator of an inter-casino linked system or a manufacturer, distributor or disseminator, or with the operation of a gaming establishment licensed to conduct any game, 16 or more slot machines, a race book, sports pool or pari-mutuel wagering, including:

(a) Accounting or internal auditing personnel who are directly involved in any recordkeeping or the examination of records associated with revenue from gaming;

(b) Boxpersons;

(c) Cashiers;

(d) Change personnel;

(e) Counting room personnel;

(f) Dealers;

(g) Employees of a person required by NRS 464.010 to be licensed to operate an off-track pari-mutuel system;

(h) Employees of a person required by NRS 463.430 to be licensed to disseminate information concerning racing and employees of an affiliate of such a person involved in assisting the person in carrying out the duties of the person in this State;

(i) Employees whose duties are directly involved with the manufacture, repair, sale or distribution of gaming devices, *associated equipment when the employer is required by NRS 463.650 to be licensed*, cashless wagering systems, mobile gaming systems, equipment associated with mobile gaming systems ~~[.] or interactive gaming systems ; [or equipment associated with interactive gaming;]~~

(j) Employees of operators of slot routes who have keys for slot machines or who accept and transport revenue from the slot drop;

(k) Employees of operators of inter-casino linked systems, mobile gaming systems or interactive gaming systems whose duties include the operational or supervisory control of the systems or the games that are part of the systems;

(l) Employees of operators of call centers who perform, or who supervise the performance of, the function of receiving and transmitting wagering instructions;

(m) Employees who have access to the Board's system of records for the purpose of processing the registrations of gaming employees that a licensee is required to perform pursuant to the provisions of this chapter and any regulations adopted pursuant thereto;

- (n) Floor persons;
- (o) Hosts or other persons empowered to extend credit or complimentary services;
- (p) Keno runners;
- (q) Keno writers;
- (r) Machine mechanics;
- (s) Odds makers and line setters;
- (t) Security personnel;
- (u) Shift or pit bosses;
- (v) Shills;
- (w) Supervisors or managers;
- (x) Ticket writers;
- (y) Employees of a person required by NRS 463.160 to be licensed to operate an information service;
- (z) Employees of a licensee who have local access and provide management, support, security or disaster recovery services for any hardware or software that is regulated pursuant to the provisions of this chapter and any regulations adopted pursuant thereto; and
- (aa) Temporary or contract employees hired by a licensee to perform a function related to gaming.

2. "Gaming employee" does not include barbacks or bartenders whose duties do not involve gaming activities, cocktail servers or other persons engaged exclusively in preparing or serving food or beverages.

3. As used in this section, "local access" means access to hardware or software from within a licensed gaming establishment, hosting center or elsewhere within this State.

Sec. 2. NRS 463.01715 is hereby amended to read as follows:

463.01715 1. "Manufacture" means:

(a) To manufacture, produce, program, design, control the design of or make modifications to a gaming device, *associated equipment*, cashless wagering system, mobile gaming system or interactive gaming system for use or play in Nevada;

(b) To direct, control or assume responsibility for the methods and processes used to design, develop, program, assemble, produce, fabricate, compose and combine the components and other tangible objects of any gaming device, *associated equipment*, cashless wagering system, mobile gaming system or interactive gaming system for use or play in Nevada; or

(c) To assemble, or control the assembly of, a gaming device, *associated equipment*, cashless wagering system, mobile gaming system or interactive gaming system for use or play in Nevada.

2. As used in this section:

(a) "Assume responsibility" means to:

(1) Acquire complete control over, or ownership of, the applicable gaming device, *associated equipment*, cashless wagering system, mobile gaming system or interactive gaming system; and

(2) Accept continuing legal responsibility for the gaming device, *associated equipment*, cashless wagering system, mobile gaming system or interactive gaming system, including, without limitation, any form of manufacture performed by an affiliate or independent contractor.

(b) "Independent contractor" means, with respect to a manufacturer, any person who:

(1) Is not an employee of the manufacturer; and

(2) Pursuant to an agreement with the manufacturer, designs, develops, programs, produces or composes a control program used in the manufacture of a gaming device. As used in this subparagraph, "control program" has the meaning ascribed to it in NRS 463.0155.

Sec. 3. ~~[NRS 463.160 is hereby amended to read as follows:]~~

~~463.160 1. Except as otherwise provided in subsection 4 and NRS 463.172, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others:~~

~~(a) To deal, operate, carry on, conduct, maintain or expose for play in the State of Nevada any gambling game, gaming device, inter casino linked system, mobile gaming system, slot machine, race book or sports pool;~~

~~(b) To provide or maintain any information service;~~

~~(c) To operate a gaming salon;~~

~~(d) To receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or carrying on any gambling game, slot machine, gaming device, mobile gaming system, race book or sports pool; or~~

~~(e) [To operate as a cash access and wagering instrument service provider; or]~~

~~(f) To operate, carry on, conduct, maintain or expose for play in or from the State of Nevada any interactive gaming system,~~

~~without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses as required by statute, regulation or ordinance or by the governing board of any unincorporated town.~~

~~2. The licensure of an operator of an inter casino linked system is not required if:~~

~~(a) A gaming licensee is operating an inter casino linked system on the premises of an affiliated licensee; or~~

~~(b) An operator of a slot machine route is operating an inter casino linked system consisting of slot machines only.~~

~~3. Except as otherwise provided in subsection 4, it is unlawful for any person knowingly to permit any gambling game, slot machine, gaming device, inter casino linked system, mobile gaming system, race book or sports pool to be conducted, operated, dealt or carried on in any house or building or other premises owned by the person, in whole or in part, by a person who is not licensed pursuant to this chapter, or that person's employee.~~

~~4. The Commission may, by regulation, authorize a person to own or lease gaming devices for the limited purpose of display or use in the person's private residence without procuring a state gaming license.~~

~~5. For the purposes of this section, the operation of a race book or sports pool includes making the premises available for any of the following purposes:~~

~~(a) Allowing patrons to establish an account for wagering with the race book or sports pool;~~

~~(b) Accepting wagers from patrons;~~

~~(c) Allowing patrons to place wagers;~~

~~(d) Paying winning wagers to patrons; or~~

~~(e) Allowing patrons to withdraw cash from an account for wagering or to be issued a ticket, receipt, representation of value or other credit representing a withdrawal from an account for wagering that can be redeemed for cash,~~

~~whether by a transaction in person at an establishment or through mechanical means, such as a kiosk or similar device, regardless of whether that device would otherwise be considered associated equipment. A separate license must be obtained for each location at which such an operation is conducted.~~

~~6. As used in this section, "affiliated licensee" has the meaning ascribed to it in NRS 463.430. (Deleted by amendment.)~~

Sec. 3.3. NRS 463.331 is hereby amended to read as follows:

463.331 1. An Investigative Fund is hereby created as an enterprise fund for the purposes of paying all expenses incurred by the Board and the Commission for investigation of an application for a license, finding of suitability or approval under the provisions of this chapter. The special revenue of the Investigative Fund is the money received by the State from the respective applicants. The amount to be paid by each applicant is the amount determined by the Board in each case, but the Board may not charge any amount to an applicant for a finding of suitability to be associated with a gaming enterprise pursuant to paragraph (a) of subsection 2 of NRS 463.167 ~~[.]~~, other than a club venue operator.

2. Expenses may be advanced from the Investigative Fund by the Chair, and expenditures from the Fund may be made without regard to NRS 281.160. Any money received from the applicant in excess of the costs and charges incurred in the investigation or the processing of the application must be refunded pursuant to regulations adopted by the Board and the Commission. At the conclusion of the investigation, the Board shall give to the applicant a written accounting of the costs and charges so incurred.

3. Within 3 months after the end of a fiscal year, the amount of the balance in the Fund in excess of \$2,000 must be deposited in the State General Fund.

Sec. 3.7. NRS 463.3407 is hereby amended to read as follows:

463.3407 1. Any communication or document of an applicant ~~, for~~ licensee ~~[.]~~ or club venue operator, or an affiliate of ~~either,~~ an applicant,

licensee or club venue operator, which is made or transmitted to the Board or Commission or any of their agents or employees to:

- (a) Comply with any law or the regulations of the Board or Commission;
- (b) Comply with a subpoena issued by the Board or Commission; or
- (c) Assist the Board or Commission in the performance of their respective duties,

➔ is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.

2. If such a document or communication contains any information which is privileged pursuant to chapter 49 of NRS, that privilege is not waived or lost because the document or communication is disclosed to the Board or Commission or any of its agents or employees.

3. Notwithstanding the provisions of subsection 4 of NRS 463.120:

(a) The Board, Commission and their agents and employees shall not release or disclose any information, documents or communications provided by an applicant, ~~or~~ licensee ~~or~~ or club venue operator, or an affiliate of ~~either~~, an applicant, licensee or club venue operator, which are privileged pursuant to chapter 49 of NRS, without the prior written consent of the applicant, licensee, club venue operator or affiliate, or pursuant to a lawful court order after timely notice of the proceedings has been given to the applicant, licensee, club venue operator or affiliate.

(b) The Board and Commission shall maintain all privileged information, documents and communications in a secure place accessible only to members of the Board and Commission and their authorized agents and employees.

(c) The Board and Commission shall adopt procedures and regulations to protect the privileged nature of information, documents and communications provided by an applicant, ~~or~~ licensee ~~or~~ or club venue operator, or an affiliate of ~~either~~, an applicant, licensee or club venue operator.

Sec. 4. ~~[NRS 463.650 is hereby amended to read as follows:~~

~~463.650 1. Except as otherwise provided in subsections 2 to [5,] 6, inclusive, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to operate, carry on, conduct or maintain any form of manufacture, selling or distribution of any gaming device, associated equipment, cashless wagering system, mobile gaming system or interactive gaming system for use or play in Nevada without first procuring and maintaining all required federal, state, county and municipal licenses.~~

~~2. A lessor who specifically acquires equipment for a capital lease is not required to be licensed under this section or NRS 463.660.~~

~~3. The holder of a state gaming license or the holding company of a corporation, partnership, limited partnership, limited liability company or other business organization holding a license may, within 2 years after cessation of business or upon specific approval by the Board, dispose of by sale in a manner approved by the Board, any or all of its gaming devices, including slot machines, mobile gaming systems, associated equipment and cashless wagering systems, without a distributor's license. In cases of~~

~~bankruptcy of a state gaming licensee or foreclosure of a lien by a bank or other person holding a security interest for which gaming devices are security in whole or in part for the lien, the Board may authorize the disposition of the gaming devices without requiring a distributor's license.~~

~~4. The Commission may, by regulation, authorize a person who owns:~~

~~—(a) Gaming devices for home use in accordance with NRS 463.160; or~~

~~—(b) Antique gaming devices;~~

~~→ to sell such devices without procuring a license therefor to residents of jurisdictions wherein ownership of such devices is legal.~~

~~5. Upon approval by the Board, a gaming device owned by:~~

~~—(a) A law enforcement agency;~~

~~—(b) A court of law; or~~

~~—(c) A gaming device repair school licensed by the Commission on Postsecondary Education;~~

~~→ may be disposed of by sale, in a manner approved by the Board, without a distributor's license. An application for approval must be submitted to the Board in the manner prescribed by the Chair.~~

~~6. The Commission shall adopt regulations that prescribe, without limitation, the requirements for licensing a person who manufactures, sells or distributes associated equipment. The Commission may, in its sole discretion, subject to the requirements set forth in this chapter and consistent with the public policy of this State concerning gaming, exempt a manufacturer, seller or distributor of associated equipment from any licensing requirement.~~

~~7. Any person who the Commission determines is a suitable person to receive a license under the provisions of this section and NRS 463.660 may be issued a manufacturer's or distributor's license. The burden of proving his or her qualification to receive or hold a license under this section and NRS 463.660 is at all times on the applicant or licensee.~~

~~—[7.] 8. Every person who must be licensed pursuant to this section is subject to the provisions of NRS 463.482 to 463.645, inclusive, unless exempted from those provisions by the Commission.~~

~~—[8.] 9. The Commission may exempt, for any purpose, a manufacturer, seller or distributor from the provisions of NRS 463.482 to 463.645, inclusive, if the Commission determines that the exemption is consistent with the purposes of this chapter.~~

~~—[9.] 10. Any person conducting business in Nevada who is not required to be licensed as a manufacturer, seller or distributor pursuant to subsection 1, but who otherwise must register with the Attorney General of the United States pursuant to Title 15 of U.S.C., must submit to the Board a copy of such registration within 10 days after submission to the Attorney General of the United States.~~

~~—[10.] 11. It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to knowingly distribute any gaming device, cashless wagering system, mobile gaming system, interactive gaming~~

~~system or associated equipment from Nevada to any jurisdiction where the possession, ownership or use of any such device, system or equipment is illegal.~~

~~[11.] 12. As used in this section:~~

~~(a) "Antique gaming device" means a gaming device that was manufactured before 1961.~~

~~(b) "Holding company" has the meaning ascribed to it in NRS 463.485.]~~  
(Deleted by amendment.)

Sec. 5. ~~[NRS 463.660 is hereby amended to read as follows:]~~

~~463.660 1. [The] Except as otherwise provided in subsection 2, the Commission shall charge and collect from each applicant a fee of:~~

~~(a) For the issuance or renewal of a manufacturer's license, \$1,000.~~

~~(b) For the issuance or renewal of a seller's or distributor's license, \$500.~~

~~2. The Commission shall prescribe by regulation the fees for the issuance or renewal of a license to manufacture, sell or distribute associated equipment.~~

~~3. All licenses must be issued for the calendar year beginning on January 1 and expiring on December 31. If the operation is continuing, the Commission shall charge and collect the fee prescribed by subsection 1 or 2, as applicable, on or before December 31 for the ensuing calendar year. Regardless of the date of application or issuance of the license, the fee to be charged and collected under this section is the full annual fee.~~

~~[3.] 4. All license fees collected pursuant to this section must be paid over immediately to the State Treasurer to be deposited to the credit of the State General Fund.]~~ (Deleted by amendment.)

Sec. 5.5. NRS 463.665 is hereby amended to read as follows:

463.665 1. [A] The Commission shall, with the advice and assistance of the Board, adopt regulations prescribing:

(a) The manner and method for the approval of associated equipment by the Board; and

(b) The method and form of any application required by paragraph (a).

2. Except as otherwise provided in subsection 4, the regulations adopted pursuant to subsection 1 must:

(a) Require persons who manufacture or distribute associated equipment for use in this State to be registered by the Commission if such associated equipment:

(1) Is directly used in gaming;

(2) Has the ability to add or subtract cash, cash equivalents or wagering credits to a game, gaming device or cashless wagering system;

(3) Interfaces with and affects the operation of a game, gaming device, cashless wagering system or other associated equipment;

(4) Is used directly or indirectly in the reporting of gross revenue;

(5) Records sales for use in an area subject to the tax imposed by NRS 368A.200; or

(6) Is otherwise determined by the Commission to create a risk to the integrity of gaming and protection of the public if not regulated;

(b) Establish the degree of review an applicant for registration pursuant to this section must undergo, which level may be different for different forms of associated equipment; and

(c) Establish fees for the application, issuance and renewal of the registration required pursuant to this section, which must not exceed \$1,000 per application, issuance or renewal of such registration.

3. This section does not apply to:

(a) A licensee; or

(b) An affiliate of a licensee or an independent contractor as defined by NRS 463.01715.

4. In addition to requiring a manufacturer or distributor of associated equipment to be registered as set forth in subsections 2 and 3, a manufacturer or distributor of associated equipment who sells, transfers or offers the associated equipment for use or play in Nevada may be required by the Commission, upon recommendation of the Board, to file an application for a finding of suitability to be a manufacturer or distributor of associated equipment.

~~{2. Any}~~

5. In addition to requiring a manufacturer or distributor of associated equipment to be registered as set forth in subsections 2 and 3, any person who directly or indirectly involves himself or herself in the sale, transfer or offering for use or play in Nevada of such associated equipment who is not otherwise required to be licensed as a manufacturer or distributor may be required by the Commission, upon recommendation of the Board, to file an application for a finding of suitability to be a manufacturer or distributor of associated equipment.

~~{2.}~~ 6. If an application for a finding of suitability is not submitted to the Board within 30 days after demand by the Commission, it may pursue any remedy or combination of remedies provided in this chapter.

7. Any person who manufactures or distributes associated equipment who has complied with all applicable regulations adopted by the Commission before October 1, 2015, shall be deemed to be registered pursuant to this section.

Sec. 6. NRS 463.677 is hereby amended to read as follows:

463.677 1. The Legislature finds that:

(a) Technological advances have evolved which allow licensed gaming establishments to expose games, including, without limitation, system-based and system-supported games, gaming devices, mobile gaming systems, interactive gaming, cashless wagering systems or race books and sports pools, and to be assisted by a service provider who provides important services to the public with regard to the conduct and exposure of such games.

(b) To protect and promote the health, safety, morals, good order and general welfare of the inhabitants of this State, and to carry out the public



policy declared in NRS 463.0129, it is necessary that the Board and Commission have the ability to license service providers by maintaining strict regulation and control of the operation of such service providers and all persons and locations associated therewith.

2. Except as otherwise provided in subsection 3, the Commission may, with the advice and assistance of the Board, provide by regulation for the licensing and operation of a service provider and all persons, locations and matters associated therewith. Such regulations may include, without limitation:

(a) Provisions requiring the service provider to meet the qualifications for licensing pursuant to NRS 463.170, in addition to any other qualifications established by the Commission, and to be licensed regardless of whether the service provider holds any other license.

(b) Criteria regarding the location from which the service provider conducts its operations, including, without limitation, minimum internal and operational control standards established by the Commission.

(c) Provisions relating to the licensing of persons owning or operating a service provider, and any persons having a significant involvement therewith, as determined by the Commission.

(d) A provision that a person owning, operating or having significant involvement with a service provider, as determined by the Commission, may be required by the Commission to be found suitable to be associated with licensed gaming, including race book or sports pool operations.

(e) Additional matters which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129, including that a service provider must be liable to the licensee on whose behalf the services are provided for the service provider's proportionate share of the fees and taxes paid by the licensee.

3. The Commission may not adopt regulations pursuant to this section until the Commission first determines that service providers are secure and reliable, do not pose a threat to the integrity of gaming and are consistent with the public policy of this State pursuant to NRS 463.0129.

4. Regulations adopted by the Commission pursuant to this section must provide that the premises on which a service provider conducts its operations are subject to the power and authority of the Board and Commission pursuant to NRS 463.140, as though the premises are where gaming is conducted and the service provider is a gaming licensee.

5. As used in this section:

(a) "Interactive gaming service provider" means a person who acts on behalf of an establishment licensed to operate interactive gaming and:

(1) Manages, administers or controls wagers that are initiated, received or made on an interactive gaming system;

(2) Manages, administers or controls the games with which wagers that are initiated, received or made on an interactive gaming system are associated;

(3) Maintains or operates the software or hardware of an interactive gaming system; *or*

(4) ~~Provides the trademarks, trade names, service marks or similar intellectual property under which an establishment licensed to operate interactive gaming identifies its interactive gaming system to patrons;~~

~~—(5) Provides information regarding persons to an establishment licensed to operate interactive gaming via a database or customer list; or~~

~~—(6)}~~ Provides products, services, information or assets to an establishment licensed to operate interactive gaming and receives therefor a percentage of gaming revenue from the establishment's interactive gaming system.

(b) "Service provider" means a person who:

(1) Acts on behalf of another licensed person who conducts nonrestricted gaming operations, and who assists, manages, administers or controls wagers or games, or maintains or operates the software or hardware of games on behalf of such a licensed person, and is authorized to share in the revenue from games without being licensed to conduct gaming at an establishment;

(2) Is an interactive gaming service provider; *or*

(3) ~~Is a cash access and wagering instrument service provider; or~~

~~—(4)}~~ Meets such other or additional criteria as the Commission may establish by regulation.

Sec. 7. NRS 463.750 is hereby amended to read as follows:

463.750 1. The Commission shall, with the advice and assistance of the Board, adopt regulations governing the licensing and operation of interactive gaming.

2. The regulations adopted by the Commission pursuant to this section must:

(a) Establish the investigation fees for:

(1) A license to operate interactive gaming;

(2) A license for a manufacturer of interactive gaming systems; *and*

(3) ~~A license for a manufacturer of equipment associated with interactive gaming; and~~

~~—(4)}~~ A license for a service provider to perform the actions described in paragraph (a) of subsection 5 of NRS 463.677.

(b) Provide that:

(1) A person must hold a license for a manufacturer of interactive gaming systems to supply or provide any interactive gaming system, including, without limitation, any piece of proprietary software or hardware; *and*

(2) ~~A person may be required by the Commission to hold a license for a manufacturer of equipment associated with interactive gaming; and~~

~~—(3)]~~ A person must hold a license for a service provider to perform the actions described in paragraph (a) of subsection 5 of NRS 463.677.

(c) Except as otherwise provided in subsections 6 to 10, inclusive, set forth standards for the suitability of a person to be licensed as a manufacturer of interactive gaming systems ~~[“manufacturer of equipment associated with interactive gaming”]~~ or a service provider as described in paragraph (b) of subsection 5 of NRS 463.677 that are as stringent as the standards for a nonrestricted license.

(d) Set forth provisions governing:

(1) The initial fee for a license for a service provider as described in paragraph (b) of subsection 5 of NRS 463.677.

(2) The fee for the renewal of such a license for such a service provider and any renewal requirements for such a license.

(3) Any portion of the license fee paid by a person licensed to operate interactive gaming, pursuant to subsection 1 of NRS 463.770, for which a service provider may be liable to the person licensed to operate interactive gaming.

(e) Provide that gross revenue received by an establishment from the operation of interactive gaming is subject to the same license fee provisions of NRS 463.370 as the games and gaming devices of the establishment, unless federal law otherwise provides for a similar fee or tax.

(f) Set forth standards for the location and security of the computer system and for approval of hardware and software used in connection with interactive gaming.

(g) Define ~~[“equipment associated with interactive gaming,”]~~ “interactive gaming system,” ~~[“manufacturer of equipment associated with interactive gaming,”]~~ “manufacturer of interactive gaming systems,” “operate interactive gaming” and “proprietary hardware and software” as the terms are used in this chapter.

3. Except as otherwise provided in subsections 4 and 5, the Commission shall not approve a license for an establishment to operate interactive gaming unless:

(a) In a county whose population is 700,000 or more, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices.

(b) In a county whose population is 45,000 or more but less than 700,000, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Holds a nonrestricted license for the operation of games and gaming devices;

(2) Has more than 120 rooms available for sleeping accommodations in the same county;

(3) Has at least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises;

(4) Has at least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days each week; and

(5) Has a gaming area that is at least 18,000 square feet in area with at least 1,600 slot machines, 40 table games, and a sports book and race pool.

(c) In all other counties, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Has held a nonrestricted license for the operation of games and gaming devices for at least 5 years before the date of its application for a license to operate interactive gaming;

(2) Meets the definition of group 1 licensee as set forth in the regulations of the Commission on the date of its application for a license to operate interactive gaming; and

(3) Operates either:

(I) More than 50 rooms for sleeping accommodations in connection therewith; or

(II) More than 50 gaming devices in connection therewith.

4. The Commission may:

(a) Issue a license to operate interactive gaming to an affiliate of an establishment if:

(1) The establishment satisfies the applicable requirements set forth in subsection 3;

(2) The affiliate is located in the same county as the establishment; and

(3) The establishment has held a nonrestricted license for at least 5 years before the date on which the application is filed; and

(b) Require an affiliate that receives a license pursuant to this subsection to comply with any applicable provision of this chapter.

5. The Commission may issue a license to operate interactive gaming to an applicant that meets any qualifications established by federal law regulating the licensure of interactive gaming.

6. Except as otherwise provided in subsections 7, 8 and 9:

(a) A covered person may not be found suitable for licensure under this section within 5 years after February 21, 2013;

(b) A covered person may not be found suitable for licensure under this section unless such covered person expressly submits to the jurisdiction of the United States and of each state in which patrons of interactive gaming operated by such covered person after December 31, 2006, were located, and agrees to waive any statutes of limitation, equitable remedies or laches that otherwise would preclude prosecution for a violation of any provision of federal law or the law of any state in connection with such operation of interactive gaming after that date;

(c) A person may not be found suitable for licensure under this section within 5 years after February 21, 2013, if such person uses a covered asset for the operation of interactive gaming; and

(d) Use of a covered asset is grounds for revocation of an interactive gaming license, or a finding of suitability, issued under this section.

7. The Commission, upon recommendation of the Board, may waive the requirements of subsection 6 if the Commission determines that:

(a) In the case of a covered person described in paragraphs (a) and (b) of subsection 1 of NRS 463.014645:

(1) The covered person did not violate, directly or indirectly, any provision of federal law or the law of any state in connection with the ownership and operation of, or provision of services to, an interactive gaming facility that, after December 31, 2006, operated interactive gaming involving patrons located in the United States; and

(2) The assets to be used or that are being used by such person were not used after that date in violation of any provision of federal law or the law of any state;

(b) In the case of a covered person described in paragraph (c) of subsection 1 of NRS 463.014645, the assets that the person will use in connection with interactive gaming for which the covered person applies for a finding of suitability were not used after December 31, 2006, in violation of any provision of federal law or the law of any state; and

(c) In the case of a covered asset, the asset was not used after December 31, 2006, in violation of any provision of federal law or the law of any state, and the interactive gaming facility in connection with which the asset was used was not used after that date in violation of any provision of federal law or the law of any state.

8. With respect to a person applying for a waiver pursuant to subsection 7, the Commission shall afford the person an opportunity to be heard and present relevant evidence. The Commission shall act as finder of fact and is entitled to evaluate the credibility of witnesses and persuasiveness of the evidence. The affirmative votes of a majority of the whole Commission are required to grant or deny such waiver. The Board shall make appropriate investigations to determine any facts or recommendations that it deems necessary or proper to aid the Commission in making determinations pursuant to this subsection and subsection 7.

9. The Commission shall make a determination pursuant to subsections 7 and 8 with respect to a covered person or covered asset without regard to whether the conduct of the covered person or the use of the covered asset was ever the subject of a criminal proceeding for a violation of any provision of federal law or the law of any state, or whether the person has been prosecuted and the prosecution terminated in a manner other than with a conviction.

10. It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others, to operate interactive gaming:

(a) Until the Commission adopts regulations pursuant to this section; and

(b) Unless the person first procures, and thereafter maintains in effect, all appropriate licenses as required by the regulations adopted by the Commission pursuant to this section.

11. A person who violates subsection 10 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years or by a fine of not more than \$50,000, or both.

Sec. 8. NRS 463.760 is hereby amended to read as follows:

463.760 1. Before issuing a license for a manufacturer of interactive gaming systems, ~~for manufacturer of equipment associated with interactive gaming,~~ the Commission shall charge and collect a license fee of ~~for~~

~~—(a) One hundred and twenty five thousand dollars~~ \$125,000 for a license for a manufacturer of interactive gaming systems. ~~for~~

~~—(b) Fifty thousand dollars for a license for a manufacturer of equipment associated with interactive gaming.~~

2. Each license issued pursuant to this section must be issued for a 1-year period that begins on the date the license is issued.

3. Before renewing a license issued pursuant to this section, but in no case later than 1 year after the license was issued or previously renewed, the Commission shall charge and collect a renewal fee for the renewal of the license for the immediately following 1-year period. The renewal fee for a license for a manufacturer of interactive gaming systems ~~for manufacturer of equipment associated with interactive gaming~~ is \$25,000.

Sec. 9. NRS 463.767 is hereby amended to read as follows:

463.767 1. The Commission may, with the advice and assistance of the Board, adopt a seal for its use to identify:

(a) A license to operate interactive gaming;

(b) A license for a manufacturer of interactive gaming systems; *and*

(c) ~~A license for a manufacturer of equipment associated with interactive gaming; and~~

~~—(d)~~ A license for a service provider to perform the actions described in paragraph (a) of subsection 5 of NRS 463.677.

2. The Chair of the Commission has the care and custody of the seal.

3. The seal must have imprinted thereon the words "Nevada Gaming Commission."

4. A person shall not use, copy or reproduce the seal in any way not authorized by this chapter or the regulations of the Commission. Except under circumstances where a greater penalty is provided in NRS 205.175, a person who violates this subsection is guilty of a gross misdemeanor.

5. A person convicted of violating subsection 4 is, in addition to any criminal penalty imposed, liable for a civil penalty upon each such conviction. A court before whom a defendant is convicted of a violation of subsection 4 shall, for each violation, order the defendant to pay a civil penalty of \$5,000. The money so collected:

(a) Must not be deducted from any penal fine imposed by the court;

(b) Must be stated separately on the court's docket; and

(c) Must be remitted forthwith to the Commission.

Sec. 10. NRS ~~[463.01395 and]~~ 463.566, 463.5732 and 463.755 are hereby repealed.

Sec. 11. 1. This ~~act~~ section becomes effective upon passage and approval.

2. Sections 1.3 to 1.8, inclusive, 3.3 and 3.7 of this act become effective:

(a) Upon passage and approval for the purpose of adopting the regulations described in section 1.7 of this act and performing any other preparatory administrative tasks necessary to carry out the provisions of those sections; and

(b) Upon adoption by the Nevada Gaming Commission of the regulations described in section 1.7 of this act for all other purposes.

3. Section 5.5 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of that section; and

(b) On July 1, 2015, for all other purposes.

4. Sections 1, 1.1, 1.2, 1.9, 2, 3, 4, 5 and 6 to 10, inclusive, of this act become effective on July 1, 2015.

#### TEXT OF REPEALED SECTIONS

~~[ 463.01395 "Cash access and wagering instrument service provider" defined. "Cash access and wagering instrument service provider" means a provider of services or devices for use by patrons of licensed gaming establishments to obtain cash or wagering instruments through a variety of automated methods, including, without limitation:~~

~~1. Wagering instrument issuance and redemption kiosks; or~~

~~2. Money transfers through mobile or Internet services.]~~

463.566 Eligibility. No limited partnership is eligible to receive a state gaming license unless the conduct of gaming is among the purposes stated in its certificate of limited partnership.

463.5732 Eligibility for gaming license. No limited-liability company is eligible to receive a license unless the conduct of gaming is among the purposes stated in its articles of organization.

463.755 Commission may require license for manufacturer and others selling, transferring or offering equipment associated with interactive gaming.

1. Upon the recommendation of the Board, the Commission may require:

(a) A manufacturer of equipment associated with interactive gaming who sells, transfers or offers equipment associated with interactive gaming for use or play in this state to file an application for a license to be a manufacturer of equipment associated with interactive gaming.

(b) A person who directly or indirectly is involved in the sale, transfer or offering for use or play in this state of equipment associated with interactive gaming who is not otherwise required to be licensed as a manufacturer or

distributor pursuant to this chapter to file an application for a license to be a manufacturer of equipment associated with interactive gaming.

2. If a person fails to submit an application for a license to be a manufacturer of equipment associated with interactive gaming within 30 days after a demand by the Commission pursuant to this section, the Commission may pursue any remedy or combination of remedies provided in this chapter.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

Amendment No. 401 reinserts language originally stricken in the bill setting forth a licensing requirement for cash access and wagering instrument service providers.

This amendment replaces the original section 4 of the bill with new language providing that the Gaming Commission will adopt regulations governing associated gaming equipment and requiring that persons who manufacture and distribute such equipment be registered with the Commission.

Amendment No. 401 deletes section 5, as it is no longer necessary. It also adds a new section 10 to the bill providing that the Commission will adopt regulations governing the registration of certain club-venue employees and related matters. It also broadens the range of charitable and professional organizations that can conduct charitable lotteries in Nevada and allows for the conduct of multi-county charitable events subject to Commission approval.

Finally, Amendment No. 401 deletes obsolete sections of NRS relating to granting certain gaming licenses.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 39.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 277.

SUMMARY—Revises provisions relating to business associations.  
(BDR 7-450)

AN ACT relating to business; revising various provisions governing the state business license; requiring certain persons who are not required to obtain a state business license to obtain a certificate of exemption from the Secretary of State; revising provisions governing the penalty imposed on a person who conducts a business in this State without obtaining a state business license; revising provisions governing the annual renewal of a state business license; revising provisions governing the duties of a registered agent; authorizing certain business entities to dissolve or surrender their right to transact business in this State without paying certain fees and penalties under certain circumstances; ~~authorizing certain business entities to file a certificate of intent to dissolve or surrender their right to transact business in this State under certain circumstances;~~ authorizing certain business entities to renew or revive their right to transact business in this State under certain circumstances; revising provisions governing the filing of articles of conversion by an entity converting into a domestic entity; revising provisions governing the service of process on business entities; requiring the Secretary



of State to assign business identification numbers under certain circumstances; ~~authorizing the Secretary of State to charge fees for filing certain documents;~~ revising provisions relating to the location where certain documents of a business entity are maintained; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1]~~ Sections 1-1.7 of this bill exempt from the annual state business license fee certain nonprofit unit-owners' associations.

Section 1.7 also requires that a state business license contain the business identification number as assigned by the Secretary of State pursuant to section 64 of this bill.

Under existing law, certain persons are excluded from the definition of "business" for the purposes of state business licenses and, thus, are not required to obtain a state business license. (NRS 76.020) Section 2 of this bill requires these persons to obtain annually from the Secretary of State a certificate of exemption from the requirement to obtain a state business license.

Under existing law, a person who conducts a business in this State without obtaining a state business license and a person who fails to renew the person's state business license by paying the annual state business license fee must pay, in addition to the annual state business license fee, a penalty of \$100. (NRS 76.110, 76.130) Section 3 of this bill requires the penalty for conducting a business in this State without obtaining a state business license to be assessed for each year for which business was conducted without obtaining a state business license. Section 4 of this bill provides that the penalty for failing to renew a state business license applies ~~until~~ unless the person conducting the business cancels the person's state business license. Section 4 further ~~authorizes~~ requires the Secretary of State to waive the annual state business license fee and any related penalty imposed on a natural person or partnership if the natural person or partnership conducted no business in this State during the period for which the fees and penalties would be waived.

~~[Section 5 of this bill prohibits the Secretary of State from issuing a new state business license to a person who is applying for a new state business license for the purpose of avoiding the fees and penalties imposed for conducting business in this State with an expired state business license.]~~

Under existing law, a registered agent for a business entity has certain responsibilities relating to providing certain notices for his or her represented entities. (NRS 77.400) Section 6 of this bill requires a registered agent to ~~accept any process, notice or demand for any of his or her represented entities and to~~ maintain certain documents and information for those entities.

Under existing law, the charter or certificate of registration, limited partnership or trust, as applicable, of a business entity organized under the laws of this State is revoked if the business entity fails to file an annual list and pay the fee for filing such an annual list. A business entity whose charter

or certificate has been revoked is not authorized to transact business in this State. (NRS 78.175, 82.193, 86.274, 87.520, 87A.305, 88.405, 88A.640, 89.254) Sections 8, 14, 19, 26, 35, 45 and 55 of this bill provide that ~~[(1)]~~ the Secretary of State ~~[may]~~ shall authorize a domestic business entity whose charter has been revoked to dissolve without paying certain additional fees and penalties and, thus, use the procedures of existing law to dissolve the entity and wind up its affairs. ~~[- and (2) a domestic business entity whose charter has been revoked may halt the accrual of additional fees and penalties by filing a certificate of intent to dissolve and paying a fee for the filing of the certificate.]~~ Sections 10, 20, 37, 47, and 57 of this bill apply these provisions to foreign business entities whose right to transact business in this State has been revoked.

Existing law authorizes certain domestic entities to renew their charter, certificate of registration, limited partnership or trust, or articles of association which have expired or revive their charter, certificate or articles which have been revoked by filing a certificate of renewal or revival with the Secretary of State and paying certain fees. (NRS 78.730, 82.546, 86.580) Sections 11, 12, 15, 16, 21, 22, 27, 28, 31, 32, 36, 38, 40, 41, 46, 48, 50, 51, 56 and 58-61 of this bill: (1) extend the provisions concerning such renewal or revival to additional domestic business entities; and (2) authorize certain foreign entities whose right to transact business in this State has been forfeited to renew or revive their right to transact business in this State by following a similar procedure.

Section 63 of this bill specifies that: (1) service of process on a business entity may be made by serving process on the registered agent listed as the registered agent for the business entity in the records of the Secretary of State; and (2) such service is valid regardless of whether the business entity is in default or revoked status with the Secretary of State and regardless of any debts and disputes between the registered agent and the business entity ~~[-]~~ if such process is served within 3 years after the entity's date of default.

Sections 8.3, 8.7, 11.5, 15.3, 15.7, 21.3, 21.7, 40.2-40.8, 50.3-50.7, 53.5, 58.5, 61.5 and 62 of this bill amend various provisions of existing law to allow certain documents of certain business entities to be kept at the principal office of the business entity in this State or with a custodian of records whose name and street address are available at the office of the registered agent of the business entity in this State.

Section 64 of this bill requires the Secretary of State to assign a business identification number to businesses under certain circumstances.

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

Section 1. Chapter 76 of NRS is hereby amended by adding thereto a new section to read as follows:

"Unit-owners' association" has the meaning ascribed to it in NRS 116.011.

Sec. 1.3. NRS 76.010 is hereby amended to read as follows:

76.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 76.020, 76.030 and 76.040 and section 1 of this act have the meanings ascribed to them in those sections.

*Sec. 1.5. NRS 76.020 is hereby amended to read as follows:*

76.020 1. Except as otherwise provided in subsection 2, "business" means:

(a) Any person, except a natural person, that performs a service or engages in a trade for profit;

(b) Any natural person who performs a service or engages in a trade for profit if the person is required to file with the Internal Revenue Service a Schedule C (Form 1040), Profit or Loss From Business Form, or its equivalent or successor form, a Schedule E (Form 1040), Supplemental Income and Loss Form, or its equivalent or successor form, or a Schedule F (Form 1040), Profit or Loss From Farming Form, or its equivalent or successor form, for that activity; or

(c) Any entity organized pursuant to this title, including, without limitation, those entities required to file with the Secretary of State, whether or not the entity performs a service or engages in a business for profit.

2. The term does not include:

(a) A governmental entity.

(b) A nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. 501(c).

(c) A person who operates a business from his or her home and whose net earnings from that business are not more than  $66 \frac{2}{3}$  percent of the average annual wage, as computed for the preceding calendar year pursuant to chapter 612 of NRS and rounded to the nearest hundred dollars.

(d) A natural person whose sole business is the rental of four or fewer dwelling units to others.

(e) A business whose primary purpose is to create or produce motion pictures. As used in this paragraph, "motion pictures" has the meaning ascribed to it in NRS 231.020.

(f) A business organized pursuant to chapter 82 or 84 of NRS.

(g) A business organized pursuant to chapter 81 of NRS if the business is a nonprofit unit-owners' association.

~~[Section 1.]~~ *Sec. 1.7. NRS 76.100 is hereby amended to read as follows:*

76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business license issued by the Secretary of State. If the person is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license at the time of filing the initial or annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license before conducting a business in this State.

2. An application for a state business license must:

- (a) Be made upon a form prescribed by the Secretary of State;
- (b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the entity number as assigned by the Secretary of State, if known, and the location in this State of the place or places of business;
- (c) Be accompanied by a fee in the amount of \$100; and
- (d) Include any other information that the Secretary of State deems necessary.

➡ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.

3. The application must be signed pursuant to NRS 239.330 by:

- (a) The owner of a business that is owned by a natural person.
- (b) A member or partner of an association or partnership.
- (c) A general partner of a limited partnership.
- (d) A managing partner of a limited-liability partnership.
- (e) A manager or managing member of a limited-liability company.
- (f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a state business license is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.

5. *A state business license issued pursuant to this section must contain the business identification number assigned by the Secretary of State pursuant to section 64 of this act.*

6. The state business license required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

~~{6.}~~ 7. For the purposes of this chapter, a person shall be deemed to conduct a business in this State if a business for which the person is responsible:

(a) Is organized pursuant to this title, other than a business organized pursuant to:

- (1) Chapter 82 or 84 of NRS; or
- (2) Chapter 81 of NRS if the business is a nonprofit ~~{religious,}~~ :

(I) Unit-owners' association; or

(II) Religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. 501(c).

- (b) Has an office or other base of operations in this State;
- (c) Has a registered agent in this State; or
- (d) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid.

~~{7-}~~ 8. As used in this section, "registered agent" has the meaning ascribed to it in NRS 77.230.

Sec. 2. NRS 76.105 is hereby amended to read as follows:

76.105 1. Except as otherwise provided in subsection ~~{2-}~~ 6, a person who claims to be excluded from the requirement to obtain a state business license because the person is an entity, organization, person or business listed in subsection 2 of NRS 76.020 or who conducts a business in this State but claims to be exempt from the requirement to obtain a state business license must submit annually to the Secretary of State ~~[a claim]~~ *an application for ~~[the]~~ a certificate of exemption* on a form provided by the Secretary of State.

2. *The application must be signed pursuant to NRS 239.330 by:*

- (a) The owner of a business that is owned by a natural person.*
- (b) A member or partner of an association or partnership.*
- (c) A general partner of a limited partnership.*
- (d) A managing partner of a limited-liability partnership.*
- (e) A manager or managing member of a limited-liability company.*
- (f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.*

3. *If the application for a certificate of exemption is defective in any respect, the Secretary of State may return the application for correction.*

4. *A certificate of exemption issued pursuant to this section must contain the business identification number assigned by the Secretary of State pursuant to section 64 of this act.*

5. *A certificate of exemption must be renewed annually. A person who applies for the renewal of a certificate of exemption must submit the application for renewal:*

*(a) If the person is an entity required to file an annual list with the Secretary of State pursuant to this title, at the time the person submits the annual list to the Secretary of State, unless the person submits a certificate or other form evidencing the dissolution of the entity; or*

*(b) If the person is not an entity required to file an annual list with the Secretary of State pursuant to this title, on the last day of the month in which the anniversary date of issuance of the certificate of exemption occurs in each year, unless the person submits a written statement to the Secretary of State, at least 10 days before that date, indicating that the person will not be conducting an activity for which a certificate of exemption must be obtained.*

6. The provisions of subsection 1 do not apply to a business organized pursuant to ~~[chapter]~~ :

*(a) Chapter 82 or 84 of NRS ~~{-}~~ ; or*

*(b) Chapter 81 of NRS if the business is a nonprofit ~~[religious]~~ :*

*(1) Unit-owners' association; or*

*(2) Religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. 501(c).*

Sec. 3. NRS 76.110 is hereby amended to read as follows:

76.110 1. If a person fails to obtain a state business license and pay the fee required pursuant to NRS 76.100 before conducting a business in this State and the person is:

~~{1.}~~ (a) An entity required to file an annual list with the Secretary of State pursuant to this title, the person:

~~{(a)}~~ (1) Shall pay a penalty of \$100 in addition to the annual state business license fee ~~{}~~

~~{(b)}~~ *for each year in which the entity fails to obtain a state business license;*

(2) Shall be deemed to have not complied with the requirement to file an annual list with the Secretary of State; and

~~{(c)}~~ (3) Is subject to all applicable provisions relating to the failure to file an annual list, including, without limitation, the provisions governing default and revocation of its charter or right to transact business in this State, except that the person is required to pay the penalty set forth in *subparagraph (1) of paragraph (a)*.

~~{2.}~~ (b) Not an entity required to file an annual list with the Secretary of State, the person shall pay a penalty in the amount of \$100 in addition to the annual state business license fee ~~{}~~ *for each year in which the person has conducted business in this State without a state business license.*

2. *The Secretary of State may refuse to issue a state business license to a person that has failed to pay the fees and penalties required by this chapter.*

Sec. 4. NRS 76.130 is hereby amended to read as follows:

76.130 1. A person who applies for renewal of a state business license shall submit a fee in the amount of \$100 to the Secretary of State:

(a) If the person is an entity required to file an annual list with the Secretary of State pursuant to this title, at the time the person submits the annual list to the Secretary of State, unless the person submits a certificate or other form evidencing the dissolution of the entity; or

(b) If the person is not an entity required to file an annual list with the Secretary of State pursuant to this title, on the last day of the month in which the anniversary date of issuance of the state business license occurs in each year, unless the person submits a written statement to the Secretary of State, at least 10 days before that date, indicating that the person will not be conducting a business in this State after that date.

2. The Secretary of State shall, 90 days before the last day for filing an application for renewal of the state business license of a person who holds a state business license, provide to the person a notice of the state business license fee due pursuant to this section and a reminder to file the application for renewal required pursuant to this section. Failure of any person to receive a notice does not excuse the person from the penalty imposed by law.

3. If a person fails to submit the annual state business license fee required pursuant to this section in a timely manner and the person is:

(a) An entity required to file an annual list with the Secretary of State pursuant to this title, the person:

(1) Shall pay a penalty of \$100 in addition to the annual state business license fee;

(2) Shall be deemed to have not complied with the requirement to file an annual list with the Secretary of State; and

(3) Is subject to all applicable provisions relating to the failure to file an annual list, including, without limitation, the provisions governing default and revocation of its charter or right to transact business in this State, except that the person is required to pay the penalty set forth in subparagraph (1).

(b) Not an entity required to file an annual list with the Secretary of State, the person shall pay a penalty in the amount of \$100 in addition to the annual state business license fee. The Secretary of State shall provide to the person a written notice that:

(1) Must include a statement indicating the amount of the fees and penalties required pursuant to this section and the costs remaining unpaid.

(2) May be provided electronically, if the person has requested to receive communications by electronic transmission, by electronic mail or other electronic communication.

4. *A person who ~~fails to cancel his or her~~ continues to do business in this State without renewing the person's state business license before its renewal date is subject to the fees and penalties provided for in this section ~~until~~ unless the person files a certificate of cancellation of the person's state business license with the Secretary of State, ~~and pays any applicable fees and penalties.~~*

5. *The Secretary of State ~~may~~ shall waive the annual state business license fee and any related penalty imposed on a natural person or partnership if the natural person or partnership provides evidence satisfactory to the Secretary of State that the natural person or partnership conducted no business in this State during the period for which the fees and penalties would be waived.*

Sec. 5. ~~[NRS 76.170 is hereby amended to read as follows:~~

~~76.170 1. If a person who holds a state business license fails to comply with a provision of this chapter or a regulation of the Secretary of State adopted pursuant thereto, the Secretary of State may revoke or suspend the state business license of the person.~~

~~2. If the license is suspended or revoked, the Secretary of State shall provide written notice of the action to the person who holds the state business license.~~

~~3. The Secretary of State shall not issue a new license to the former holder of a revoked state business license unless the Secretary of State is satisfied that the person will comply with the provisions of this chapter and the regulations of the Secretary of State adopted pursuant thereto.~~

~~4. The Secretary of State shall not issue a new state business license to a person if the person is applying for a new state business license for the purpose of avoiding any fees or penalties imposed pursuant to this chapter~~

~~on a person conducting business in this State with an expired state business license.~~ (Deleted by amendment.)

Sec. 6. NRS 77.400 is hereby amended to read as follows:

77.400 The only duties under this chapter required of a registered agent who has complied with this chapter are:

1. To receive and forward to the represented entity at the address most recently supplied to the agent by the entity any process, notice or demand that is served on the agent;

2. To provide the notices required by this chapter to the entity at the address most recently supplied to the agent by the entity;

3. If the agent is a noncommercial registered agent, to keep current the information required pursuant to NRS 77.310 in the most recent registered agent filing for the entity; ~~and~~

4. If the agent is a commercial registered agent, to keep current the information in its registration under subsection 2 of NRS 77.320 ~~and~~;

~~5. To accept any process, notice or demand properly served on or delivered to the registered agent for any represented entity of the registered agent;~~

~~6. To maintain the documents required to be held by the represented entity with the registered agent pursuant to this title; and~~

~~7. To verify and maintain the name and street address of a contact person for each represented entity;~~

~~(a) The name and physical location of a contact person; and~~

~~(b) If the agent is a commercial registered agent, an agency agreement or contract between the commercial registered agent and the represented entity.~~

Sec. 6.5. NRS 77.443 is hereby amended to read as follows:

77.443 The Secretary of State may conduct ~~periodic, special or any other~~ examinations of any records required to be maintained pursuant to this chapter or any other provision of NRS pertaining to the duties of a registered agent ~~as if the Secretary of State deems necessary or appropriate to determine whether~~ has reason to believe that a violation of this chapter or any other provision of NRS pertaining to the duties of a registered agent has been violated.

Sec. 7. NRS 77.447 is hereby amended to read as follows:

77.447 1. A person who violates a provision of this chapter ~~for any other applicable law or regulation of this State relating to the conduct of a registered agent~~ is subject to a civil penalty of not more than \$500 ~~per violation and not more than \$10,000 in the aggregate~~ to be recovered in a civil action brought in the district court in the county in which the person's principal place of business is located or in the district court of Carson City. The court may reduce the amount of the civil penalty imposed by the Secretary of State if the court determines that the amount of the civil penalty is disproportionate to the violation.



2. Except as otherwise provided in subsection 3, before filing a civil action to recover a civil penalty pursuant to subsection 1, if the person who allegedly violated a provision of this chapter has not been issued a written notice of a violation of this chapter within the immediately preceding 3 years, the Secretary of State must provide to the person written notice of the alleged violation and 10 business days to correct the alleged violation. The Secretary of State may provide a greater period to correct the alleged violation as the Secretary of State deems appropriate.

3. If a person who allegedly violated a provision of this chapter engaged in conduct in the course of acting as a registered agent that was intended to deceive or defraud the public or to promote illegal activities, the Secretary of State may take any or all of the following actions:

(a) File a civil action pursuant to subsection 1 without providing the notice and the opportunity to correct the alleged violation required by subsection 2.

(b) Deny or revoke the person's registration as a commercial registered agent.

(c) Issue an order requiring the person to comply with the provisions of this chapter.

(d) Refuse to accept filings for entities for which the person serves as registered agent.

Sec. 8. Chapter 78 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Secretary of State ~~may~~ shall authorize a corporation whose charter has been revoked to dissolve without paying additional fees and penalties, other than ~~the fee for filing a certificate of intent to dissolve pursuant to subsection 2, if such a certificate is filed, and~~ the fee for filing a certificate of dissolution required by NRS 78.780, if the corporation provides evidence satisfactory to the Secretary of State that the corporation did not transact business in this State or as a corporation organized pursuant to the laws of this State:*

*(a) During the entire period for which its charter was revoked; or*

*(b) During a portion of the period for which its charter was revoked and paying the fees and penalties for the portion of that period in which the corporation transacted business in this State or as a corporation organized pursuant to the laws of this State.*

2. ~~*A corporation whose charter has been revoked that is no longer transacting business in this State or as a corporation organized pursuant to the laws of this State may register its intent to dissolve by:*~~

~~*(a) Paying the fee for filing a certificate of dissolution required by NRS 78.780; and*~~

~~*(b) Filing a certificate of intent to dissolve that is approved and signed by the person or persons required to approve and sign a certificate of dissolution for the corporation and that sets forth:*~~

~~*(1) The name of the corporation as filed with the Secretary of State;*~~

~~(2) The business identification number assigned to the corporation by the Secretary of State;~~

~~(3) The date on which the corporation ceased to transact business in this State or as a corporation organized pursuant to the laws of this State;~~

~~(4) The reason that the corporation is seeking the relief afforded by the filing of the certificate; and~~

~~(5) A statement that the filing of the certificate has been approved by the person or persons required to approve a certificate of dissolution for the corporation.~~

~~3. Except as otherwise provided in subsection 1, upon the filing of a certificate of intent to dissolve pursuant to subsection 2, the Secretary of State shall not impose on the corporation any additional fees and penalties relating to the failure of the corporation to file a certificate of dissolution.~~

~~4. A corporation that has filed a certificate of intent to dissolve pursuant to subsection 2 and that subsequently fails to file a certificate of dissolution and pay the fee for filing the certificate of dissolution must file the documents and pay the fees and penalties that would have been required pursuant to this chapter if the corporation had not filed the certificate of intent to dissolve.~~

~~5.} The Secretary of State may adopt regulations to administer the provisions of this section.~~

Sec. 8.3. NRS 78.105 is hereby amended to read as follows:

78.105 1. A corporation shall keep a copy of the following records at its principal office or with its custodian of records whose name and street address are available at the corporation's registered office:

(a) A copy certified by the Secretary of State of its articles of incorporation, and all amendments thereto;

(b) A copy certified by an officer of the corporation of its bylaws and all amendments thereto; and

(c) A stock ledger or a duplicate stock ledger, revised annually, containing the names, alphabetically arranged, of all persons who are stockholders of the corporation, showing their places of residence, if known, and the number of shares held by them respectively. ~~{In lieu of the stock ledger or duplicate stock ledger, the corporation may keep a statement setting out the name of the custodian of the stock ledger or duplicate stock ledger, and the present and complete mailing or street address where the stock ledger or duplicate stock ledger specified in this section is kept.}~~

2. ~~{A stock ledger, duplicate stock ledger or statement setting out the name of the custodian of the stock ledger or duplicate stock ledger described in paragraph (c) of subsection 1 must be maintained by the registered agent of the corporation for 3 years following the resignation or termination of the registered agent or the dissolution of the corporation by the Secretary of State.}~~ 3. Any person who has been a stockholder of record of a corporation for at least 6 months immediately preceding the demand, or any person holding, or thereunto authorized in writing by the holders of, at least 5 percent of all of its outstanding shares, upon at least 5 days' written demand

is entitled to inspect in person or by agent or attorney, during usual business hours, the records required by subsection 1 and make copies therefrom. Holders of voting trust certificates representing shares of the corporation must be regarded as stockholders for the purpose of this subsection. *If the records required by subsection 1 are kept outside of this State, a stockholder or other person entitled to inspect those records may serve a demand to inspect the records upon the corporation's registered agent. Upon such a request, the corporation shall send copies of the requested records, either in paper or electronic form, to the stockholder or other person entitled to inspect the requested records within 10 business days after service of the request upon the registered agent.* Every corporation that neglects or refuses to keep the records required by subsection 1 open for inspection, as required in this subsection, shall forfeit to the State the sum of \$25 for every day of such neglect or refusal.

~~{4.}~~ 3. If any corporation willfully neglects or refuses to make any proper entry in the stock ledger or duplicate copy thereof, or neglects or refuses to permit an inspection of the records required by subsection 1 upon demand by a person entitled to inspect them, or refuses to permit copies to be made therefrom, as provided in subsection ~~{3.}~~ 2, the corporation is liable to the person injured for all damages resulting to the person therefrom.

~~{5.} When the corporation keeps a statement in the manner provided for in paragraph (c) of subsection 1, the information contained thereon must be given to any stockholder of the corporation demanding the information, when the demand is made during business hours. Every corporation that neglects or refuses to keep a statement available, as in this subsection required, shall forfeit to the State the sum of \$25 for every day of such neglect or refusal.~~

~~{6.}~~ 4. In every instance where an attorney or other agent of the stockholder seeks the right of inspection, the demand must be accompanied by a power of attorney signed by the stockholder authorizing the attorney or other agent to inspect on behalf of the stockholder.

~~{7.}~~ 5. The right to copy records under subsection ~~{3.}~~ 2 includes, if reasonable, the right to make copies by photographic, xerographic or other means.

~~{8.}~~ 6. The corporation may impose a reasonable charge to recover the costs of labor and materials and the cost of copies of any records provided to the stockholder.

Sec. 8.7. NRS 78.152 is hereby amended to read as follows:

78.152 1. In addition to any records required to be kept at ~~{the registered}~~ its principal office in this State or with the custodian of records pursuant to NRS 78.105, a corporation that is not a publicly traded corporation shall maintain at ~~{its registered office or}~~ the principal ~~{place of business}~~ office in this State. ~~{=~~

~~{(a) A.} or with the custodian of records a current list of its owners of record. {= or~~

~~{(b) A statement indicating where such a list is maintained.}~~

2. Upon the request of the Secretary of State, the corporation shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a corporation to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a corporation fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the corporate charter.

5. The Secretary of State shall not reinstate or revive a charter that was revoked or suspended pursuant to subsection 4 unless:

(a) The corporation complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the corporate charter.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 9. Chapter 80 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 and 11 of this act.

Sec. 10. 1. *The Secretary of State ~~may~~ shall authorize a foreign corporation whose right to transact business in this State has been revoked to surrender its right to transact business in this State without paying additional fees and penalties, other than ~~the fee for filing a certificate of intent to surrender its right to transact business in this State pursuant to subsection 2, if such a certificate is filed, and~~ the fee for filing a notice of withdrawal required by NRS 80.050, if the foreign corporation provides evidence satisfactory to the Secretary of State that the foreign corporation did not transact business in this State:*

*(a) During the entire period for which its right to transact business in this State was revoked; or*

*(b) During a portion of the period for which its right to transact business in this State was revoked and paying the fees and penalties for the portion of that period in which the foreign corporation transacted business in this State.*

2. ~~*A foreign corporation whose right to transact business in this State has been revoked that is no longer transacting business in this State may register its intent to surrender its rights to transact business in this State by:*~~

~~*(a) Paying the fee for filing a notice of withdrawal required by NRS 80.050; and*~~

~~(b) Filing a certificate of intent to withdraw that is approved and signed by the person or persons required to approve and sign a notice of withdrawal for the foreign corporation pursuant to NRS 80.200 and that sets forth:~~

~~(1) The name of the foreign corporation as filed with the Secretary of State;~~

~~(2) The business identification number assigned to the foreign corporation by the Secretary of State;~~

~~(3) The date on which the foreign corporation ceased to transact business in this State;~~

~~(4) The reason that the foreign corporation is seeking the relief afforded by the filing of the certificate; and~~

~~(5) A statement that the filing of the certificate has been approved by the person or persons required to approve a notice of withdrawal for the foreign corporation pursuant to NRS 80.200.~~

~~3. Except as otherwise provided in subsection 4, upon the filing of a certificate of intent to dissolve pursuant to subsection 2, the Secretary of State shall not impose on the foreign corporation any additional fees and penalties relating to the failure of the foreign corporation to file a notice of withdrawal pursuant to NRS 80.200.~~

~~4. A foreign corporation that has filed a certificate of intent to withdraw pursuant to subsection 2 and that subsequently fails to file a notice of withdrawal and pay the fee for filing the notice of withdrawal must file the documents and pay the fees and penalties that would have been required pursuant to this chapter if the foreign corporation had not filed the certificate of intent to withdraw.~~

~~5. The Secretary of State may adopt regulations to administer the provisions of this section.~~

Sec. 11. 1. Except as otherwise provided in NRS 80.113, a foreign corporation which was qualified to transact business in this State pursuant to this chapter may, upon complying with the provisions of NRS 80.170, procure a renewal or revival of its right to transact business in this State for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original qualification to transact business in this State and amendments thereto, or existing qualification to transact business in this State, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the foreign corporation, which must be the name of the foreign corporation at the time of the renewal or revival, or its name at the time its original qualification to transact business in this State expired.

(2) The information required pursuant to NRS 77.310.

(3) The date on which the renewal or revival of the qualification to transact business in this State is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) The time for which the renewal or revival is to continue.

(5) *That the foreign corporation desiring to renew or revive its right to transact business in this State is, or has been, organized and carrying on the business authorized by its existing or original qualification to transact business in this State and amendments thereto, and desires to renew or continue through revival its qualification to transact business in this State pursuant to and subject to the provisions of this chapter.*

(b) *A list of its president, secretary and treasurer, or the equivalent thereof, and all of its directors and their addresses, either residence or business.*

(c) *A declaration under penalty of perjury, on a form provided by the Secretary of State, that the renewal or revival is authorized by a court of competent jurisdiction in this State or by the duly elected board of directors of the foreign corporation or, if the foreign corporation does not have a board of directors, the equivalent of such a board.*

2. *A foreign corporation whose qualification to transact business in this State has not expired and is being renewed shall cause the certificate to be signed by an officer of the corporation. The certificate must be approved by a majority of the voting power of the shares of the foreign corporation.*

3. *A foreign corporation seeking to revive its qualification to transact business in this State shall cause the certificate to be signed by a person or persons designated or appointed by the stockholders of the foreign corporation. The signing and filing of the certificate must be approved by the written consent of the stockholders of the foreign corporation holding at least a majority of the voting power and must contain a recital that this consent was secured. If no stock has been issued, the certificate must contain a statement of that fact, and a majority of the directors then in office may designate the person to sign the certificate. The foreign corporation shall pay to the Secretary of State the fee required to qualify a foreign corporation to transact business in this State pursuant to the provisions of this chapter.*

4. *The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the qualification to transact business in this State of the foreign corporation therein named.*

5. *Except as otherwise provided in NRS 80.175, a renewal or revival pursuant to this section relates back to the date on which the foreign corporation's qualification to transact business in this State expired or was forfeited and renews or revives the foreign corporation's qualification to transact business in this State as if such right had at all times remained in full force and effect.*

Sec. 11.5. NRS 80.113 is hereby amended to read as follows:

80.113 1. A foreign corporation that is not a publicly traded corporation shall maintain at its principal office in this State or with its custodian of records whose name and street address is available at the

foreign corporation's registered office ~~for principal place of business in this State:~~

~~(a) A current list of its owners of record, ~~for~~~~

~~(b) A statement indicating where such a list is maintained.]~~

2. Upon the request of the Secretary of State, the foreign corporation shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign corporation to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign corporation fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the foreign corporation to transact business in this State.

5. The Secretary of State shall not reinstate or revive the right of a foreign corporation to transact business that was revoked or suspended pursuant to subsection 4 unless:

(a) The foreign corporation complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the foreign corporation to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 12. NRS 80.175 is hereby amended to read as follows:

80.175 1. Except as otherwise provided in subsection 2, if a foreign corporation applies to reinstate *or revive* its charter but its name has been legally reserved or acquired by another artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the foreign corporation must in its application for reinstatement *or revival* submit in writing to the Secretary of State some other name under which it desires its existence to be reinstated ~~or~~ *or revived*. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall reinstate *or revive* the foreign corporation under that new name.

2. If the applying foreign corporation submits the written, acknowledged consent of the artificial person having a name, or the person who has reserved a name, which is not distinguishable from the old name of the applying foreign corporation or a new name it has submitted, it may be reinstated *or revived* under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 13. Chapter 82 of NRS is hereby amended by adding thereto the provisions set forth as sections 14 and 15 of this act.

Sec. 14. 1. *The Secretary of State ~~may~~ shall authorize a nonprofit corporation whose charter has been revoked to dissolve without paying additional fees and penalties, other than ~~the fee for filing a certificate of intent to dissolve pursuant to subsection 2, if such a certificate is filed, and~~ the fee for filing a certificate of dissolution required by NRS 82.531, if the nonprofit corporation provides evidence satisfactory to the Secretary of State that the nonprofit corporation did not transact business in this State or as a nonprofit corporation organized pursuant to the laws of this State:*

*(a) During the entire period for which its charter was revoked; or*

*(b) During a portion of the period for which its charter was revoked and paying the fees and penalties for the portion of that period in which the nonprofit corporation transacted business in this State or as a nonprofit corporation organized pursuant to the laws of this State.*

2. ~~*A nonprofit corporation whose charter has been revoked that is no longer transacting business in this State or as a nonprofit corporation organized pursuant to the laws of this State may register its intent to dissolve by:*~~

~~*(a) Paying the fee for filing a certificate of dissolution required by NRS 82.531; and*~~

~~*(b) Filing a certificate of intent to dissolve that is approved and signed by the person or persons required to approve and sign a certificate of dissolution for the nonprofit corporation and that sets forth:*~~

~~*(1) The name of the nonprofit corporation as filed with the Secretary of State;*~~

~~*(2) The business identification number assigned to the nonprofit corporation by the Secretary of State;*~~

~~*(3) The date on which the nonprofit corporation ceased to transact business in this State or as a nonprofit corporation organized pursuant to the laws of this State;*~~

~~*(4) The reason that the nonprofit corporation is seeking the relief afforded by the filing of the certificate; and*~~



~~(5) A statement that the filing of the certificate has been approved by the person or persons required to approve a certificate of dissolution for the nonprofit corporation.~~

~~3. Except as otherwise provided in subsection 4, upon the filing of a certificate of intent to dissolve pursuant to subsection 2, the Secretary of State shall not impose on the nonprofit corporation any additional fees and penalties relating to the failure of the nonprofit corporation to file a certificate of dissolution.~~

~~4. A nonprofit corporation that has filed a certificate of intent to dissolve pursuant to subsection 2 and that subsequently fails to file a certificate of dissolution and pay the fee for filing the certificate of dissolution must file the documents and pay the fees and penalties that would have been required pursuant to this chapter if the nonprofit corporation had not filed the certificate of intent to dissolve.~~

~~5.~~ The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 15. 1. A foreign nonprofit corporation which was qualified to transact business in this State pursuant to this chapter may, upon complying with the provisions of NRS 82.5237, procure a renewal or revival of its right to transact business in this State for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original qualification to transact business in this State and amendments thereto, or existing qualification to transact business in this State, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the foreign nonprofit corporation, which must be the name of the foreign nonprofit corporation at the time of the renewal or revival, or its name at the time its original qualification to transact business in this State expired.

(2) The information required pursuant to NRS 77.310.

(3) The date on which the renewal or revival of the qualification to transact business in this State is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) The time for which the renewal or revival is to continue.

(5) That the foreign nonprofit corporation desiring to renew or revive its right to transact business in this State is, or has been, organized and carrying on the business authorized by its existing or original qualification to transact business in this State and amendments thereto, and desires to renew or continue through revival its qualification to transact business in this State pursuant to and subject to the provisions of this chapter.

(b) A list of its president, secretary and treasurer, or the equivalent thereof, and all of its directors and their addresses, either residence or business.

(c) A declaration under penalty of perjury, on a form provided by the Secretary of State, that the renewal or revival is authorized by a court of

*competent jurisdiction in this State or by the duly elected board of directors of the foreign nonprofit corporation or, if the foreign nonprofit corporation does not have a board of directors, the equivalent of such a board.*

*2. A foreign nonprofit corporation whose qualification to transact business in this State has not expired and is being renewed shall cause the certificate to be signed by an officer of the corporation. The certificate must be approved by a majority of the directors of the foreign nonprofit corporation or, if the foreign nonprofit corporation does not have a board of directors, the equivalent of such a board.*

*3. A foreign nonprofit corporation seeking to revive its qualification to transact business in this State shall cause the certificate to be signed by a person or persons designated or appointed by the directors of the foreign nonprofit corporation, or their equivalent. The signing and filing of the certificate must be approved by the written consent of the directors of the foreign nonprofit corporation, or their equivalent, holding at least a majority of the voting power and must contain a recital that this consent was secured. The foreign nonprofit corporation shall pay to the Secretary of State the fee required to qualify a foreign nonprofit corporation to transact business in this State pursuant to the provisions of this chapter.*

*4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the qualification to transact business in this State of the foreign nonprofit corporation therein named.*

*5. Except as otherwise provided in NRS 82.5239, a renewal or revival pursuant to this section relates back to the date on which the foreign nonprofit corporation's qualification to transact business in this State expired or was forfeited and renews or revives the foreign nonprofit corporation's qualification to transact business in this State as if such right had at all times remained in full force and effect.*

*Sec. 15.3. NRS 82.181 is hereby amended to read as follows:*

*82.181 1. A corporation shall keep a copy of the following records at its principal office or with its custodian of records whose name and street address is available at the corporation's registered office:*

*(a) A copy, certified by the Secretary of State, of its articles and all amendments thereto;*

*(b) A copy, certified by an officer of the corporation, of its bylaws and all amendments thereto; and*

*(c) If the corporation has members, a members' ledger or a duplicate members' ledger, revised annually, containing the names, alphabetically arranged, of all persons who are members of the corporation, showing their places of residence, if known, and the class of membership held by each. ~~or~~*

~~*(d) In lieu of the members' ledger or duplicate members' ledger specified in paragraph (c), a statement setting out the name of the custodian of the*~~

~~members' ledger or duplicate members' ledger, and the present and complete mailing or street address where the members' ledger or duplicate members' ledger specified in this section is kept.]~~

2. A corporation must maintain the records required by subsection 1 in written form or in another form capable of conversion into written form within a reasonable time.

3. A director or any person who has been a member of record of a corporation for at least 6 months, or at least 5 percent of the members of the corporation, upon at least 5 days' written demand, is entitled to inspect in person or by agent or attorney, during usual business hours, the members' ledger or duplicate ledger ~~[, whether kept in the registered office or elsewhere as provided in paragraph (d) of subsection 1,]~~ and to make copies therefrom. *If the records required by subsection 1 are kept outside of this State, a director or other person entitled to inspect those records may serve a demand to inspect the records upon the corporation's registered agent. Upon such a request, the corporation shall send copies of the requested records, either in paper or electronic form, to the director or other person entitled to inspect the requested records within 10 business days after service of the request upon the registered agent.* Every corporation that neglects or refuses to keep the members' ledger or duplicate copy thereof open for inspection, as required in this subsection, shall forfeit to the State the sum of \$25 for every day of such neglect or refusal.

4. An inspection authorized by subsection 3 may be denied to a member or other person upon the refusal of the member or other person to furnish to the corporation an affidavit that the inspection is not desired for any purpose not relating to his or her interest as a member, including, but not limited to, those purposes set forth in subsection ~~[6.]~~ 5.

5. ~~[When the corporation keeps and maintains a statement in the manner provided for in paragraph (d) of subsection 1, the information contained thereon must be given to any director or member of such corporation as provided in subsection 2 when the demand is made during business hours. Every corporation that neglects or refuses to keep such statement available, as required in this subsection, shall forfeit to the State the sum of \$25 for every day of such neglect or refusal.]~~

~~—6.]~~ It is a defense to any action to enforce the provisions of this section or for charges, penalties or damages under this section that the person suing has used or intends to use the list for any of the following purposes:

(a) To solicit money or property from the members unless the money or property will be used solely to solicit the votes of members;

(b) For any commercial purpose or purpose in competition with the corporation;

(c) To sell to any person; or

(d) For any other purpose not related to his or her interest as a member.

~~{7.}~~ 6. This section does not impair the power or jurisdiction of any court to compel the production for examination of the books of a corporation in any proper case.

~~{8.}~~ 7. In every instance where an attorney or other agent of the director or member seeks the right of inspection, the demand must be accompanied by a power of attorney signed by the director or member authorizing the attorney or other agent to inspect on behalf of the director or member.

~~{9.}~~ 8. The right to copy records under subsection 3 includes, if reasonable, the right to make copies by photographic, xerographic or other means.

~~{10.}~~ 9. The corporation may impose a reasonable charge, covering costs of labor, materials and copies of any records provided to the member or director.

*Sec. 15.7. NRS 82.183 is hereby amended to read as follows:*

82.183 1. Upon the request of the Secretary of State, a corporation shall provide the Secretary of State with the name and contact information of the custodian of the members' ledger or duplicate members' ledger kept ~~by the corporation at its registered office~~ pursuant to ~~paragraph (c) of~~ subsection 1 of NRS 82.181. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

2. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a corporation to answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

3. If a corporation fails to comply with any requirement pursuant to subsection 2, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the corporation to transact business in this State.

4. The Secretary of State shall not reinstate or revive the right of a corporation to transact business in this State that was revoked or suspended pursuant to subsection 3 unless:

(a) The corporation complies with the requirements of subsection 2; or  
(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the corporation to transact business in this State.

5. The Secretary of State may adopt regulations to administer the provisions of this section.

*Sec. 16. NRS 82.5239 is hereby amended to read as follows:*

82.5239 1. Except as otherwise provided in subsection 2, if a foreign nonprofit corporation applies to reinstate *or revive* its charter but its name has been legally reserved or acquired by another artificial person formed, organized, registered or qualified pursuant to the provisions of this title and that name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the foreign nonprofit corporation must in its application for reinstatement *or*

*revival* submit in writing to the Secretary of State some other name under which it desires its existence to be reinstated ~~[ ]~~ *or revived*. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall reinstate *or revive* the foreign nonprofit corporation under that new name.

2. If the applying foreign nonprofit corporation submits the written, acknowledged consent of the artificial person having a name, or who has reserved a name, which is not distinguishable from the old name of the applying foreign nonprofit corporation or a new name it has submitted, it may be reinstated *or revived* under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 17. NRS 84.120 is hereby amended to read as follows:

84.120 1. If a registered agent resigns pursuant to NRS 77.370 or if a commercial registered agent terminates its registration as a commercial registered agent pursuant to NRS 77.330, the corporation sole, before the effective date of the resignation or termination, shall file with the Secretary of State a statement of change of registered agent pursuant to NRS 77.340.

2. A corporation sole that fails to comply with subsection 1 shall be deemed in default and is subject to the provisions of NRS ~~[84.130 and]~~ 84.140.

3. As used in this section, "commercial registered agent" has the meaning ascribed to it in NRS 77.040.

Sec. 18. Chapter 86 of NRS is hereby amended by adding thereto the provisions set forth as sections 19, 20 and 21 of this act.

Sec. 19. 1. *The Secretary of State ~~may~~ shall authorize a limited-liability company whose charter has been revoked to dissolve without paying additional fees and penalties, other than ~~the fee for filing a certificate of intent to dissolve pursuant to subsection 2, if such a certificate is filed, and~~ the fee for filing articles of dissolution required by NRS 86.561, if the limited-liability company provides evidence satisfactory to the Secretary of State that the limited-liability company did not transact business in this State or as a limited-liability company organized pursuant to the laws of this State:*

(a) *During the entire period for which its charter was revoked; or*

(b) *During a portion of the period for which its charter was revoked and paying the fees and penalties for the portion of that period in which the limited-liability company transacted business in this State or as a limited-liability company organized pursuant to the laws of this State.*

2. ~~*A limited liability company whose charter has been revoked that is no longer transacting business in this State or as a limited liability company*~~

~~organized pursuant to the laws of this State may register its intent to dissolve by:~~

~~— (a) Paying the fee for filing articles of dissolution required by NRS 86.561; and~~

~~— (b) Filing a certificate of intent to dissolve that is approved and signed by the person or persons required to approve and sign articles of dissolution for the limited liability company and that sets forth:~~

~~— (1) The name of the limited liability company as filed with the Secretary of State;~~

~~— (2) The business identification number assigned to the limited liability company by the Secretary of State;~~

~~— (3) The date on which the limited liability company ceased to transact business in this State or as a limited liability company organized pursuant to the laws of this State;~~

~~— (4) The reason that the limited liability company is seeking the relief afforded by the filing of the certificate; and~~

~~— (5) A statement that the filing of the certificate has been approved by the person or persons required to approve articles of dissolution for the limited liability company.~~

~~— 3. Except as otherwise provided in subsection 4, upon the filing of a certificate of intent to dissolve pursuant to subsection 2, the Secretary of State shall not impose on the limited liability company any additional fees and penalties relating to the failure of the limited liability company to file articles of dissolution.~~

~~— 4. A limited liability company that has filed a certificate of intent to dissolve pursuant to subsection 2 and that subsequently fails to file articles of dissolution and pay the fee for filing the articles of dissolution must file the documents and pay the fees and penalties that would have been required pursuant to this chapter if the limited liability company had not filed the certificate of intent to dissolve.~~

~~— 5. The Secretary of State may adopt regulations to administer the provisions of this section.~~

Sec. 20. 1. The Secretary of State ~~may~~ shall authorize a foreign limited-liability company whose right to transact business in this State has been revoked to cancel its registration without paying additional fees and penalties, other than ~~the fee for filing a certificate of intent to cancel its registration pursuant to subsection 2, if such a certificate is filed, and~~ the fee for filing a certificate of cancellation required by NRS 86.561, if the foreign limited-liability company provides evidence satisfactory to the Secretary of State that the foreign limited-liability company did not transact business in this State:

(a) During the entire period for which its right to transact business in this State was revoked; or

(b) During a portion of the period for which its right to transact business in this State was revoked and paying the fees and penalties for the portion of

that period in which the foreign limited-liability company transacted business in this State.

~~2. A foreign limited liability company whose right to transact business in this State has been revoked that is no longer transacting business in this State may register its intent to cancel its registration in this State by:~~

~~— (a) Paying the fee for filing a certificate of cancellation required by NRS 86.561; and~~

~~— (b) Filing a certificate of intent to cancel its registration that is approved and signed by the person or persons required to approve and sign a certificate of cancellation for the foreign limited liability company and that sets forth:~~

~~— (1) The name of the foreign limited liability company as filed with the Secretary of State;~~

~~— (2) The business identification number assigned to the foreign limited liability company by the Secretary of State;~~

~~— (3) The date on which the foreign limited liability company ceased to transact business in this State;~~

~~— (4) The reason that the foreign limited liability company is seeking the relief afforded by the filing of the certificate; and~~

~~— (5) A statement that the filing of the certificate has been approved by the person or persons required to approve a certificate of cancellation for the foreign limited liability company.~~

~~3. Except as otherwise provided in subsection 4, upon the filing of a certificate of intent to cancel the registration of a foreign limited liability company pursuant to subsection 2, the Secretary of State shall not impose on the foreign limited liability company any additional fees and penalties relating to the failure of the foreign limited liability company to file a certificate of cancellation.~~

~~4. A foreign limited liability company that has filed a certificate of intent to cancel its registration pursuant to subsection 2 and that subsequently fails to file a certificate of cancellation and pay the fee for filing the certificate of cancellation must file the documents and pay the fees and penalties that would have been required pursuant to this chapter if the foreign limited liability company had not filed the certificate of intent to cancel its registration.~~

~~5. The Secretary of State may adopt regulations to administer the provisions of this section.~~

Sec. 21. 1. Except as otherwise provided in NRS 86.54615, a foreign limited-liability company which was registered to transact business in this State may, upon complying with the provisions of NRS 86.5467, procure a renewal or revival of its registration for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original registration and amendments thereto, or existing registration, by filing:

(a) *A certificate with the Secretary of State, which must set forth:*

(1) *The name of the foreign limited-liability company, which must be the name of the foreign limited-liability company at the time of the renewal or revival, or its name at the time its registration to transact business in this State was forfeited.*

(2) *The information required pursuant to NRS 77.310.*

(3) *The date when the renewal or revival of the registration is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.*

(4) *Whether or not the renewal or revival is to be perpetual and, if not perpetual, the time for which the renewal or revival is to continue.*

(5) *That the foreign limited-liability company desiring to renew or revive its registration is, or has been, organized and carrying on the business authorized by its registration, and desires to renew or continue through revival its right to transact business in this State pursuant to and subject to the provisions of this chapter.*

(b) *A list of its managers or, if there are no managers, all its managing members and their mailing or street addresses, either residence or business.*

(c) *A declaration under penalty of perjury, on a form provided by the Secretary of State, that the renewal or revival is authorized by a court of competent jurisdiction in this State or by the duly selected manager or managers of the foreign limited-liability company or, if there are no managers, its managing members.*

2. *A foreign limited-liability company whose charter has not expired and is being renewed shall cause the certificate to be signed by its manager or, if there is no manager, by a person designated by its members. The certificate must be approved by a majority in interest.*

3. *A foreign limited-liability company seeking to revive its registration to transact business in this State shall cause the certificate to be signed by a person or persons designated or appointed by the members. The signing and filing of the certificate must be approved by the written consent of a majority in interest and must contain a recital that this consent was secured. The foreign limited-liability company shall pay to the Secretary of State the fee required to register a foreign limited-liability company pursuant to the provisions of NRS 86.543 to 86.549, inclusive, this section and section 20 of this act.*

4. *The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the existence of the foreign limited-liability company therein named.*

5. *Except as otherwise provided in NRS 86.5468, a renewal or revival pursuant to this section relates back to the date on which the foreign limited-liability company's registration expired or was revoked and renews or revives the foreign limited-liability company's registration and right to*



*transact business as if such right had at all times remained in full force and effect.*

*Sec. 21.3. NRS 86.241 is hereby amended to read as follows:*

86.241 1. Each limited-liability company shall continuously ~~maintain~~ *keep at its principal office* in this State ~~and~~ *or with its custodian of records whose name and street address is available at its registered office, which may but need not be a place of its business in this State, at which it shall keep,* unless otherwise provided by an operating agreement ~~[-]~~, *the following:*

(a) A current list of the full name and last known business address of each member and manager, separately identifying the members in alphabetical order and the managers, if any, in alphabetical order;

(b) A copy of the filed articles of organization and all amendments thereto, together with signed copies of any powers of attorney pursuant to which any record has been signed; and

(c) Copies of any then effective operating agreement of the company.

2. ~~In lieu of keeping at an office in this State the information required in paragraphs (a) and (b) of subsection 1, the limited liability company may keep a statement with the registered agent setting out the name of the custodian of the information required in paragraphs (a) and (b) of subsection 1, and the present and complete address, including street and number, if any, where the information required in paragraphs (a) and (b) of subsection 1 is kept. 3.~~ Each member of a limited-liability company is entitled to obtain from the company, from time to time upon reasonable demand, for any purpose reasonably related to the interest of the member as a member of the company:

(a) The records required to be maintained pursuant to subsection 1;

(b) True and, in light of the member's stated purpose, complete records regarding the activities and the status of the business and financial condition of the company;

(c) Promptly after becoming available, a copy of the company's federal, state and local income tax returns for each year;

(d) True and complete records regarding the amount of cash and a description and statement of the agreed value of any other property or services contributed by each member and which each member has agreed to contribute in the future, and the date on which each became a member; and

(e) Other records regarding the affairs of the company as is just and reasonable under the circumstances and in light of the member's stated purpose for demanding such records.

➡ The right to obtain records under this subsection includes, if reasonable, the right to make copies or abstracts by photographic, xerographic, electronic or other means.

~~4.~~ 3. Each manager of a limited-liability company managed by a manager or managers is entitled to examine from time to time upon

reasonable demand, for a purpose reasonably related to the manager's rights, powers and duties as such, the records described in subsection ~~{3-} 2.~~

~~{5-} 4.~~ Any demand by a member or manager under subsection ~~2 or 3~~ ~~for~~ ~~4~~ is subject to such reasonable standards regarding at what time and location and at whose expense records are to be furnished as may be set forth in the articles of organization or in an operating agreement adopted or amended as provided in subsection ~~{8-} 7~~ or, if no such standards are set forth in the articles of organization or operating agreement, the records must be provided or made available for examination, as the case may be, during ordinary business hours, at the company's principal office ~~[required to be maintained pursuant to subsection 1]~~ in this State and at the expense of the demanding member or manager.

~~{6-}~~ If such records are maintained outside of this State, the manager or member may serve a demand for the records upon the limited-liability company's registered agent. Upon receipt of such a demand the limited-liability company shall send copies of the requested records, either in paper or electronic form to the manager or member within 10 business days after the demand is served upon the registered agent.

5. Any demand by a member or manager under this section must be in writing and must state the purpose of such demand. When a demanding member seeks to obtain or a manager seeks to examine the records described in subsection ~~{3-} 2,~~ the demanding member or manager must first establish that:

(a) The demanding member or manager has complied with the provisions of this section respecting the form and manner of making a demand for obtaining or examining such records; and

(b) The records sought by the demanding member or manager are reasonably related to the member's interest as a member or the manager's rights, powers and duties as a manager, as the case may be.

~~{7-} 6.~~ In every instance where an attorney or other agent of a member or manager seeks to exercise any right arising under this section on behalf of such member or manager, the demand must be accompanied by a power of attorney signed by the member or manager authorizing the attorney or other agent to exercise such rights on behalf of the member or manager.

~~{8-} 7.~~ The rights of a member to obtain or a manager to examine records as provided in this section may be restricted or denied entirely in the articles of organization or in an operating agreement adopted by all of the members or by the sole member or in any subsequent amendment adopted by all of the members at the time of amendment.

*Sec. 21.7. NRS 86.54615 is hereby amended to read as follows:*

86.54615 1. A foreign limited-liability company shall maintain at its principal office in this State or with its custodian of records whose name and street address are available at the company's registered office ~~for principal place of business in this State~~

~~(a) A~~ a current list of each member and manager. ~~{5-} or~~

~~(b) A statement indicating where such a list is maintained.]~~

2. Upon the request of the Secretary of State, the foreign limited-liability company shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign limited-liability company to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign limited-liability company fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the registration of the foreign limited-liability company.

5. The Secretary of State shall not reinstate or revive a registration that was revoked or suspended pursuant to subsection 4 unless:

(a) The foreign limited-liability company complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the registration.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 22. NRS 86.5468 is hereby amended to read as follows:

86.5468 1. Except as otherwise provided in subsection 2, if a foreign limited-liability company applies to reinstate *or revive* its registration but its name has been legally reserved or acquired by another artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the foreign limited-liability company must in its application for reinstatement *or revival* submit in writing to the Secretary of State some other name under which it desires its existence to be reinstated ~~[ ]~~ *or revived*. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall reinstate *or revive* the foreign limited-liability company under that new name.

2. If the applying foreign limited-liability company submits the written, acknowledged consent of the artificial person having a name, or the person who has reserved a name, which is not distinguishable from the old name of

the applying foreign limited-liability company or a new name it has submitted, it may be reinstated *or revived* under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 23. NRS 86.5483 is hereby amended to read as follows:

86.5483 1. For the purposes of NRS 86.543 to 86.549, inclusive, *and sections 20 and 21 of this act*, the following activities do not constitute transacting business in this State:

- (a) Maintaining, defending or settling any proceeding;
- (b) Holding meetings of the managers or members or carrying on other activities concerning internal company affairs;
- (c) Maintaining accounts in banks or credit unions;
- (d) Maintaining offices or agencies for the transfer, exchange and registration of the company's own securities or maintaining trustees or depositaries with respect to those securities;
- (e) Making sales through independent contractors;
- (f) Soliciting or receiving orders outside this State through or in response to letters, circulars, catalogs or other forms of advertising, accepting those orders outside this State and filling them by shipping goods into this State;
- (g) Creating or acquiring indebtedness, mortgages and security interests in real or personal property;
- (h) Securing or collecting debts or enforcing mortgages and security interests in property securing the debts;
- (i) Owning, without more, real or personal property;
- (j) Isolated transactions completed within 30 days and not a part of a series of similar transactions;
- (k) The production of motion pictures as defined in NRS 231.020;
- (l) Transacting business as an out-of-state depository institution pursuant to the provisions of title 55 of NRS; and
- (m) Transacting business in interstate commerce.

2. The list of activities in subsection 1 is not exhaustive.

3. A person who is not transacting business in this State within the meaning of this section need not qualify or comply with any provision of this chapter, title 55 or 56 of NRS or chapter 645A, 645B or 645E of NRS unless the person:

- (a) Maintains an office in this State for the transaction of business; or
- (b) Solicits or accepts deposits in the State, except pursuant to the provisions of chapter 666 or 666A of NRS.

4. The fact that a person is not transacting business in this State within the meaning of this section:

(a) Does not affect the determination of whether any court, administrative agency or regulatory body in this State may exercise personal jurisdiction over the person in any civil action, criminal action, administrative proceeding or regulatory proceeding; and

(b) Except as otherwise provided in subsection 3, does not affect the applicability of any other provision of law with respect to the person and may not be offered as a defense or introduced in evidence in any civil action, criminal action, administrative proceeding or regulatory proceeding to prove that the person is not transacting business in this State, including, without limitation, any civil action, criminal action, administrative proceeding or regulatory proceeding involving an alleged violation of chapter 597, 598 or 598A of NRS.

5. As used in this section, "deposits" means demand deposits, savings deposits and time deposits, as those terms are defined in chapter 657 of NRS.

Sec. 24. NRS 86.549 is hereby amended to read as follows:

86.549 The Attorney General may bring an action to restrain a foreign limited-liability company from transacting business in this State in violation of NRS 86.543 to 86.549, inclusive ~~[-]~~, and sections 20 and 21 of this act.

Sec. 25. Chapter 87 of NRS is hereby amended by adding thereto the provisions set forth as sections 26, 27 and 28 of this act.

Sec. 26. 1. ~~The Secretary of State may~~ shall authorize a registered limited-liability partnership whose certificate of registration has been revoked to dissolve without paying additional fees and penalties, other than ~~the fee for filing a certificate of intent to dissolve pursuant to subsection 2, if such a certificate is filed, the fee for filing a statement of dissolution, if such a statement is filed, and~~ the fee for filing a notice of withdrawal required by NRS 87.470, if the registered limited-liability partnership provides evidence satisfactory to the Secretary of State that the registered limited-liability partnership did not transact business in this State or as a registered limited-liability partnership organized pursuant to the laws of this State:

(a) During the entire period for which its certificate of registration was revoked; or

(b) During a portion of the period for which its certificate of registration was revoked and paying the fees and penalties for the portion of that period in which the registered limited-liability partnership transacted business in this State or as a registered limited-liability partnership organized pursuant to the laws of this State.

2. ~~A registered limited liability partnership whose certificate of registration has been revoked that is no longer transacting business in this State or as a registered limited liability partnership organized pursuant to the laws of this State may register its intent to dissolve by:~~

~~(a) Paying the fee for filing a notice of withdrawal required by NRS 87.470; and~~

~~(b) Filing a certificate of intent to dissolve that is approved by the person or persons required to approve the dissolution of the registered~~

~~limited liability partnership and signed by the person or persons required to sign a notice of withdrawal for the registered limited liability partnership pursuant to NRS 87.470 and that sets forth:~~

~~—(1) The name of the registered limited liability partnership as filed with the Secretary of State;~~

~~—(2) The business identification number assigned to the registered limited liability partnership by the Secretary of State;~~

~~—(3) The date on which the registered limited liability partnership ceased to transact business in this State or as a registered limited liability partnership organized pursuant to the laws of this State;~~

~~—(4) The reason that the registered limited liability partnership is seeking the relief afforded by the filing of the certificate; and~~

~~—(5) A statement that the filing of the certificate has been approved by the person or persons required to approve the dissolution of the registered limited liability partnership.~~

~~—3. Except as otherwise provided in subsection 4, upon the filing of a certificate of intent to dissolve pursuant to subsection 2, the Secretary of State shall not impose on the registered limited liability partnership any additional fees and penalties relating to the failure of the corporation to file a notice of withdrawal pursuant to NRS 87.470.~~

~~—4. A registered limited liability partnership that has filed a certificate of intent to dissolve pursuant to subsection 2, that subsequently fails to dissolve and file a notice of withdrawal and that subsequently fails to pay the fee for filing a statement of dissolution, if filed, and the fee for filing the notice of withdrawal pursuant to NRS 87.470, must file the documents and pay the fees and penalties that would have been required pursuant to this chapter if the registered limited liability partnership had not filed the certificate of intent to dissolve.~~

~~—5.7 The Secretary of State may adopt regulations to administer the provisions of this section.~~

Sec. 27. 1. Except as otherwise provided in NRS 87.515, a registered limited-liability partnership which did exist or is existing under the laws of this State may, upon complying with the provisions of NRS 87.530, procure a renewal or revival of its certificate of registration for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original certificate of registration and amendments thereto, or existing certificate of registration, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the registered limited-liability partnership, which must be the name of the registered limited-liability partnership at the time of the renewal or revival, or its name at the time its original certificate of registration expired.

(2) The information required pursuant to NRS 77.310.

(3) *The date on which the renewal or revival of the certificate of registration is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.*

(4) *Whether or not the renewal or revival is to be perpetual and, if not perpetual, the time for which the renewal or revival is to continue.*

(5) *That the registered limited-liability partnership desiring to renew or revive its certificate of registration is, or has been, organized and carrying on the business authorized by its existing or original certificate of registration and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.*

(b) *A list of its managing partners, or the equivalent thereof, and their addresses, either residence or business.*

(c) *A declaration under penalty of perjury, on a form provided by the Secretary of State, that the renewal or revival is authorized by a court of competent jurisdiction in this State or by the managing partners of the registered limited-liability partnership.*

2. *A registered limited-liability partnership whose certificate of registration has not expired and is being renewed shall cause the certificate to be signed by a managing partner of the registered limited-liability partnership. The certificate of renewal must be approved by a majority of the managing partners.*

3. *A registered limited-liability partnership seeking to revive its original or amended certificate of registration shall cause the certificate to be signed by a person or persons designated or appointed by the managing partners of the registered limited-liability partnership. The signing and filing of the certificate of revival must be approved by the written consent of the managing partners of the registered limited-liability partnership holding at least a majority of the voting power and must contain a recital that this consent was secured. The registered limited-liability partnership shall pay to the Secretary of State the fee required to qualify a limited-liability partnership pursuant to the provisions of NRS 87.440 to 87.540, inclusive, this section and sections 26 and 27 of this act.*

4. *The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the qualification to do business in this State of the registered limited-liability partnership named therein.*

5. *Except as otherwise provided in NRS 87.455, a renewal or revival pursuant to this section relates back to the date on which the registered limited-liability partnership's certificate of registration expired or was revoked and renews or revives the registered limited-liability partnership's certificate of registration and right to transact business as if such right had at all times remained in full force.*

6. *A registered limited-liability partnership that has revived or renewed its certificate of registration pursuant to the provisions of this section:*

*(a) Is a registered limited-liability partnership and continues to be a registered limited-liability partnership for the time stated in the certificate of revival or renewal;*

*(b) Possesses the rights, privileges and immunities conferred by the original certificate of registration and by this chapter; and*

*(c) Is subject to the restrictions and liabilities set forth in this chapter.*

Sec. 28. 1. *Except as otherwise provided in NRS 87.5413, any foreign registered limited-liability partnership which has forfeited its right to transact business in this State under the provisions of this chapter may, upon complying with the provisions of NRS 87.5435, procure a renewal or revival of its right to transact business in this State for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original certificate authorizing it to transact business in this State and amendments thereto, or existing certificate, by filing:*

*(a) A certificate with the Secretary of State, which must set forth:*

*(1) The name of the foreign registered limited-liability partnership, which must be the name of the foreign registered limited-liability partnership at the time of the renewal or revival, or its name at the time of the expiration of its original certificate authorizing it to transact business in this State.*

*(2) The information required pursuant to NRS 77.310.*

*(3) The date on which the renewal or revival of the right to transact business in this State is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.*

*(4) Whether or not the renewal or revival is to be perpetual and, if not perpetual, the time for which the renewal or revival is to continue.*

*(5) That the foreign registered limited-liability partnership desiring to renew or revive its right to transact business in this State is, or has been, organized and carrying on the business authorized by its existing or original certificate authorizing it to transact business in this State and amendments thereto, and desires to renew or continue through revival its transaction of business in this State pursuant to and subject to the provisions of this chapter.*

*(b) A list of its managing partners, or the equivalent thereof, and their addresses, either residence or business.*

*(c) A declaration under penalty of perjury, on a form provided by the Secretary of State, that the renewal or revival is authorized by a court of competent jurisdiction in this State or by the managing partners of the foreign registered limited-liability partnership.*

2. *A foreign registered limited-liability partnership whose registration has not expired and is being renewed shall cause the certificate of renewal to be signed by a managing partner of the foreign registered limited-liability*



partnership. The certificate of renewal must be approved by a majority of the managing partners.

3. A foreign registered limited-liability partnership seeking to revive its original or amended certificate authorizing it to transact business in this State shall cause the certificate of revival to be signed by a person or persons designated or appointed by the managing partners of the foreign registered limited-liability partnership. The signing and filing of the certificate must be approved by the written consent of the managing partners of the foreign registered limited-liability partnership holding at least a majority of the voting power and must contain a recital that this consent was secured. The foreign registered limited-liability partnership shall pay to the Secretary of State the fee required to qualify a foreign registered limited-liability partnership to transact business in this State pursuant to the provisions of NRS 87.5405 to 87.544, inclusive, and this section.

4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the qualification to transact business in this State of the foreign registered limited-liability partnership named therein.

5. Except as otherwise provided in NRS 87.544, a renewal or revival pursuant to this section relates back to the date on which the foreign registered limited-liability partnership's right to transact business in this State was forfeited and renews or revives the foreign registered limited-liability partnership's right to transact business as if such right had at all times remained in full force.

Sec. 29. NRS 87.020 is hereby amended to read as follows:

87.020 As used in NRS 87.010 to 87.430, inclusive, unless the context otherwise requires:

1. "Bankrupt" includes bankrupt under the Federal Bankruptcy Act or insolvent under any state insolvent act.

2. "Conveyance" includes every assignment, lease, mortgage or encumbrance.

3. "Court" includes every court and judge having jurisdiction in the case.

4. "Real property" includes land and any interest or estate in land.

5. "Registered limited-liability partnership" means a partnership formed pursuant to an agreement governed by NRS 87.010 to 87.430, inclusive, and registered pursuant to and complying with NRS 87.440 to 87.560, inclusive [---], and sections 26, 27 and 28 of this act.

Sec. 30. NRS 87.4311 is hereby amended to read as follows:

87.4311 "Registered limited-liability partnership" means a partnership formed pursuant to an agreement governed by NRS 87.4301 to 87.4357, inclusive, and registered pursuant to and complying with NRS 87.440 to 87.560, inclusive [---], and sections 26, 27 and 28 of this act.

Sec. 31. NRS 87.455 is hereby amended to read as follows:

87.455 1. Except as otherwise provided in subsection 2, if a registered limited-liability partnership applies to reinstate *or revive* its right to transact business but its name has been legally acquired by any other artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the applying registered limited-liability partnership shall submit in writing to the Secretary of State some other name under which it desires its right to transact business to be reinstated ~~[-]~~ *or revived*. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall reinstate *or revive* the registered limited-liability partnership under that new name.

2. If the applying registered limited-liability partnership submits the written, acknowledged consent of the artificial person having the name, or the person who has reserved the name, that is not distinguishable from the old name of the applying registered limited-liability partnership or a new name it has submitted, it may be reinstated *or revived* under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination of these.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 32. NRS 87.544 is hereby amended to read as follows:

87.544 1. Except as otherwise provided in subsection 2, if a foreign registered limited-liability partnership applies to reinstate *or revive* its certificate of registration and its name has been legally reserved or acquired by another artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the foreign registered limited-liability partnership must submit in writing in its application for reinstatement *or revival* to the Secretary of State some other name under which it desires its existence to be reinstated ~~[-]~~ *or revived*. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall reinstate *or revive* the foreign registered limited-liability partnership under that new name.

2. If the applying foreign registered limited-liability partnership submits the written, acknowledged consent of the artificial person having a name, or the person who has reserved a name, which is not distinguishable from the old name of the applying foreign registered limited-liability partnership or a new name it has submitted, it may be reinstated *or revived* under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved solely because one or the

other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 33. NRS 87.550 is hereby amended to read as follows:

87.550 In addition to any other fees required by NRS 87.440 to 87.540, inclusive, and *sections 26 and 27 of this act and NRS 87.560*, the Secretary of State shall charge and collect the following fees for services rendered pursuant to those sections:

1. For certifying records required by NRS 87.440 to 87.540, inclusive, and *sections 26 and 27 of this act and NRS 87.560*, \$30 per certification.

2. For signing a certificate verifying the existence of a registered limited-liability partnership, if the registered limited-liability partnership has not filed a certificate of amendment, \$50.

3. For signing a certificate verifying the existence of a registered limited-liability partnership, if the registered limited-liability partnership has filed a certificate of amendment, \$50.

4. For signing, certifying or filing any certificate or record not required by NRS 87.440 to 87.540, inclusive, and *sections 26 and 27 of this act and NRS 87.560*, \$50.

5. For any copies provided by the Office of the Secretary of State, \$2 per page.

6. For examining and provisionally approving any record before the record is presented for filing, \$125.

Sec. 34. Chapter 87A of NRS is hereby amended by adding thereto the provisions set forth as sections 35 to 38, inclusive, of this act.

Sec. 35. 1. *The Secretary of State ~~may~~ shall authorize a limited partnership whose certificate of limited partnership has been revoked to dissolve without paying additional fees and penalties, other than ~~the fee for filing a certificate of intent to dissolve pursuant to subsection 2, if such a certificate is filed, and~~ the fee for filing a certificate of cancellation required by NRS 87A.315, if the limited partnership provides evidence satisfactory to the Secretary of State that the limited partnership did not transact business in this State or as a limited partnership organized pursuant to the laws of this State:*

(a) *During the entire period for which its certificate of limited partnership was revoked; or*

(b) *During a portion of the period for which its certificate of limited partnership was revoked and paying the fees and penalties for the portion of that period in which the limited partnership transacted business in this State or as a limited partnership organized pursuant to the laws of this State.*

2. ~~*A limited partnership whose certificate of limited partnership has been revoked that is no longer transacting business in this State or as a limited partnership organized pursuant to the laws of this State may register its intent to dissolve by:*~~

~~(a) Paying the fee for filing a certificate of cancellation required by NRS 87A.315; and~~

~~(b) Filing a certificate of intent to dissolve that is approved and signed by the person or persons required to approve and sign a certificate of cancellation for the limited partnership and that sets forth:~~

~~(1) The name of the limited partnership as filed with the Secretary of State;~~

~~(2) The business identification number assigned to the limited partnership by the Secretary of State;~~

~~(3) The date on which the limited partnership ceased to transact business in this State or as a limited partnership organized pursuant to the laws of this State;~~

~~(4) The reason that the limited partnership is seeking the relief afforded by the filing of the certificate; and~~

~~(5) A statement that the filing of the certificate has been approved by the person or persons required to approve a certificate of cancellation for the limited partnership.~~

~~3. Except as otherwise provided in subsection 4, upon the filing of a certificate of intent to dissolve pursuant to subsection 2, the Secretary of State shall not impose on the limited partnership any additional fees and penalties relating to the failure of the limited partnership to file a certificate of cancellation.~~

~~4. A limited partnership that has filed a certificate of intent to dissolve pursuant to subsection 2 and that subsequently fails to file a certificate of cancellation and pay the fee for filing the certificate of cancellation must file the documents and pay the fees and penalties that would have been required pursuant to this chapter if the limited partnership had not filed the certificate of intent to dissolve.~~

~~5. The Secretary of State may adopt regulations to administer the provisions of this section.~~

Sec. 36. 1. Except as otherwise provided in NRS 87A.200 and 87A.640, a limited partnership which did exist or is existing under this chapter may, upon complying with the provisions of NRS 87A.310, procure a renewal or revival of its certificate of limited partnership for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original certificate of limited partnership and amendments thereto, or existing certificate of limited partnership, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the limited partnership, which must be the name of the registered limited-liability partnership at the time of the renewal or revival, or its name at the time its original certificate of limited partnership expired.

(2) The information required pursuant to NRS 77.310.

(3) *The date on which the renewal or revival of the certificate of limited partnership is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.*

(4) *Whether or not the renewal or revival is to be perpetual and, if not perpetual, the time for which the renewal or revival is to continue.*

(5) *That the limited partnership desiring to renew or revive its certificate of limited partnership is, or has been, organized and carrying on the business authorized by its existing or original certificate of limited partnership and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.*

(b) *A list of its general partners, or the equivalent thereof, and their addresses, either residence or business.*

(c) *A declaration under penalty of perjury, on a form provided by the Secretary of State, that the renewal or revival is authorized by a court of competent jurisdiction in this State or by the general partners of the limited partnership.*

2. *A limited partnership whose certificate of limited partnership has not expired and is being renewed shall cause the certificate to be signed by a general partner of the limited partnership. The certificate of renewal must be approved by a majority of the general partners.*

3. *A limited partnership seeking to revive its original or amended certificate of limited partnership shall cause the certificate of revival to be signed by a person or persons designated or appointed by the general partners of the limited partnership. The signing and filing of the certificate of revival must be approved by the written consent of the general partners of the limited partnership holding at least a majority of the voting power and must contain a recital that this consent was secured. The limited partnership shall pay to the Secretary of State the fee required to form a new limited partnership pursuant to the provisions of this chapter.*

4. *The filed certificate of renewal or revival, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the qualification to do business in this State of the limited partnership named therein.*

5. *Except as otherwise provided in NRS 87A.185, a renewal or revival pursuant to this section relates back to the date on which the limited partnership's certificate of limited partnership expired or was revoked and renews or revives the limited partnership's certificate of limited partnership and right to transact business as if such right had at all times remained in full force.*

6. *A limited partnership that has revived or renewed its certificate of limited partnership pursuant to the provisions of this section:*

(a) *Is a limited partnership and continues to be a limited partnership for the time stated in the certificate of revival or renewal;*

(b) Possesses the rights, privileges and immunities conferred by the original certificate of limited partnership and by this chapter; and

(c) Is subject to the restrictions and liabilities set forth in this chapter.

Sec. 37. 1. The Secretary of State ~~may~~ shall authorize a foreign limited partnership whose right to transact business in this State has been revoked to cancel its registration in this State without paying additional fees and penalties, other than ~~the fee for filing a certificate of intent to cancel its registration pursuant to subsection 2, if such a certificate is filed, and~~ the fee for filing a certificate of cancellation required by NRS 87A.315, if the foreign limited partnership provides evidence satisfactory to the Secretary of State that the foreign limited partnership did not transact business in this State:

(a) During the entire period for which its registration in this State was revoked; or

(b) During a portion of the period for which its registration in this State was revoked and paying the fees and penalties for the portion of that period in which the foreign limited partnership transacted business in this State.

2. ~~A foreign limited partnership whose registration in this State has been revoked that is no longer transacting business in this State may register its intent to cancel its registration in this State by:~~

~~(a) Paying the fee for filing a certificate of cancellation required by NRS 87A.315; and~~

~~(b) Filing a certificate of intent to cancel its registration that is approved and signed by the person or persons required to approve and sign a certificate of cancellation for the foreign limited partnership and that sets forth:~~

~~(1) The name of the foreign limited partnership as filed with the Secretary of State;~~

~~(2) The business identification number assigned to the foreign limited partnership by the Secretary of State;~~

~~(3) The date on which the foreign limited partnership ceased to transact business in this State;~~

~~(4) The reason that the foreign limited partnership is seeking the relief afforded by the filing of the certificate; and~~

~~(5) A statement that the filing of the certificate has been approved by the person or persons required to approve a certificate of cancellation for the foreign limited partnership.~~

3. Except as otherwise provided in subsection 4, upon the filing of a certificate of intent to cancel the registration of limited partnership pursuant to subsection 2, the Secretary of State shall not impose on the foreign limited partnership any additional fees and penalties relating to the failure of the foreign limited partnership to file a certificate of cancellation.

4. ~~A foreign limited partnership that has filed a certificate of intent to cancel its registration pursuant to subsection 2 and that subsequently fails to file a certificate of cancellation and pay the fee for filing the certificate of~~

~~cancellation must file the documents and pay the fees and penalties that would have been required pursuant to this chapter if the foreign limited partnership had not filed the certificate of intent to cancel its registration.~~

~~5.7~~ The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 38. 1. Except as otherwise provided in NRS 87A.580, any foreign limited partnership which has forfeited its right to transact business in this State under the provisions of this chapter may, upon complying with the provisions of NRS 87A.595, procure a renewal or revival of its right to transact business in this State for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original certificate authorizing it to transact business in this State and amendments thereto, or existing certificate authorizing it to transact business in this State, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the foreign limited partnership, which must be the name of the foreign limited partnership at the time of the renewal or revival, or its name at the time of the expiration of its original certificate authorizing it to transact business in this State.

(2) The information required pursuant to NRS 77.310.

(3) The date on which the renewal or revival of the right to transact business in this State is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the foreign limited partnership desiring to renew or revive its right to transact business in this State is, or has been, organized and carrying on the business authorized by its existing or original certificate authorizing it to transact business in this State and amendments thereto, and desires to renew or continue through revival its transaction of business in this State pursuant to and subject to the provisions of this chapter.

(b) A list of its general partners, or the equivalent thereof, and their addresses, either residence or business.

(c) A declaration under penalty of perjury, on a form provided by the Secretary of State, that the renewal or revival is authorized by a court of competent jurisdiction in this State or by the general partners of the foreign limited partnership.

2. A foreign limited partnership whose registration has not expired and is being renewed shall cause the certificate of renewal to be signed by a general partner of the foreign limited partnership. The certificate of renewal must be approved by a majority of the general partners.

3. A foreign limited partnership seeking to revive its original or amended certificate authorizing it to transact business in this State shall cause the certificate of revival to be signed by a person or persons designated or

*appointed by the general partners of the foreign limited partnership. The signing and filing of the certificate must be approved by the written consent of the general partners of the foreign limited partnership holding at least a majority of the voting power and must contain a recital that this consent was secured. The foreign limited partnership shall pay to the Secretary of State the fee required to qualify a foreign limited partnership to transact business in this State pursuant to the provisions of this chapter.*

4. *The filed certificate of renewal or revival, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the qualification to transact business in this State of the foreign limited partnership named therein.*

5. *Except as otherwise provided in NRS 87A.600, a renewal or revival pursuant to this section relates back to the date on which the foreign limited partnership's right to transact business in this State was forfeited and renews or revives the foreign limited partnership's right to transact business as if such right had at all times remained in full force.*

Sec. 39. NRS 87A.045 is hereby amended to read as follows:

87A.045 "Foreign registered limited-liability limited partnership" means a foreign limited-liability limited partnership:

1. Formed pursuant to an agreement governed by the laws of another state; and

2. Registered pursuant to and complying with NRS 87A.535 to 87A.625, inclusive, and *sections 37 and 38 of this act and NRS 87A.655.*

Sec. 40. NRS 87A.185 is hereby amended to read as follows:

87A.185 1. Except as otherwise provided in subsection 2, if a limited partnership applies to reinstate *or revive* its right to transact business but its name has been legally reserved or acquired by any other artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the applying limited partnership shall submit in writing to the Secretary of State some other name under which it desires its right to be reinstated ~~[ ]~~ *or revived*. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall reinstate *or revive* the limited partnership under that new name.

2. If the applying limited partnership submits the written, acknowledged consent of the other artificial person having the name, or the person who has reserved the name, that is not distinguishable from the old name of the applying limited partnership or a new name it has submitted, it may be reinstated *or revived* under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.



4. The Secretary of State may adopt regulations that interpret the requirements of this section.

*Sec. 40.2. NRS 87A.195 is hereby amended to read as follows:*

87A.195 A limited partnership shall maintain at its ~~{designated}~~ principal office in this State or with its custodian of records whose name and street address are available at the limited partnership's registered office the following information:

1. A current list showing the full name and last known street and mailing address of each partner, separately identifying the general partners, in alphabetical order, and the limited partners, in alphabetical order.

2. A copy of the certificate of limited partnership and all amendments to and restatements of the certificate, together with signed copies of any powers of attorney under which any certificate, amendment or restatement has been signed.

3. A copy of any filed articles of conversion or merger.

4. A copy of the limited partnership's federal, state and local income tax returns and reports, if any, for the 3 most recent years.

5. A copy of any partnership agreement made in a record and any amendment made in a record to any partnership agreement.

6. A copy of any financial statement of the limited partnership for the 3 most recent years.

7. A copy of the three most recent annual lists filed with the Secretary of State pursuant to NRS 87A.290.

8. A copy of any record made by the limited partnership during the past 3 years of any consent given by or vote taken of any partner pursuant to this chapter or the partnership agreement.

9. Unless contained in a partnership agreement made in a record, a record stating:

(a) The amount of cash, and a description and statement of the agreed value of the other benefits, contributed and agreed to be contributed by each partner;

(b) The times at which, or events on the happening of which, any additional contributions agreed to be made by each partner are to be made;

(c) For any person that is both a general partner and a limited partner, a specification of what transferable interest the person owns in each capacity; and

(d) Any events upon the happening of which the limited partnership is to be dissolved and its activities wound up.

~~{In lieu of keeping at the designated office the information required in subsections 1, 4 and 6 to 9, inclusive, the limited partnership may keep a statement with the registered agent setting out the name of the custodian of the information required in subsections 1, 4 and 6 to 9, inclusive, and the present and complete post office address, including street and number, if any, where the information required in subsections 1, 4 and 6 to 9, inclusive, is kept.}~~

*Sec. 40.4. NRS 87A.200 is hereby amended to read as follows:*

87A.200 1. A limited partnership shall maintain at its registered office or principal ~~place of business~~ office in this State a statement indicating where the list required pursuant to subsection 1 of NRS 87A.195 is maintained.

2. Upon the request of the Secretary of State, the limited partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. ~~[if different than the registered agent for such limited partnership.]~~ The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the custodian of the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a limited partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1 of NRS 87A.195; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the limited partnership to transact any business in this State.

5. The Secretary of State shall not reinstate or revive the right of a limited partnership to transact any business in this State that was revoked or suspended pursuant to subsection 4 unless:

(a) The limited partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the limited partnership to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

*Sec. 40.6. NRS 87A.215 is hereby amended to read as follows:*

87A.215 1. Each limited partnership shall designate and continuously maintain ~~in this State~~ in this State:

(a) ~~An~~ A principal office ~~in this State~~ in this State, which may but need not be a place of its business in this State, ~~or a custodian of records~~, at which must be kept the records required by NRS 87A.195 to be maintained; and

(b) A registered agent.

2. Within 30 days after changing the location of the office which contains records for a limited partnership, a general partner of the limited partnership shall file a certificate of a change in address with the Secretary of State which sets forth the name of the limited partnership, the previous

address of the office which contains records and the new address of the office which contains records.

Sec. 40.8. NRS 87A.580 is hereby amended to read as follows:

87A.580 1. A foreign limited partnership shall maintain at its *principal office in this State or with its custodian of records whose name and street address are available at the foreign limited partnership's* registered office ~~for its principal place of business in this State:~~

~~(a) A current list of each general partner; or~~  
~~(b) A statement indicating where such a list is maintained.~~

2. Upon the request of the Secretary of State, the foreign limited partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign limited partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate authorizing the foreign limited partnership to transact business in this State.

5. The Secretary of State shall not reinstate or revive a certificate authorizing a foreign limited partnership to transact business in this State that was revoked or suspended pursuant to subsection 4 unless:

(a) The foreign limited partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate authorizing the foreign limited partnership to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 41. NRS 87A.600 is hereby amended to read as follows:

87A.600 1. Except as otherwise provided in subsection 2, if a foreign limited partnership applies to reinstate *or revive* its certificate of registration and its name has been legally reserved or acquired by another artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or

reserved in the Office of the Secretary of State pursuant to the provisions of this title, the foreign limited partnership must in its application for reinstatement *or revival* submit in writing to the Secretary of State some other name under which it desires its existence to be reinstated ~~[-]~~ *or revived*. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall reinstate *or revive* the foreign limited partnership under that new name.

2. If the applying foreign limited partnership submits the written, acknowledged consent of the artificial person having a name, or the person who has reserved a name, which is not distinguishable from the old name of the applying foreign limited partnership or a new name it has submitted, it may be reinstated *or revived* under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 42. NRS 87A.615 is hereby amended to read as follows:

87A.615 1. For the purposes of NRS 87A.535 to 87A.625, inclusive, *and sections 37 and 38 of this act*, the following activities do not constitute transacting business in this State:

- (a) Maintaining, defending or settling any proceeding;
  - (b) Holding meetings of the managers or members or carrying on other activities concerning internal company affairs;
  - (c) Maintaining accounts in banks or credit unions;
  - (d) Maintaining offices or agencies for the transfer, exchange and registration of the company's own securities or maintaining trustees or depositaries with respect to those securities;
  - (e) Making sales through independent contractors;
  - (f) Soliciting or receiving orders outside this State through or in response to letters, circulars, catalogs or other forms of advertising, accepting those orders outside this State and filling them by shipping goods into this State;
  - (g) Creating or acquiring indebtedness, mortgages and security interests in real or personal property;
  - (h) Securing or collecting debts or enforcing mortgages and security interests in property securing the debts;
  - (i) Owning, without more, real or personal property;
  - (j) Isolated transactions completed within 30 days and not a part of a series of similar transactions;
  - (k) The production of motion pictures as defined in NRS 231.020;
  - (l) Transacting business as an out-of-state depository institution pursuant to the provisions of title 55 of NRS; and
  - (m) Transacting business in interstate commerce.
2. The list of activities in subsection 1 is not exhaustive.

3. A person who is not transacting business in this State within the meaning of this section need not qualify or comply with any provision of this chapter, title 55 or 56 of NRS or chapter 645A, 645B or 645E of NRS unless the person:

- (a) Maintains an office in this State for the transaction of business; or
- (b) Solicits or accepts deposits in the State, except pursuant to the provisions of chapter 666 or 666A of NRS.

4. The fact that a person is not transacting business in this State within the meaning of this section:

- (a) Does not affect the determination of whether any court, administrative agency or regulatory body in this State may exercise personal jurisdiction over the person in any civil action, criminal action, administrative proceeding or regulatory proceeding; and

- (b) Except as otherwise provided in subsection 3, does not affect the applicability of any other provision of law with respect to the person and may not be offered as a defense or introduced in evidence in any civil action, criminal action, administrative proceeding or regulatory proceeding to prove that the person is not transacting business in this State, including, without limitation, any civil action, criminal action, administrative proceeding or regulatory proceeding involving an alleged violation of chapter 597, 598 or 598A of NRS.

5. As used in this section, "deposits" means demand deposits, savings deposits and time deposits, as those terms are defined in chapter 657 of NRS.

Sec. 43. NRS 87A.625 is hereby amended to read as follows:

87A.625 The Attorney General may bring an action to restrain a foreign limited partnership from transacting business in this State in violation of NRS 87A.535 to 87A.625, inclusive ~~[ ]~~, and sections 37 and 38 of this act.

Sec. 44. Chapter 88 of NRS is hereby amended by adding thereto the provisions set forth as sections 45 to 48, inclusive, of this act.

Sec. 45. 1. *The Secretary of State ~~may~~ shall authorize a limited partnership whose certificate of limited partnership has been revoked to dissolve without paying additional fees and penalties, other than ~~the fee for filing a certificate of intent to dissolve pursuant to subsection 2, if such a certificate is filed, and~~ the fee for filing a certificate of cancellation required by NRS 88.415, if the limited partnership provides evidence satisfactory to the Secretary of State that the limited partnership did not transact business in this State or as a limited partnership organized pursuant to the laws of this State:*

- (a) During the entire period for which its certificate of limited partnership was revoked; or*

- (b) During a portion of the period for which its certificate of limited partnership was revoked and paying the fees and penalties for the portion of that period in which the limited partnership transacted business in this State or as a limited partnership organized pursuant to the laws of this State.*

~~2. [A limited partnership whose certificate of limited partnership has been revoked that is no longer transacting business in this State or as a limited partnership organized pursuant to the laws of this State may register its intent to dissolve by:~~

~~— (a) Paying the fee for filing a certificate of cancellation required by NRS 88.415; and~~

~~— (b) Filing a certificate of intent to dissolve that is approved and signed by the person or persons required to approve and sign a certificate of cancellation for the limited partnership and that sets forth:~~

~~— (1) The name of the limited partnership as filed with the Secretary of State;~~

~~— (2) The business identification number assigned to the limited partnership by the Secretary of State;~~

~~— (3) The date on which the limited partnership ceased to transact business in this State or as a limited partnership organized pursuant to the laws of this State;~~

~~— (4) The reason that the limited partnership is seeking the relief afforded by the filing of the certificate; and~~

~~— (5) A statement that the filing of the certificate has been approved by the person or persons required to approve a certificate of cancellation for the limited partnership.~~

~~3. Except as otherwise provided in subsection 4, upon the filing of a certificate of intent to dissolve pursuant to subsection 2, the Secretary of State shall not impose on the limited partnership any additional fees and penalties relating to the failure of the limited partnership to file a certificate of cancellation.~~

~~4. A limited partnership that has filed a certificate of intent to dissolve pursuant to subsection 2 and that subsequently fails to file a certificate of cancellation and pay the fee for filing the certificate of cancellation must file the documents and pay the fees and penalties that would have been required pursuant to this chapter if the limited partnership had not filed the certificate of intent to dissolve.~~

~~5. The Secretary of State may adopt regulations to administer the provisions of this section.~~

Sec. 46. 1. Except as otherwise provided in NRS 88.3355 and 88.6067, a limited partnership which did exist or is existing under this chapter may, upon complying with the provisions of NRS 88.410, procure a renewal or revival of its certificate of limited partnership for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original certificate of limited partnership and amendments thereto, or existing certificate of limited partnership, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) *The name of the limited partnership, which must be the name of the limited partnership at the time of the renewal or revival, or its name at the time its original certificate of limited partnership expired.*

(2) *The information required pursuant to NRS 77.310.*

(3) *The date on which the renewal or revival of the certificate of limited partnership is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.*

(4) *Whether or not the renewal or revival is to be perpetual and, if not perpetual, the time for which the renewal or revival is to continue.*

(5) *That the limited partnership desiring to renew or revive its certificate of limited partnership is, or has been, organized and carrying on the business authorized by its existing or original certificate of limited partnership and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.*

(b) *A list of its general partners, or the equivalent thereof, and their addresses, either residence or business.*

(c) *A declaration under penalty of perjury, on a form provided by the Secretary of State, that the renewal or revival is authorized by a court of competent jurisdiction in this State or by the general partners of the limited partnership.*

2. *A limited partnership whose certificate of limited partnership has not expired and is being renewed shall cause the certificate to be signed by a general partner of the limited partnership. The certificate of renewal must be approved by a majority of the general partners.*

3. *A limited partnership seeking to revive its original or amended certificate of limited partnership shall cause the certificate of revival to be signed by a person or persons designated or appointed by the general partners of the limited partnership. The signing and filing of the certificate of revival must be approved by the written consent of the general partners of the limited partnership holding at least a majority of the voting power and must contain a recital that this consent was secured. The limited partnership shall pay to the Secretary of State the fee required to form a new limited partnership pursuant to the provisions of this chapter.*

4. *The filed certificate of renewal or revival, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the qualification to do business in this State of the limited partnership named therein.*

5. *Except as otherwise provided in NRS 88.327, a renewal or revival pursuant to this section relates back to the date on which the limited partnership's certificate of limited partnership expired or was revoked and renews or revives the limited partnership's certificate of limited partnership and right to transact business as if such right had at all times remained in full force.*

6. A limited partnership that has revived or renewed its certificate of limited partnership pursuant to the provisions of this section:

(a) Is a limited partnership and continues to be a limited partnership for the time stated in the certificate of revival or renewal;

(b) Possesses the rights, privileges and immunities conferred by the original certificate of limited partnership and by this chapter; and

(c) Is subject to the restrictions and liabilities set forth in this chapter.

Sec. 47. 1. The Secretary of State ~~may~~ shall authorize a foreign limited partnership whose right to transact business in this State has been revoked to cancel its registration in this State without paying additional fees and penalties, other than ~~the fee for filing a certificate of intent to cancel its registration pursuant to subsection 2, if such a certificate is filed, and~~ the fee for filing a certificate of cancellation required by NRS 88.415, if the foreign limited partnership provides evidence satisfactory to the Secretary of State that the foreign limited partnership did not transact business in this State:

(a) During the entire period for which its registration in this State was revoked; or

(b) During a portion of the period for which its registration in this State was revoked and paying the fees and penalties for the portion of that period in which the foreign limited partnership transacted business in this State.

2. ~~A foreign limited partnership whose registration in this State has been revoked that is no longer transacting business in this State may register its intent to cancel its registration in this State by:~~

~~(a) Paying the fee for filing a certificate of cancellation required by NRS 88.415; and~~

~~(b) Filing a certificate of intent to cancel its registration that is approved and signed by the person or persons required to approve and sign a certificate of cancellation for the foreign limited partnership and that sets forth:~~

~~(1) The name of the foreign limited partnership as filed with the Secretary of State;~~

~~(2) The business identification number assigned to the foreign limited partnership by the Secretary of State;~~

~~(3) The date on which the foreign limited partnership ceased to transact business in this State;~~

~~(4) The reason that the foreign limited partnership is seeking the relief afforded by the filing of the certificate; and~~

~~(5) A statement that the filing of the certificate has been approved by the person or persons required to approve a certificate of cancellation for the foreign limited partnership.~~

~~3. Except as otherwise provided in subsection 4, upon the filing of a certificate of intent to cancel the registration of the foreign limited partnership pursuant to subsection 2, the Secretary of State shall not impose on the foreign limited partnership any additional fees and penalties relating~~



~~to the failure of the foreign limited partnership to file a certificate of cancellation.~~

~~4. A foreign limited partnership that has filed a certificate of intent to cancel its registration pursuant to subsection 2 and that subsequently fails to file a certificate of cancellation and pay the fee for filing the certificate of cancellation must file the documents and pay the fees and penalties that would have been required pursuant to this chapter if the foreign limited partnership had not filed the certificate of intent to cancel its registration.~~

~~5.7~~ The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 48. 1. Except as otherwise provided in NRS 88.5927, any foreign limited partnership which has forfeited its right to transact business in this State under the provisions of this chapter may, upon complying with the provisions of NRS 88.594, procure a renewal or revival of its right to transact business in this State for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original certificate authorizing it to transact business in this State and amendments thereto, or existing certificate authorizing it to transact business in this State, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the foreign limited partnership, which must be the name of the foreign limited partnership at the time of the renewal or revival, or its name at the time of the expiration of its original certificate authorizing it to transact business in this State.

(2) The information required pursuant to NRS 77.310.

(3) The date on which the renewal or revival of the right to transact business in this State is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the foreign limited partnership desiring to renew or revive its right to transact business in this State is, or has been, organized and carrying on the business authorized by its existing or original certificate authorizing it to transact business in this State and amendments thereto, and desires to renew or continue through revival its transaction of business in this State pursuant to and subject to the provisions of this chapter.

(b) A list of its general partners, or the equivalent thereof, and their addresses, either residence or business.

(c) A declaration under penalty of perjury, on a form provided by the Secretary of State, that the renewal or revival is authorized by a court of competent jurisdiction in this State or by the general partners of the foreign limited partnership.

2. A foreign limited partnership whose registration has not expired and is being renewed shall cause the certificate of renewal to be signed by a

*general partner of the foreign limited partnership. The certificate of renewal must be approved by a majority of the general partners.*

3. *A foreign limited partnership seeking to revive its original or amended certificate authorizing it to transact business in this State shall cause the certificate of revival to be signed by a person or persons designated or appointed by the general partners of the foreign limited partnership. The signing and filing of the certificate must be approved by the written consent of the general partners of the foreign limited partnership holding at least a majority of the voting power and must contain a recital that this consent was secured. The foreign limited partnership shall pay to the Secretary of State the fee required to qualify a foreign limited partnership to transact business in this State pursuant to the provisions of this chapter.*

4. *The filed certificate of renewal or revival, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the qualification to transact business in this State of the foreign limited partnership named therein.*

5. *Except as otherwise provided in NRS 88.5945, a renewal or revival pursuant to this section relates back to the date on which the foreign limited partnership's right to transact business in this State was forfeited and renews or revives the foreign limited partnership's right to transact business as if such right had at all times remained in full force.*

Sec. 49. NRS 88.315 is hereby amended to read as follows:

88.315 As used in this chapter, unless the context otherwise requires:

1. "Certificate of limited partnership" means the certificate referred to in NRS 88.350, and the certificate as amended or restated.

2. "Contribution" means any cash, property, services rendered, or a promissory note or other binding obligation to contribute cash or property or to perform services, which a partner contributes to a limited partnership in his or her capacity as a partner.

3. "Event of withdrawal of a general partner" means an event that causes a person to cease to be a general partner as provided in NRS 88.450.

4. "Foreign limited partnership" means a partnership formed under the laws of a jurisdiction other than this State and having as partners one or more general partners and one or more limited partners.

5. "Foreign registered limited-liability limited partnership" means a foreign limited-liability limited partnership:

(a) Formed pursuant to an agreement governed by the laws of another state; and

(b) Registered pursuant to and complying with NRS 88.570 to 88.605, inclusive, and *sections 47 and 48 of this act and NRS 88.609.*

6. "General partner" means a person who has been admitted to a limited partnership as a general partner in accordance with the partnership agreement and named in the certificate of limited partnership as a general partner.

7. "Limited partner" means a person who has been admitted to a limited partnership as a limited partner in accordance with the partnership agreement.

8. "Limited partnership" and "domestic limited partnership" mean a partnership formed by two or more persons under the laws of this State and having one or more general partners and one or more limited partners, including a restricted limited partnership.

9. "Partner" means a limited or general partner.

10. "Partnership agreement" means any valid agreement, written or oral, of the partners as to the affairs of a limited partnership and the conduct of its business.

11. "Partnership interest" means a partner's share of the profits and losses of a limited partnership and the right to receive distributions of partnership assets.

12. "Registered limited-liability limited partnership" means a limited partnership:

(a) Formed pursuant to an agreement governed by this chapter; and

(b) Registered pursuant to and complying with NRS 88.350 to 88.415, inclusive, *and sections 45 and 46 of this act and NRS 88.606, 88.6065 and 88.607.*

13. "Registered agent" has the meaning ascribed to it in NRS 77.230.

14. "Registered office" means the office maintained at the street address of the registered agent.

15. "Restricted limited partnership" means a limited partnership organized and existing under this chapter that elects to include the optional provisions permitted by NRS 88.350.

16. "State" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

Sec. 50. NRS 88.327 is hereby amended to read as follows:

88.327 1. Except as otherwise provided in subsection 2, if a limited partnership applies to reinstate *or revive* its right to transact business but its name has been legally reserved or acquired by any other artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the applying limited partnership shall submit in writing to the Secretary of State some other name under which it desires its right to be reinstated ~~[-]~~ *or revived*. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall reinstate *or revive* the limited partnership under that new name.

2. If the applying limited partnership submits the written, acknowledged consent of the other artificial person having the name, or the person who has reserved the name, that is not distinguishable from the old name of the applying limited partnership or a new name it has submitted, it may be reinstated *or revived* under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

*Sec. 50.3. NRS 88.330 is hereby amended to read as follows:*

88.330 1. Each limited partnership shall continuously maintain ~~in this State;~~

(a) ~~An~~ A principal office, in this State, which may but need not be a place of its business in this State, or a custodian of records, at which must be kept the records required by NRS 88.335 to be maintained; and

(b) A registered agent.

2. Within 30 days after changing the location of the office which contains records for a limited partnership, a general partner of the limited partnership shall file a certificate of a change in address with the Secretary of State which sets forth the name of the limited partnership, the previous address of the office which contains records and the new address of the office which contains records.

*Sec. 50.5. NRS 88.335 is hereby amended to read as follows:*

88.335 1. A limited partnership shall keep at the principal office, or with its custodian of records as referred to in paragraph (a) of subsection 1 of NRS 88.330, the following:

(a) A current list of the full name and last known business address of each partner, separately identifying the general partners in alphabetical order and the limited partners in alphabetical order;

(b) A copy of the certificate of limited partnership and all certificates of amendment thereto, together with signed copies of any powers of attorney pursuant to which any certificate has been signed;

(c) Copies of the limited partnership's federal, state, and local income tax returns and reports, if any, for the 3 most recent years;

(d) Copies of any then effective written partnership agreements;

(e) Copies of any financial statements of the limited partnership for the 3 most recent years; and

(f) Unless contained in a written partnership agreement, a writing setting out:

(1) The amount of cash and a description and statement of the agreed value of the other property or services contributed by each partner and which each partner has agreed to contribute;

(2) The times at which or events on the happening of which any additional contributions agreed to be made by each partner are to be made;

(3) Any right of a partner to receive, or of a general partner to make, distributions to a partner which include a return of all or any part of the partner's contribution; and

(4) Any events upon the happening of which the limited partnership is to be dissolved and its affairs wound up.

2. In lieu of keeping at an office in this State the information required in paragraphs (a), (c), (e) and (f) of subsection 1, the limited partnership may keep a statement with the registered agent setting out the name of the custodian of the information required in paragraphs (a), (c), (e) and (f) of subsection 1, and the present and complete post office address, including street and number, if any, where the information required in paragraphs (a), (c), (e) and (f) of subsection 1 is kept.

3. Records kept pursuant to this section are subject to inspection and copying at the reasonable request, and at the expense, of any partner during ordinary business hours.

*Sec. 50.7. NRS 88.5927 is hereby amended to read as follows:*

88.5927 1. A foreign limited partnership shall maintain at its principal office in this State or with its custodian of records whose name and street address are kept at the foreign limited partnership's registered office ~~for~~ ~~principal place of business in this State:~~

~~—(a) A current list of each general partner. ~~for~~~~

~~—(b) A statement indicating where such a list is maintained.]~~

2. Upon the request of the Secretary of State, the foreign limited partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign limited partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate authorizing the foreign limited partnership to transact business in this State.

5. The Secretary of State shall not reinstate or revive a certificate authorizing a foreign limited partnership to transact business in this State that was revoked or suspended pursuant to subsection 4 unless:

(a) The foreign limited partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate authorizing the foreign limited partnership to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 51. NRS 88.5945 is hereby amended to read as follows:

88.5945 1. Except as otherwise provided in subsection 2, if a foreign limited partnership applies to reinstate *or revive* its certificate of registration and its name has been legally reserved or acquired by another artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the foreign limited partnership must in its application for reinstatement *or revival* submit in writing to the Secretary of State some other name under which it desires its existence to be reinstated ~~[-]~~ *or revived*. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall reinstate *or revive* the foreign limited partnership under that new name.

2. If the applying foreign limited partnership submits the written, acknowledged consent of the artificial person having a name, or the person who has reserved a name, which is not distinguishable from the old name of the applying foreign limited partnership or a new name it has submitted, it may be reinstated *or revived* under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 52. NRS 88.602 is hereby amended to read as follows:

88.602 1. For the purposes of NRS 88.570 to 88.605, inclusive, *and sections 47 and 48 of this act*, the following activities do not constitute transacting business in this State:

- (a) Maintaining, defending or settling any proceeding;
- (b) Holding meetings of the managers or members or carrying on other activities concerning internal company affairs;
- (c) Maintaining accounts in banks or credit unions;
- (d) Maintaining offices or agencies for the transfer, exchange and registration of the company's own securities or maintaining trustees or depositaries with respect to those securities;
- (e) Making sales through independent contractors;
- (f) Soliciting or receiving orders outside this State through or in response to letters, circulars, catalogs or other forms of advertising, accepting those orders outside this State and filling them by shipping goods into this State;

(g) Creating or acquiring indebtedness, mortgages and security interests in real or personal property;

(h) Securing or collecting debts or enforcing mortgages and security interests in property securing the debts;

(i) Owning, without more, real or personal property;

(j) Isolated transactions completed within 30 days and not a part of a series of similar transactions;

(k) The production of motion pictures as defined in NRS 231.020;

(l) Transacting business as an out-of-state depository institution pursuant to the provisions of title 55 of NRS; and

(m) Transacting business in interstate commerce.

2. The list of activities in subsection 1 is not exhaustive.

3. A person who is not transacting business in this State within the meaning of this section need not qualify or comply with any provision of this chapter, title 55 or 56 of NRS or chapter 645A, 645B or 645E of NRS unless the person:

(a) Maintains an office in this State for the transaction of business; or

(b) Solicits or accepts deposits in the State, except pursuant to the provisions of chapter 666 or 666A of NRS.

4. The fact that a person is not transacting business in this State within the meaning of this section:

(a) Does not affect the determination of whether any court, administrative agency or regulatory body in this State may exercise personal jurisdiction over the person in any civil action, criminal action, administrative proceeding or regulatory proceeding; and

(b) Except as otherwise provided in subsection 3, does not affect the applicability of any other provision of law with respect to the person and may not be offered as a defense or introduced in evidence in any civil action, criminal action, administrative proceeding or regulatory proceeding to prove that the person is not transacting business in this State, including, without limitation, any civil action, criminal action, administrative proceeding or regulatory proceeding involving an alleged violation of chapter 597, 598 or 598A of NRS.

5. As used in this section, "deposits" means demand deposits, savings deposits and time deposits, as those terms are defined in chapter 657 of NRS.

Sec. 53. NRS 88.605 is hereby amended to read as follows:

88.605 The Attorney General may bring an action to restrain a foreign limited partnership from transacting business in this State in violation of NRS 88.570 to 88.605, inclusive ~~[-]~~, *and sections 47 and 48 of this act.*

Sec. 53.5. NRS 88.6067 is hereby amended to read as follows:

88.6067 1. A registered limited-liability limited partnership shall maintain at its principal office in this State or with its custodian of records whose name and street address are available at the registered office ~~for principal place of business in this State~~

~~(a) A~~ *of the registered limited-liability limited partnership a* current list of each general partner ~~;~~ ~~or~~

~~(b) A statement indicating where such a list is maintained.~~

2. Upon the request of the Secretary of State, the registered limited-liability limited partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a registered limited-liability limited partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a registered limited-liability limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate of registration.

5. The Secretary of State shall not reinstate or revive a certificate of registration that was revoked or suspended pursuant to subsection 4 unless:

(a) The registered limited-liability limited partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate of registration.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 54. Chapter 88A of NRS is hereby amended by adding thereto the provisions set forth as sections 55 to 58, inclusive, of this act.

Sec. 55. 1. *The Secretary of State ~~may~~ shall authorize a business trust whose certificate of trust has been revoked to cancel its certificate of trust without paying additional fees and penalties, other than ~~the fee for filing a certificate of intent to dissolve pursuant to subsection 2, if such a certificate is filed, and~~ the fee for filing a certificate of cancellation required by NRS 88A.900, if the business trust provides evidence satisfactory to the Secretary of State that the business trust did not transact business in this State or as a business trust organized pursuant to the laws of this State:*

*(a) During the entire period for which its certificate of trust was revoked;*  
*or*

*(b) During a portion of the period for which its certificate of trust was revoked and paying the fees and penalties for the portion of that period in*



which the business trust transacted business in this State or as a business trust organized pursuant to the laws of this State.

~~2. A business trust whose certificate of trust has been revoked that is no longer transacting business in this State may register its intent to cancel its certificate of trust by:~~

~~(a) Paying the fee for filing a certificate of cancellation required by NRS 88A.900; and~~

~~(b) Filing a certificate of intent to cancel its certificate of trust that is approved and signed by the person or persons required to approve and sign a certificate of cancellation for the business trust and that sets forth:~~

~~(1) The name of the business trust as filed with the Secretary of State;~~

~~(2) The business identification number assigned to the business trust by the Secretary of State;~~

~~(3) The date on which the business trust ceased to transact business in this State or as a business trust organized pursuant to the laws of this State;~~

~~(4) The reason that the business trust is seeking the relief afforded by the filing of the certificate; and~~

~~(5) A statement that the filing of the certificate has been approved by the person or persons required to approve a certificate of cancellation for the business trust.~~

~~3. Except as otherwise provided in subsection 4, upon the filing of a certificate of intent to cancel the certificate of trust of a business trust, the Secretary of State shall not impose on the business trust any additional fees and penalties relating to the failure of the business trust to file a certificate of cancellation.~~

~~4. A business trust that has filed a certificate of intent to cancel its certificate of trust pursuant to subsection 2 and that subsequently fails to file a certificate of cancellation and pay the fee for filing the certificate of cancellation must file the documents and pay the fees and penalties that would have been required pursuant to this chapter if the business trust had not filed the certificate of intent to cancel its certificate of trust.~~

~~5. The Secretary of State may adopt regulations to administer the provisions of this section.~~

Sec. 56. 1. Except as otherwise provided in NRS 88A.345, a business trust which did exist or is existing under this chapter may, upon complying with the provisions of NRS 88A.650, procure a renewal or revival of its certificate of trust for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original certificate of trust and amendments thereto, or existing certificate of trust, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the business trust, which must be the name of the business trust at the time of the renewal or revival, or its name at the time its original certificate of trust expired.

(2) The information required pursuant to NRS 77.310.

(3) *The date on which the renewal or revival of the certificate of trust is to commence or be effective, which may be, in cases of a revival, before the date of the certificate of revival.*

(4) *Whether or not the renewal or revival is to be perpetual and, if not perpetual, the time for which the renewal or revival is to continue.*

(5) *That the business trust desiring to renew or revive its certificate of trust is, or has been, organized and carrying on the business authorized by its existing or original certificate of trust and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.*

(b) *A list of its trustees, or the equivalent thereof, and their addresses, either residence or business.*

(c) *A declaration under penalty of perjury, on a form provided by the Secretary of State, that the renewal or revival is authorized by a court of competent jurisdiction in this State or by the trustees of the business trust.*

2. *A business trust whose certificate of trust has not expired and is being renewed shall cause the certificate to be signed by a trustee of the business trust. The certificate of renewal must be approved by a majority of the trustees.*

3. *A business trust seeking to revive its original or amended certificate of trust shall cause the certificate of revival to be signed by a person or persons designated or appointed by the trustees of the business trust. The signing and filing of the certificate of revival must be approved by the written consent of the trustees of the business trust holding at least a majority of the voting power and must contain a recital that this consent was secured. The business trust shall pay to the Secretary of State the fee required to form a new business trust pursuant to the provisions of this chapter.*

4. *The filed certificate of renewal or revival, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the qualification to do business in this State of the business trust named therein.*

5. *Except as otherwise provided in NRS 88A.660, a renewal or revival pursuant to this section relates back to the date on which the business trust's certificate of trust expired or was revoked and renews or revives the business trust's certificate of trust and right to transact business as if such right had at all times remained in full force.*

6. *A business trust that has revived or renewed its certificate of trust pursuant to the provisions of this section:*

(a) *Is a business trust and continues to be a business trust for the time stated in the certificate of revival or renewal;*

(b) *Possesses the rights, privileges and immunities conferred by the original certificate of trust and by this chapter; and*

(c) *Is subject to the restrictions and liabilities set forth in this chapter.*

Sec. 57. 1. The Secretary of State ~~may~~ shall authorize a foreign business trust whose right to transact business in this State has been revoked to cancel its registration in this State without paying additional fees and penalties, other than ~~the fee for filing a certificate of intent to cancel its registration pursuant to subsection 2, if such a certificate is filed, and~~ the fee for filing a certificate of cancellation required by NRS 88A.900, if the foreign business trust provides evidence satisfactory to the Secretary of State that the foreign business trust did not transact business in this State:

(a) During the entire period for which its right to transact business in this State was revoked; or

(b) During a portion of the period for which its right to transact business in this State was revoked and paying the fees and penalties for the portion of that period in which the foreign business trust transacted business in this State.

2. ~~A foreign business trust whose right to transact business in this State has been revoked that is no longer transacting business in this State may register its intent to cancel its certificate of registration in this State by:~~

~~(a) Paying the fee for filing a certificate of cancellation required by NRS 88A.900; and~~

~~(b) Filing a certificate of intent to cancel its registration that is approved and signed by the person or persons required to approve and sign a certificate of cancellation for the foreign business trust and that sets forth:~~

~~(1) The name of the foreign business trust as filed with the Secretary of State;~~

~~(2) The business identification number assigned to the foreign business trust by the Secretary of State;~~

~~(3) The date on which the foreign business trust ceased to transact business in this State;~~

~~(4) The reason that the foreign business trust is seeking the relief afforded by the filing of the certificate; and~~

~~(5) A statement that the filing of the certificate has been approved by the person or persons required to approve a certificate of cancellation for the foreign business trust.~~

3. ~~Except as otherwise provided in subsection 1, upon the filing of a certificate of intent to cancel the registration of a foreign business trust pursuant to subsection 2, the Secretary of State shall not impose on the foreign business trust any additional fees and penalties relating to the failure of the foreign business trust to file a certificate of cancellation.~~

4. ~~A foreign business trust that has filed a certificate of intent to cancel its registration pursuant to subsection 2 and that subsequently fails to file a certificate of cancellation and pay the fee for filing the certificate of cancellation must file the documents and pay the fees and penalties that would have been required pursuant to this chapter if the foreign business trust had not filed the certificate of intent to cancel its registration.~~

~~—5.7~~ The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 58. 1. Except as otherwise provided in NRS 88A.7345, a foreign business trust which has forfeited its right to transact business in this State under the provisions of this chapter may, upon complying with the provisions of NRS 88A.737, procure a renewal or revival of its right to transact business in this State for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original certificate of registration and amendments thereto, or existing certificate of registration, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the foreign business trust, which must be the name of the foreign business trust at the time of the renewal or revival, or its name at the time of the expiration of its original certificate of registration.

(2) The information required pursuant to NRS 77.310.

(3) The date on which the renewal or revival of the right to transact business in this State is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the foreign business trust desiring to renew or revive its right to transact business in this State is, or has been, organized and carrying on the business authorized by its existing or original certificate of registration and amendments thereto, and desires to renew or continue through revival its transaction of business in this State pursuant to and subject to the provisions of this chapter.

(b) A list of its trustees, or the equivalent thereof, and their addresses, either residence or business.

(c) A declaration under penalty of perjury, on a form provided by the Secretary of State, that the renewal or revival is authorized by a court of competent jurisdiction in this State or by the trustees of the foreign business trust.

2. A foreign business trust whose registration has not expired and is being renewed shall cause the certificate of renewal to be signed by a trustee of the foreign business trust. The certificate of renewal must be approved by a majority of the beneficial owners.

3. A foreign business trust seeking to revive its original or amended certificate authorizing it to transact business in this State shall cause the certificate of revival to be signed by a person or persons designated or appointed by the trustees of the foreign business trust. The signing and filing of the certificate must be approved by the written consent of the trustees of the foreign business trust holding at least a majority of the voting power and must contain a recital that this consent was secured. The foreign business trust shall pay to the Secretary of State the fee required to register a foreign

*business trust to transact business in this State pursuant to the provisions of this chapter.*

4. *The filed certificate of renewal or revival, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the qualification to transact business in this State of the foreign business trust named therein.*

5. *Except as otherwise provided in NRS 88A.738, a renewal or revival pursuant to this section relates back to the date on which the foreign business trust's right to transact business in this State was forfeited and renews or revives the foreign business trust's right to transact business as if such right had at all times remained in full force.*

Sec. 58.5. NRS 88A.340 is hereby amended to read as follows:

88A.340 1. A business trust shall keep a copy of the following records at its principal office in this State or with its custodian of records whose name and street address are available at the registered office ~~[-]~~ of the business trust:

(a) A copy certified by the Secretary of State of its certificate of trust and all amendments thereto or restatements thereof;

(b) A copy certified by one of its trustees of its governing instrument and all amendments thereto; and

(c) A ledger or duplicate ledger, revised annually, containing the names, alphabetically arranged, of all its beneficial owners, showing their places of residence if known. ~~Instead of this ledger, the business trust may keep a statement containing the name of the custodian of the ledger and the present complete address, including street and number, if any, where the ledger is kept.~~

2. A business trust shall maintain the records required by subsection 1 in written form or in another form capable of conversion into written form within a reasonable time.

Sec. 59. NRS 88A.660 is hereby amended to read as follows:

88A.660 1. Except as otherwise provided in subsection 2, if a certificate of trust is revoked pursuant to the provisions of this chapter and the name of the business trust has been legally reserved or acquired by another artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the business trust shall submit in writing to the Secretary of State some other name under which it desires to be reinstated ~~[-]~~ *or revived*. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall reinstate *or revive* the business trust under that new name.

2. If the defaulting business trust submits the written, acknowledged consent of the artificial person using a name, or the person who has reserved a name, which is not distinguishable from the old name of the business trust

or a new name it has submitted, it may be reinstated *or revived* under that name.

Sec. 60. NRS 88A.738 is hereby amended to read as follows:

88A.738 1. Except as otherwise provided in subsection 2, if a foreign business trust applies to reinstate *or revive* its certificate of trust and its name has been legally reserved or acquired by another artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the foreign business trust must submit in writing in its application for reinstatement *or revival* to the Secretary of State some other name under which it desires its existence to be reinstated ~~[.]~~ *or revived*. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall reinstate *or revive* the foreign business trust under that new name.

2. If the applying foreign business trust submits the written, acknowledged consent of the artificial person having a name, or the person who has reserved a name, which is not distinguishable from the old name of the applying foreign business trust or a new name it has submitted, it may be reinstated *or revived* under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 61. Chapter 89 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in NRS 89.251, a professional association which did exist or is existing under NRS 89.200 to 89.270, inclusive, and this section may, upon complying with the provisions of NRS 89.256, procure a renewal or revival of its articles of association for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original articles of association and amendments thereto, or existing articles of association, by filing:*

(a) *A certificate with the Secretary of State, which must set forth:*

(1) *The name of the professional association, which must be the name of the professional association at the time of the renewal or revival, or its name at the time its original articles of association expired.*

(2) *The information required pursuant to NRS 77.310.*

(3) *The date on which the renewal or revival of the professional association's articles of association is to commence or be effective, which may be, in cases of a revival, before the date of the certificate of revival.*

(4) *Whether or not the renewal or revival is to be perpetual and, if not perpetual, the time for which the renewal or revival is to continue.*

(5) *That the professional association desiring to renew or revive its articles of association is, or has been, organized and carrying on the business authorized by its existing or original articles of association and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.*

(b) *A list of its members and employees who are licensed or otherwise authorized by law to render professional services in this State and their addresses, either residence or business.*

(c) *A declaration under penalty of perjury, on a form provided by the Secretary of State, that the renewal or revival is authorized by a court of competent jurisdiction in this State or by the owners of the membership interests in the professional association.*

2. *A professional association whose articles of association have expired and are being renewed shall cause the certificate to be signed by a member of the professional association. The certificate of renewal must be approved by a majority of the members who hold a membership interest in the professional association.*

3. *A professional association seeking to revive its original or amended articles of association shall cause the certificate of revival to be signed by a person or persons designated or appointed by the members of the professional association. The signing and filing of the certificate of revival must be approved by the written consent of the holders of a membership interest in the professional association holding at least a majority of the voting power and must contain a recital that this consent was secured. The professional association shall pay to the Secretary of State the fee required to form a new professional association pursuant to the provisions of NRS 89.200 to 89.270, inclusive, and this section.*

4. *The filed certificate of renewal or revival, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the qualification to do business in this State of the professional association named therein.*

5. *A renewal or revival pursuant to this section relates back to the date on which the professional association's articles of association expired or was revoked and renews or revives the professional association's articles of association and right to transact business as if such right had at all times remained in full force.*

6. *A professional association that has revived or renewed its articles of association pursuant to the provisions of this section:*

(a) *Is a professional association and continues to be a professional association for the time stated in the certificate of revival or renewal;*

(b) *Possesses the rights, privileges and immunities conferred by the original articles of association and by NRS 89.200 to 89.270, inclusive, and this section; and*

(c) *Is subject to the restrictions and liabilities set forth in NRS 89.200 to 89.270, inclusive, and this section.*

Sec. 61.5. NRS 92A.200 is hereby amended to read as follows:

92A.200 1. After a plan of merger or exchange is approved as required by this chapter, the surviving or acquiring entity shall deliver to the Secretary of State for filing articles of merger or exchange setting forth:

(a) The name and jurisdiction of organization of each constituent entity;

(b) That a plan of merger or exchange has been adopted by each constituent entity or the parent domestic entity only, if the merger is pursuant to NRS 92A.180;

(c) If approval of the owners of one or more constituent entities was not required, a statement to that effect and the name of each entity;

(d) If approval of owners of one or more constituent entities was required, the name of each entity and a statement for each entity that the plan was approved by the required consent of the owners;

(e) In the case of a merger, the amendment, if any, to the charter document of the surviving entity, which amendment may be set forth in the articles of merger as a specific amendment or in the form of an amended and restated charter document or attached in that form as an exhibit; and

(f) If the entire plan of merger or exchange is not set forth, a statement that the complete signed plan of merger or plan of exchange is on file at the ~~registered~~ principal office or with the custodian of records if a corporation, limited-liability company or business trust, or at the principal office or with the custodian of records, as described in paragraph (a) of subsection 1 of NRS 87A.215 or paragraph (a) of subsection 1 of NRS 88.330, if a limited partnership, or other place of business of the surviving entity or the acquiring entity, respectively.

2. Any of the terms of the plan of merger, conversion or exchange may be made dependent upon facts ascertainable outside of the plan of merger, conversion or exchange, provided that the plan of merger, conversion or exchange clearly and expressly sets forth the manner in which such facts shall operate upon the terms of the plan. As used in this section, the term "facts" includes, without limitation, the occurrence of an event, including a determination or action by a person or body, including a constituent entity.

Sec. 62. NRS 92A.205 is hereby amended to read as follows:

92A.205 1. After a plan of conversion is approved as required by this chapter, if the resulting entity is a domestic entity, the constituent entity shall, *at the time of filing the articles of conversion*, deliver to the Secretary of State for filing:

(a) Articles of conversion setting forth:

(1) The name and jurisdiction of organization of the constituent entity and the resulting entity; and



(2) That a plan of conversion has been adopted by the constituent entity in compliance with the law of the jurisdiction governing the constituent entity.

(b) The charter document of the domestic resulting entity required by the applicable provisions of chapter 78, 78A, 78B, 82, 86, 87A, 88, 88A or 89 of NRS.

(c) The information required pursuant to NRS 77.310.

2. After a plan of conversion is approved as required by this chapter, if the resulting entity is a foreign entity, the constituent entity shall deliver to the Secretary of State for filing articles of conversion setting forth:

(a) The name and jurisdiction of organization of the constituent entity and the resulting entity;

(b) That a plan of conversion has been adopted by the constituent entity in compliance with the laws of this State; and

(c) The address of the resulting entity where copies of process may be sent by the Secretary of State.

3. If the entire plan of conversion is not set forth in the articles of conversion, the filing party must include in the articles of conversion a statement that the complete signed plan of conversion is on file at the registered office or principal place of business of the resulting entity or, if the resulting entity is a domestic limited partnership, at the principal office or with the custodian of records, as described in paragraph (a) of subsection 1 of NRS 87A.215 or paragraph (a) of subsection 1 of NRS 88.330.

4. If the conversion takes effect on a later date specified in the articles of conversion pursuant to NRS 92A.240, the charter document to be filed with the Secretary of State pursuant to paragraph (b) of subsection 1 must state the name and the jurisdiction of the constituent entity and that the existence of the resulting entity does not begin until the later date.

5. Any records filed with the Secretary of State pursuant to this section must be accompanied by the fees required pursuant to this title for filing the charter document.

Sec. 63. NRS 14.020 is hereby amended to read as follows:

14.020 1. Every corporation, miscellaneous organization described in chapter 81 of NRS, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust and municipal corporation created and existing under the laws of this State, any other state, territory or foreign government, or the Government of the United States, doing business in this State shall appoint and keep in this State a registered agent who resides or is located in this State, upon whom all legal process and any demand or notice authorized by law to be served upon it may be served in the manner provided in subsection 2. A statement of change of registered agent must be filed in the manner provided in NRS 77.340 if the corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation desires to change its

registered agent. A registered agent must file a statement of change in the manner provided in NRS 77.350 or 77.360 if the registered agent changes its name or address.

2. All legal process and any demand or notice authorized by law to be served upon the corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation may be served upon the registered agent *listed as the registered agent of the entity in the records of the Secretary of State*, personally or by leaving a true copy thereof with a person of suitable age and discretion at the most recent street address of the registered agent shown on the information filed with the Secretary of State pursuant to chapter 77 of NRS. *Service of legal process or any demand or notice pursuant to this subsection is valid regardless of whether the status of the entity in the records of the Secretary of State is in default or is revoked and regardless of any debts or disputes between the entity and its registered agent ~~for~~ if such process is served within 3 years after the entity's date of default.*

3. Unless the street address of the registered agent is the home residence of the registered agent, the street address of the registered agent of a corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation must be staffed during normal business hours by:

- (a) The registered agent; or
- (b) One or more natural persons who are:

(1) Of suitable age and discretion to receive service of legal process and any demand or notice authorized by law to be served upon the corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation; and

(2) Authorized by the registered agent to receive service of legal process and any demand or notice authorized by law to be served upon the corporation, miscellaneous organization, limited-liability company, limited liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation.

4. A corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation that fails or refuses to comply with the requirements of subsection 3 is subject to a fine of not less than \$100 nor more than \$500 for each day of such failure or refusal to comply with the requirements of subsection 3, to be recovered with costs by the State, before any court of competent jurisdiction, by action at law prosecuted by the Attorney General or by the district attorney of the county in which the action or proceeding to recover the fine is prosecuted.

5. Subsection 2 provides an additional mode and manner of serving process, demand or notice and does not affect the validity of any other service authorized by law.

6. As used in this section:

(a) "Registered agent" has the meaning ascribed to it in NRS 77.230.

(b) "Street address" means the actual physical location in this State at which a registered agent is available for service of process.

Sec. 64. Chapter 225 of NRS is hereby amended by adding thereto a new section to read as follows:

*For the purpose of establishing the identity of an entity organized pursuant to title 7 of NRS or a person who is issued a state business license pursuant to chapter 76 of NRS or a certificate of exemption pursuant to NRS 76.105, the Secretary of State shall assign a unique business identification number to each such entity or person.*

Sec. 65. NRS 84.130 is hereby repealed.

#### TEXT OF REPEALED SECTION

84.130 Defaulting corporations: Identification; penalty.

1. Each corporation sole that is required to make the filings and pay the fees prescribed in this chapter but refuses or neglects to do so within the time provided is in default.

2. For default, there must be added to the amount of the fee a penalty of \$5. The fee and penalty must be collected as provided in this chapter.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

First, Amendment No. 277 adds nonprofit common-interest communities to the list of entities deemed by the Secretary of State to be doing business in Nevada to provide consistency in regard to business license fee exemptions.

Second, the amendment makes several technical corrections to language regarding the circumstances under which the Secretary of State shall waive certain fees and penalties for a business that has closed its doors but has not filed the appropriate paperwork with the Secretary in a timely fashion.

Third, it deletes section 5 concerning the Secretary of State not issuing a new business license to a person who has had a previous license revoked or suspended.

Fourth, the amendment makes technical corrections to language concerning a registered agent maintaining contact information for each client and receiving and forwarding various notices to a client.

Fifth, it deletes unnecessary language concerning penalties.

Finally, Amendment No. 277 makes technical corrections to language concerning the maintenance of records at a principal office or with a custodian of records.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 58.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 204.

SUMMARY—Revises provisions governing the release of information relating to children within the jurisdiction of the juvenile court, ~~[and children in protective custody.]~~ (BDR 5-490)

AN ACT relating to children; revising provisions concerning the release of certain information relating to a child subject to the jurisdiction of the juvenile court; ~~[revising provisions governing the release of certain information maintained by agencies which provide child welfare services;]~~ providing a penalty; and providing other matters properly relating thereto.  
Legislative Counsel's Digest:

Existing law authorizes directors of juvenile services and the Chief of the Youth Parole Bureau, or his or her designee, to release, upon written request and good cause shown, certain information concerning a child who is within the purview of the juvenile court to certain other persons involved in the juvenile justice system. (NRS 62H.025) ~~[Section 1 of this]~~ This bill specifies that juvenile justice information is confidential and may only be released under certain circumstances. This bill also revises: (1) the information that may be released; (2) the list of persons to whom the information may be released; and (3) the circumstances under which the information may be released. [Section 1 also] This bill further eliminates the requirement that a request for such information be in writing and [that good cause be shown] revises from 3 days to 5 business days the period in which a denial of a request for the release of the information.

~~Existing law authorizes an agency which provides child welfare services to release certain information concerning reports and investigations of the alleged abuse or neglect of a child to certain persons, agencies and entities and requires the agency to maintain the confidentiality of such information. (NRS 432B.290) Section 2 of this bill provides that such information may also be released to juvenile justice or care agencies.]~~ must be made to the person who requested the information. Finally, this bill makes it a gross misdemeanor for certain persons to disseminate or make public juvenile justice information.

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

Section 1. NRS 62H.025 is hereby amended to read as follows:

62H.025 1. Juvenile justice information ~~[must be maintained in accordance with federal law, and any provision of federal law authorizing the release of juvenile justice information must be construed as broadly as possible in favor of the release of juvenile justice information.]~~ is confidential and may only be released in accordance with the provisions of this section or as expressly authorized by other federal or state law.

2. For the purpose of ensuring the safety, permanent placement, rehabilitation, educational success and well-being of a child, ~~[.] or the safety of the public,~~ a ~~[director of]~~ juvenile ~~[services or the Chief of the Youth Parole Bureau, or his or her designee,]~~ justice for care agency may ~~[, upon~~

~~written request and good cause shown, share appropriate~~ release juvenile justice information ~~[with]~~ to :

- (a) A director of juvenile services or his or her designee;
- (b) The Chief of the Youth Parole Bureau or his or her designee;
- (c) A district attorney or his or her designee;
- (d) An attorney representing the child;
- (e) The director of a state agency which administers juvenile justice or his or her designee;
- (f) A director of a state, regional or local facility for the detention of children or his or her designee;
- (g) The director of an agency which provides child welfare services or his or her designee;
- (h) A guardian ad litem or court appointed special advocate who represents the child;
- (i) A parent or guardian of the child ; ~~[if the release of the information to the parent or guardian is consistent with the purposes of this section; or]~~
- (j) The child to whom the juvenile justice information pertains if the child has reached the age of majority ~~[.]~~, or a person who presents a release that is signed by the child who has reached the age of majority and which specifies the juvenile justice information to be released and the purpose for the release;
- (k) A school district, if the juvenile justice agency and the school district have entered into a written agreement to share juvenile justice information for a purpose consistent with the purposes of this section;
- (l) A person or organization who has entered into a written agreement with the juvenile justice agency to provide assessments or juvenile justice services;
- (m) A person engaged in bona fide research that may be used to improve juvenile justice services or secure additional funding for juvenile justice services if the juvenile justice information is provided in the aggregate and without any personal identifying information; or
- (n) A person who is authorized by a court order to receive the juvenile justice information, if the juvenile justice agency was provided with notice and opportunity to be heard before the issuance of the order.

3. ~~[ A written request for juvenile justice information pursuant to subsection 2 may be made only for the purpose of determining the appropriate placement of the child pursuant to the provisions of chapter 432B of NRS, the appropriate treatment or services to be provided to the child or the appropriate conditions of probation or parole to be imposed on the child. The written request must state the reason that the juvenile justice information is requested.] A ~~[written]~~ juvenile justice agency may deny a request for juvenile justice information ~~[may be refused] if:~~~~

- (a) The request does not , in accordance with the purposes of this section, demonstrate good cause for the release of the information; or

(b) The release of the information would cause material harm to the child or would prejudice any court proceeding to which the child is subject.

→ A [refusal] denial pursuant to this subsection must be made in writing to the person [or entity] requesting the information not later than [3] 5 business days after receipt of the request. [, excluding Saturdays, Sundays and holidays.

~~4. another juvenile justice or care agency but only when:~~

~~(a) The other juvenile justice or care agency is investigating a matter or involved in a case or proceeding concerning the child; or~~

~~(b) The responsibility for supervising the child has been assigned to the other juvenile justice or care agency.~~

~~3. Any juvenile justice information provided pursuant to this section is confidential, must be provided only to those persons listed in subsection 2 and must be maintained in accordance with any applicable laws and regulations.~~

~~5.] 4. Any juvenile justice information provided pursuant to this section may not be used to deny a child access to any service for which the child would otherwise be eligible, including, without limitation:~~

- (a) Educational services;
- (b) Social services;
- (c) Mental health services;
- (d) Medical services; or
- (e) Legal services.

~~5. [Notwithstanding any other provision of this chapter and except as otherwise provided in this subsection, the release of any record in possession of a law enforcement agency, a prosecuting attorney or an attorney representing a child, as such records pertain to the investigation, diversion or prosecution of an offense committed by a child, must be made in accordance with chapter 17 of NRS, discovery procedures pursuant to the Nevada Rules of Civil Procedure or the Justice Court Rules of Civil Procedure, as applicable, the Nevada Supreme Court Rules and any other statute or rule of law governing the criminal investigation or prosecution of an adult. Upon the decision to arrest or the actual arrest of a child, a law enforcement agency or a prosecuting attorney may:~~

~~(a) Cooperate with the public or private school that the child attends by releasing to the school information pertaining to the investigation, diversion or prosecution of the child.~~

~~(b) Release any incident report to the public or private school that the child attends unless releasing the report would jeopardize the investigation, prosecution or defense of the child or endanger witnesses. If releasing an incident report would jeopardize the investigation, prosecution or defense of the child or endanger witnesses, the law enforcement agency or prosecuting attorney shall limit any release of information contained in the incident report to the extent necessary to assist the school in protecting other students and staff.~~

~~6. A director of juvenile services or the Chief of the Youth Parole Bureau, or his or her designee, may release juvenile justice information:~~

~~(a) In the aggregate and without personal identifying information included, to a person engaged in bona fide research that may be used to improve juvenile justice services or secure additional funding for juvenile justice services.~~

~~(b) As deemed necessary by a legislative body of this State or a local government in this State to conduct an audit or proper oversight of any department, agency or office providing services related to juvenile justice.~~

~~7. A juvenile court may, as part of a bona fide outcome and recidivism study, use personal identifying information from records sealed pursuant to NRS 62H.100 to 62H.170, inclusive, to obtain a criminal background check on a person who was adjudicated delinquent pursuant to the provisions of this title. A criminal background check obtained pursuant to this subsection must comply with any applicable federal and state laws and regulations and must remain confidential within the confines of the study being conducted. The results of any criminal background check obtained pursuant to this subsection must be returned to the juvenile court and the court must, for the purposes of the study, provide the results without the personal identifying information.~~

~~8. Any person, except for:~~

~~(a) A district attorney initiating legal proceedings; or~~

~~(b) A person or organization described in subsection 2 who provides a report concerning juvenile justice information to a court or other party pursuant to this title or chapter 432B of NRS,~~

~~who is provided with juvenile justice information pursuant to this section and who further disseminates the information or makes the information public, is guilty of a gross misdemeanor.~~

~~6. As used in this section [,"juvenile"] :~~

~~(a) "Juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.~~

~~(b) "Juvenile justice information" means any information [maintained by a director of juvenile services or the Chief of the Youth Parole Bureau, or his or her designee,] which is directly related to a child in need of supervision, a delinquent child or any other child who is otherwise subject to the jurisdiction of the [files of a] juvenile court, for a probation department and the records of any other juvenile justice or care agency investigating a matter or involved in a case or proceeding concerning a child, including, without limitation, educational records and records of any agency which provides child welfare services.~~

~~(b) "Juvenile justice or care agency" includes:~~

~~(1) A law enforcement agency;~~

~~(2) A juvenile court;~~

~~(3) A juvenile probation department;~~

~~(4) A prosecuting attorney;~~

- ~~— (5) A defense attorney;~~
- ~~— (6) A detention center;~~
- ~~— (7) An agency which provides child welfare services;~~
- ~~— (8) A public or private school;~~
- ~~— (9) A person to whom, or public or private agency to which, the custody of a child has been committed;~~
- ~~— (10) The Attorney General;~~
- ~~— (11) The Division of Child and Family Services;~~
- ~~— (12) The Youth Parole Bureau; and~~
- ~~— (13) Any legislative committee for the oversight of matters relating to juveniles.~~

Sec. 2. ~~[NRS 432B.290 is hereby amended to read as follows:~~

~~432B.290 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.~~

~~2. Except as otherwise provided in this section and NRS 62H.025, 432B.165, 432B.175 and 432B.513, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:~~

~~— (a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;~~

~~— (b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;~~

~~— (c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:~~

~~— (1) The child; or~~

~~— (2) The person responsible for the welfare of the child;~~

~~— (d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;~~

~~— (e) Except as otherwise provided in paragraph (f), a court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;~~

~~— (f) A court as defined in NRS 159.015 to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive;~~

~~— (g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;~~



~~—(h) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well being of the child;~~

~~—(i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well being of the child;~~

~~—(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well being of the child;~~

~~—(k) A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;~~

~~—(l) A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;~~

~~—(m) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;~~

~~—(n) A team organized pursuant to NRS 432B.350 for the protection of a child;~~

~~—(o) A team organized pursuant to NRS 432B.405 to review the death of a child;~~

~~—(p) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well being of the child and is limited to information concerning that parent or guardian;~~

~~—(q) The child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if:~~

~~—(1) The child is 14 years of age or older; and~~

~~—(2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well being of the child;~~

~~—(r) The persons or agent of the persons who are the subject of a report, if the information is reasonably necessary to promote the safety, permanency~~

and well being of the child and is limited to information concerning those persons;

~~—(s) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;~~

~~—(t) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:~~

~~—(1) The identity of the person making the report is kept confidential; and~~

~~—(2) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;~~

~~—(u) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;~~

~~—(v) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;~~

~~—(w) The Rural Advisory Board to Expedite Proceedings for the Placement of Children created pursuant to NRS 432B.602 or a local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;~~

~~—(x) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;~~

~~—(y) An employer in accordance with subsection 3 of NRS 432.100;~~

~~—(z) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence;~~

~~or~~

~~—(aa) The Committee to Review Suicide Fatalities created by NRS 439.5104.~~

~~3. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:~~

~~—(a) A copy of:~~

~~—(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or~~

~~—(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or~~

~~—(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect or any collateral sources and reporting parties.~~

~~—4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.~~

~~—5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.~~

~~—6. A person who is the subject of an unsubstantiated report of child abuse or neglect made pursuant to this chapter and who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services so that the agency may participate in the action through its counsel. The district court shall review the information which the petitioner requests to be released and the petitioner shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy of the information to the petitioner and the original information is subject to discovery in a subsequent civil action regarding the making of the report.~~

~~—7. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.~~

~~—8. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.~~

~~9. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the alleged abuse or neglect of a child to the person who reported the suspected abuse or neglect.~~

~~10. Any person, except for:~~

~~(a) A district attorney or other law enforcement officer initiating legal proceedings; or~~

~~(b) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151;~~

~~who is provided with information maintained by an agency which provides child welfare services and further disseminates this information, or who makes this information public, is guilty of a gross misdemeanor.~~

~~11. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.~~

~~12. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.] (Deleted by amendment.)~~

Sec. 3. This act becomes effective on July 1, 2015.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

First, Amendment No. 204 reinstates much of the language that was stricken in the original bill regarding which entities a juvenile justice agency may share information with and adds to the list several entities that were included in the original bill.

Second, Amendment No. 204 adds new language to section 1 providing that juvenile justice information is confidential and may only be released in accordance with State or federal law. New language is also added ensuring that public safety be taken into consideration in regard to releasing juvenile justice information and requiring that an agency's denial of an information request must be provided to the requester within five business days.

Finally, the amendment provides that it is a gross misdemeanor for a person who receives this information to further disseminate or make it public and clarifies the definitions of juvenile justice information for the purposes of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 99.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 436.

SUMMARY—~~[Repeals]~~ Revising provisions governing registration and community notification of sex offenders [which were originally enacted for purposes of the federal Adam Walsh Act.] and offenders convicted of a crime against a child. (BDR 14-134)

AN ACT relating to crimes; ~~repealing~~ revising provisions governing sex offenders and offenders convicted of a crime against a child which were

~~originally enacted for purposes of the federal Adam Walsh Act;]~~ revising provisions governing registration ~~[of]~~ and community notification ~~[concerning]~~ of sex offenders and offenders convicted of a crime against a child; revising provisions governing registration and community notification of juveniles adjudicated delinquent for committing certain sexual offenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[ In 2006, Congress enacted the Adam Walsh Child Protection and Safety Act of 2006. The Act requires each state to enact certain laws regarding the registration of and community notification concerning sex offenders and offenders convicted of a crime against a child. (42 U.S.C. 16901 et seq.) If a state fails to substantially implement the Act, as determined by the United States Attorney General, the state must receive a 10 percent reduction in the funds that would otherwise be allocated to the state under the Edward Byrne Memorial Justice Assistance Grant Program. (42 U.S.C. 16925)~~

~~— In 2007, the Nevada Legislature enacted Assembly Bill No. 579 (A.B. 579) to implement the Adam Walsh Child Protection and Safety Act of 2006. Under A.B. 579, sex offenders and offenders convicted of a crime against a child are required to register with certain law enforcement agencies and are subject to community notification at a level that is based on the type of offense committed. This bill repeals provisions enacted by A.B. 579 and replaces those provisions with the provisions of state law that existed before the enactment of A.B. 579.~~

~~— Sections 20-42 and 61-68 of this bill reenact the provisions of state law governing the registration of sex offenders and offenders convicted of a crime against a child. Sections 25, 26, 64 and 65 reenact provisions relating to the duty of a sex offender or an offender convicted of a crime against a child to register with certain law enforcement agencies. Section 27 reenacts provisions relating to the duty of an offender convicted of a crime against a child to appear in person at a local law enforcement agency, to notify the appropriate agencies of any change in his or her address and to provide updated information to certain agencies. Section 95 of this bill repeals the existing laws which require an offender to appear in person at a local law enforcement agency to register at least once every 90 days, every 180 days or every year, depending on the tier level assigned to the offender, and sections 28 and 66 instead require that the offender mail a verification form to the Central Repository for Nevada Records of Criminal History each year to verify the information in his or her registration record. Under existing law, the period for which registration is required is 15 years for a Tier I offender, 25 years for a Tier II offender and the life of the offender for a Tier III offender, except that after a certain period and satisfying certain conditions, a Tier I offender or an offender who is a Tier III offender because of an adjudication of delinquency as a juvenile may petition a court to reduce the period of time for which registration is required. (NRS 179D.490) Sections 29 and 67 replace those provisions with a provision that authorizes~~

~~certain offenders to petition a court to terminate the duty to register after a period of 15 years.~~

~~Under A.B. 579, sex offenders and offenders convicted of a crime against a child are subject to community notification and the tier level of community notification is based on the type of offense committed by a sex offender or offender convicted of a crime against a child. Sections 43-59 of this bill reenact the provisions relating to the community notification of sex offenders which were in effect before the enactment of A.B. 579 and which required a sex offender to be designated as a Tier I, Tier II or Tier III offender based upon an assessment of the sex offender's risk of recidivism, with Tier I sex offenders being the least likely to reoffend and Tier III sex offenders being the most likely to reoffend. Under sections 52 and 53, the assessment must be conducted in compliance with guidelines and procedures for community notification established by the Attorney General. Section 55 requires a sex offender to be given notice of the level of notification assigned to the offender, whether Tier II or Tier III, and the procedures for requesting reconsideration of his or her level of notification. Section 56 provides for a change in the level of notification under certain circumstances. Section 57 provides that if a sex offender is not convicted of a crime which poses a threat to the safety or well-being of others for a period of 10 consecutive years, the sex offender may petition the Attorney General for a reassessment of his or her risk of recidivism and a reduction of his or her level of notification or, if the sex offender is a Tier I offender, termination of the requirement of community notification.~~

~~Under A.B. 579,]~~

Existing law provides that offenders convicted of certain sexual offenses or certain crimes against a child are subject to certain registration and community notification requirements. (NRS 179D.010-179D.550) Section 63.3 of this bill removes the requirement that the law enforcement agency with which such an offender registers ensure that the offender's record of registration contains the text of the provision of law which the offender was convicted of violating and certain specific information concerning the criminal history of the offender.

Under existing law, a sex offender or offender convicted of a crime against a child must update his or her registration not later than 3 business days after a change in the offender's name, residence or employment or student status. (NRS 179D.447) Existing law also requires a sex offender to update certain information regarding his or her presence in the State within 48 hours after a change in such information. (NRS 179D.470) Section 63.7 of this bill provides that a sex offender or offender convicted of a crime against a child must submit updates of the information not later than 48 hours after a change in the information. Sections 63.7 and 65.5 of this bill add a requirement that a sex offender or an offender convicted of a crime against a child update his or her registration when there is a change to: (1) the driver's license or identification card issued to him or her by this State or another jurisdiction;

or (2) the description of the vehicle registered to or frequently driven by him or her. Section 65 of this bill requires the local law enforcement agency with which a sex offender or offender convicted of a crime against a child registers to inform him or her of the information that must be updated

Existing law provides that a child who ~~is 14 years of age or older and who~~ is adjudicated delinquent for committing certain sexual offenses and who was 14 years of age or older at the time of the commission of the sexual offense is required to register as a sex offender in the same manner as an adult and is subject to community notification. ~~[(NRS 62F.220) Sections 74-82 of this bill reenact provisions governing juvenile sex offenders which were in effect before the enactment of A.B. 579.] (NRS 62F.220, 179D.0559, 179D.095) In addition, existing law prohibits the sealing of records relating to a child while the child is subject to registration and community notification as a juvenile sex offender. (NRS 62F.260) Section 95 of this bill repeals those provisions and sections 74-82 of this bill enact provisions to govern the registration and community notification of juvenile sex offenders.~~

Sections 74.5 and 76 include certain offenses, called "aggravated sexual offenses," in the list of sexual offenses for which registration and community notification as a juvenile sex offender is required. Section 77.5 provides that a child who is adjudicated delinquent for committing certain sexual offenses and who was 14 years of age or older at the time of the commission of the sexual offense: (1) must register as a sex offender with the juvenile court, juvenile probation department or the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services, whichever entity is determined to be the appropriate entity by the juvenile court; and (2) update his or her registration information not later than 48 hours after certain changes to that information. Section 77.5 also requires: (1) the juvenile court to order the parent or guardian of the child to ensure that the child complies with the requirements for registration as a sex offender; and (2) the parent or guardian of the child to notify the entity with which the child is registered as a sex offender and, if appropriate, the local law enforcement agency, if the child runs away or otherwise leaves the placement for the child approved by the juvenile court.

Under section 78, the juvenile court is required to: (1) notify the ~~Attorney General~~ Central Repository for Nevada Records of Criminal History when a child is adjudicated delinquent for certain sexual offenses ~~[for a sexually motivated act]~~ so that ~~[an assessment may be conducted of the risk of recidivism of the child pursuant to guidelines and procedures established by the Attorney General pursuant to section 59.]~~ the Central Repository may carry out the provisions of law governing the registration of the child as a sex offender; and (2) inform the child that he or she is subject to certain requirements for registration and community notification applicable to sex offenders. Section 78 further ~~requires the child to remain under the supervision of a probation or parole officer for at least 3 years and requires~~

~~the child or a parent or guardian of the child to inform the officer assigned to the child within 48 hours if the child changes his or her residence. Section 79 requires the probation or parole officer assigned to a juvenile sex offender to provide notification concerning the juvenile sex offender to certain law enforcement agencies.] prohibits the juvenile court from terminating its jurisdiction over the child until the juvenile court relieves the child of the requirement to register as a sex offender or orders that the child continue to be subject to registration and community notification after the child becomes 21 years of age.~~

Section 80.5 provides that upon a motion by a child, the juvenile court may exempt the child from the requirements of community notification applicable to sex offenders or exclude the child from placement on the community notification website, or both. Under section 80.5, the court may not exempt a child from community notification or exclude the child from the community notification website if the child is adjudicated delinquent for certain aggravated sexual offenses. The court must hold a hearing on such a motion and must not exempt the child from community notification or exclude the child from the community notification website unless, at the hearing, the court finds by clear and convincing evidence that the child is not likely to post a threat to the safety of others. Section 80.5 further authorizes the court to reconsider its decision on a motion after considering certain factors. Finally, if the juvenile court exempts a child from community notification or excludes the child from placement on the community notification website, or both, the juvenile court must notify the Central Repository and the child must not be subject to community notification or be placed on the community notification website.

~~Section [80 allows a] 81 requires the juvenile court to hold a hearing [at any appropriate time to determine whether to relieve a child who has been adjudicated delinquent for certain sexual offenses or a sexually motivated act from community notification as a juvenile sex offender. Under section 81, if the juvenile court has not previously relieved a child from community notification as a juvenile sex offender, the juvenile court must conduct a hearing] when the child reaches 21 years of age [.] or on a date reasonably near that date. If the juvenile court finds by clear and convincing evidence that the child has been rehabilitated and does not pose a threat to the safety of others, the juvenile court must relieve the child from the requirement for registration and community notification [.] as a sex offender. However, if the juvenile court determines that the child has not been rehabilitated or poses a threat to the safety of others, the juvenile court [may deem] must order that the child [an adult sex offender] is subject to registration and community notification in the manner provided for adult sex offenders.~~

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

Section 1. ~~[NRS 171.1228 is hereby amended to read as follows:~~



~~171.1228 1. A law enforcement officer, prosecutor or other employee of a governmental entity shall not, as a condition of investigating an alleged sexual offense, request or require a victim of the alleged sexual offense to take or submit to a polygraphic examination or other similar examination that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of a person.~~

~~2. As used in this section, "sexual offense" has the meaning ascribed to it in [NRS 179D.097.] *section 38 of this act.* (Deleted by amendment.)~~

Sec. 2. ~~[NRS 176.0913 is hereby amended to read as follows:~~

~~176.0913 1. If a defendant is convicted of an offense listed in subsection 4:~~

~~(a) The name, social security number, date of birth, fingerprints and any other information identifying the defendant must be submitted to the Central Repository for Nevada Records of Criminal History; and~~

~~(b) Unless a biological specimen was previously obtained upon arrest pursuant to NRS 176.09123, a biological specimen must be obtained from the defendant pursuant to the provisions of this section and the specimen must be used for a genetic marker analysis. If a biological specimen was previously obtained upon arrest pursuant to NRS 176.09123, the court shall notify the Central Repository for Nevada Records of Criminal History, who in turn shall notify the appropriate forensic laboratory.~~

~~2. If the defendant is committed to the custody of the Department of Corrections, the Department of Corrections shall arrange for the biological specimen to be obtained from the defendant. The Department of Corrections shall provide the specimen to the forensic laboratory that has been designated~~

~~by the county in which the defendant was convicted to conduct or oversee genetic marker analysis for the county pursuant to NRS 176.0917.~~

~~3. If the defendant is not committed to the custody of the Department of Corrections, the Division shall arrange for the biological specimen to be obtained from the defendant. The Division shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker analysis for the county pursuant to NRS 176.0917. Any cost that is incurred to obtain a biological specimen from a defendant pursuant to this subsection is a charge against the county in which the defendant was convicted and must be paid as provided in NRS 176.0915.~~

~~4. Except as otherwise provided in subsection 5, the provisions of subsection 1 apply to a defendant who is convicted of:~~

~~(a) A felony;~~

~~(b) A crime against a child as defined in [NRS 179D.0357;] *section 21 of this act;*~~

~~(c) A sexual offense as defined in [NRS 179D.097;] *section 38 of this act;*~~

~~(d) Abuse or neglect of an older person or a vulnerable person pursuant to NRS 200.5099;~~

~~— (e) A second or subsequent offense for stalking pursuant to NRS 200.575;~~  
~~— (f) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (e), inclusive;~~

~~— (g) Failing to register with a local law enforcement agency as a convicted person as required pursuant to NRS 179C.100, if the defendant previously was;~~

~~— (1) Convicted in this State of committing an offense listed in paragraph (a), (d), (e) or (f); or~~

~~— (2) Convicted in another jurisdiction of committing an offense that would constitute an offense listed in paragraph (a), (d), (e) or (f) if committed in this State;~~

~~— (h) Failing to register with a local law enforcement agency after being convicted of a crime against a child as required pursuant to [NRS 179D.450;] section 25 of this act; or~~

~~— (i) Failing to register with a local law enforcement agency after being convicted of a sexual offense as required pursuant to NRS 179D.450.~~

~~— 5. If it is determined that a defendant's biological specimen has previously been submitted for conviction of a prior offense, an additional sample is not required.~~

~~— 6. Except as otherwise authorized by federal law or by specific statute, a biological specimen obtained pursuant to this section, the DNA profile, the DNA record and any other information identifying or matching a biological specimen with a person must not be shared with or disclosed to any person other than the authorized personnel who have possession and control of the biological specimen, the DNA profile, the DNA record or other information identifying or matching a biological specimen with a person, except pursuant to:~~

~~— (a) A court order; or~~

~~— (b) A request from a law enforcement agency during the course of an investigation.~~

~~— 7. A person who violates any provision of subsection 6 is guilty of a category C felony and shall be punished as provided in NRS 193.130.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 176.09173 is hereby amended to read as follows:~~

~~176.09173 1. A forensic laboratory shall:~~

~~— (a) Prescribe protocols and procedures for the collection, submission, identification, genetic marker analysis, storage, maintenance, uploading and disposition of biological specimens, DNA profiles and DNA records.~~

~~— (b) Securely upload DNA records to the State DNA Database.~~

~~— (c) Acquire and maintain computer hardware and software necessary to store, maintain and upload DNA profiles and DNA records relating to:~~

~~— (1) Crime scene evidence and forensic casework;~~

~~— (2) Persons arrested for a felony and persons convicted of an offense listed in subsection 4 of NRS 176.0913 who are required to provide a biological specimen;~~

~~— (3) Persons required to register as sex offenders pursuant to NRS [179D.445, 179D.460 or 179D.480;] 179D.450 to 179D.550, inclusive, and sections 31 to 42, inclusive, of this act;~~

~~— (4) Unidentified persons or body parts;~~

~~— (5) Missing persons;~~

~~— (6) Relatives of missing persons;~~

~~— (7) Anonymous DNA profiles used for forensic validation, forensic protocol development, quality control purposes or establishment of a population statistics database for use by criminal justice agencies; and~~

~~— (8) Voluntarily submitted DNA profiles.~~

~~— 2. A forensic laboratory may:~~

~~— (a) Use all or part of the remainder of any biological specimen stored in the forensic laboratory for:~~

~~— (1) Retesting to confirm or update the original genetic marker analysis;~~

~~or~~

~~— (2) Quality control testing of new forensic methods for genetic marker analysis, provided that no personal identifying information is included.~~

~~— (b) Contract with providers of services to perform a genetic marker analysis or to carry out functions on behalf of the forensic laboratory. Any provider of services who contracts with a forensic laboratory to perform a genetic marker analysis or to carry out functions on behalf of the forensic laboratory is subject to the same restrictions and requirements as the forensic laboratory.~~

~~— 3. A forensic laboratory shall not use any biological specimen, DNA profile or DNA record for the purpose of identification of any medical or genetic disorder.] (Deleted by amendment.)~~

~~Sec. 4. [NRS 176.0923 is hereby amended to read as follows:  
176.0923 "Crime against a child" has the meaning ascribed to it in [NRS 179D.0357.] section 21 of this act.] (Deleted by amendment.)~~

~~Sec. 5. [NRS 176.0925 is hereby amended to read as follows:  
176.0925 "Sexual offense" has the meaning ascribed to it in [NRS 179D.097.] section 38 of this act.] (Deleted by amendment.)~~

~~Sec. 6. [NRS 176.0926 is hereby amended to read as follows:  
176.0926 1. If a defendant is convicted of a crime against a child, the court shall, following the imposition of a sentence:~~

~~— (a) Notify the Central Repository of the conviction of the defendant, so the Central Repository may carry out the provisions for registration of the defendant pursuant to [NRS 179D.450.] section 25 of this act.~~

~~— (b) Inform the defendant of the requirements for registration, including, but not limited to:~~

~~— (1) [The duty to register initially pursuant to NRS 179D.445;~~

~~— (2)] The duty to register in this State during any period in which the defendant is a resident of this State or a nonresident who is a student or worker within this State and the time within which the defendant is required to register pursuant to [NRS 179D.450;] section 26 of this act;~~

~~—[(3)] (2) The duty to register in any other jurisdiction, including, without limitation, any jurisdiction outside the United States, during any period in which the defendant is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;~~

~~—[(4)] (3) If the defendant moves from this State to another jurisdiction, including, without limitation, any jurisdiction outside the United States, the duty to register with the appropriate law enforcement agency in the other jurisdiction;~~

~~—[(5)] (4) The duty to notify the local law enforcement agency in whose jurisdiction the defendant formerly resided, in person or in writing, if the defendant changes the address at which the defendant resides, including if the defendant moves from this State to another jurisdiction, including, without limitation, any jurisdiction outside the United States, or changes the primary address at which the defendant is a student or worker; and~~

~~—[(6)] (5) The duty to notify immediately the appropriate local law enforcement agency if the defendant is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of enrollment at an institution of higher education or if the defendant is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of the defendant's work at an institution of higher education;~~

~~—(e) Require the defendant to read and sign a form stating that the requirements for registration have been explained and that the defendant understands the requirements for registration;~~

~~— 2. The failure to provide the defendant with the information or confirmation form required by paragraphs (b) and (c) of subsection 1 does not affect the duty of the defendant to register and to comply with all other provisions for registration pursuant to [NRS 179D.010 to 179D.550, inclusive.] sections 20 to 30, inclusive, of this act. (Deleted by amendment.)~~

~~Sec. 7. [NRS 176.0927 is hereby amended to read as follows:~~

~~176.0927 1. If a defendant is convicted of a sexual offense, the court shall, following the imposition of a sentence:~~

~~—(a) Notify the Central Repository of the conviction of the defendant, so the Central Repository may carry out the provisions for registration of the defendant pursuant to NRS 179D.450;~~

~~—(b) Inform the defendant of the requirements for registration, including, without limitation:~~

~~—(1) [The duty to register initially pursuant to NRS 179D.445;~~

~~] (2) The duty to register in this State during any period in which the defendant is a resident of this State or a nonresident who is a student or worker within this State and the time within which the defendant is required to register pursuant to NRS 179D.460;~~

~~—[(3)] (2) The duty to register in any other jurisdiction during any period in which the defendant is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;~~

~~—[(4)] (3) If the defendant moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;~~

~~—[(5)] (4) The duty to notify the local law enforcement agency in whose jurisdiction the defendant formerly resided, in person or in writing, if the defendant changes the address at which the defendant resides, including if the defendant moves from this State to another jurisdiction, or changes the primary address at which the defendant is a student or worker; and~~

~~—[(6)] (5) The duty to notify immediately the appropriate local law enforcement agency if the defendant is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of enrollment at an institution of higher education or if the defendant is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of the defendant's work at an institution of higher education.~~

~~—(e) Require the defendant to read and sign a form stating that the requirements for registration have been explained and that the defendant understands the requirements for registration.~~

~~2. The failure to provide the defendant with the information or confirmation form required by paragraphs (b) and (c) of subsection 1 does not affect the duty of the defendant to register and to comply with all other provisions for registration pursuant to NRS [179D.010] 179D.450 to 179D.550, inclusive [;], and sections 31 to 42, inclusive, of this act.]~~  
(Deleted by amendment.)

Sec. 8. [NRS 176.0921 is hereby amended to read as follows:

~~176.0921 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.~~

~~2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.~~

~~3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:~~

~~—(a) The person has complied with the requirements of the provisions of NRS [179D.010] 179D.450 to 179D.550, inclusive [;], and sections 31 to 42, inclusive, of this act;~~

~~—(b) The person has not been convicted of an offense that poses a threat to the safety or well being of others for an interval of at least 10 consecutive years after the person's last conviction or release from incarceration, whichever occurs later; and~~

~~—(c) The person is not likely to pose a threat to the safety of others, as determined by a person professionally qualified to conduct psychosexual evaluations, if released from lifetime supervision.~~

~~4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the person is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS [179D.010 to 179D.550,] 179D.450 to 179D.570, inclusive [.] and sections 31 to 59, inclusive, of this act.~~

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

~~(a) "Offense that poses a threat to the safety or well being of others" [includes, without limitation:~~

~~(1) An offense that involves:~~

~~(I) A victim less than 18 years of age;~~

~~(II) A crime against a child as defined in NRS 179D.0357;~~

~~(III) A sexual offense as defined in NRS 179D.097;~~

~~(IV) A deadly weapon, explosives or a firearm;~~

~~(V) The use or threatened use of force or violence;~~

~~(VI) Physical or mental abuse;~~

~~(VII) Death or bodily injury;~~

~~(VIII) An act of domestic violence;~~

~~(IX) Harassment, stalking, threats of any kind or other similar acts;~~

~~(X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or~~

~~(XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.~~

~~(2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:~~

~~(I) A tribal court;~~

~~(II) A court of the United States or the Armed Forces of the United States.] has the meaning ascribed to it in section 19 of this act.~~

~~(b) "Person professionally qualified to conduct psychosexual evaluations" has the meaning ascribed to it in NRS 176.133.~~

~~(c) "Sexual offense" means:~~

~~(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230 or 201.450 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;~~

~~(2) An attempt to commit an offense listed in subparagraph (1); or~~

~~(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.] (Deleted by amendment.)~~

Sec. 9. ~~[NRS 176A.410 is hereby amended to read as follows:~~

~~176A.410 1. Except as otherwise provided in subsection 6, if a defendant is convicted of a sexual offense and the court grants probation or suspends the sentence, the court shall, in addition to any other condition~~

~~ordered pursuant to NRS 176A.400, order as a condition of probation or suspension of sentence that the defendant:~~

~~— (a) Submit to a search and seizure of the defendant's person, residence or vehicle or any property under the defendant's control, at any time of the day or night, without a warrant, by any parole and probation officer or any peace officer, for the purpose of determining whether the defendant has violated any condition of probation or suspension of sentence or committed any crime.~~

~~— (b) Reside at a location only if:~~

~~— (1) The residence has been approved by the parole and probation officer assigned to the defendant.~~

~~— (2) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.~~

~~— (3) The defendant keeps the parole and probation officer assigned to the defendant informed of the defendant's current address.~~

~~— (c) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of the location of the defendant's position of employment or position as a volunteer.~~

~~— (d) Abide by any curfew imposed by the parole and probation officer assigned to the defendant.~~

~~— (e) Participate in and complete a program of professional counseling approved by the Division.~~

~~— (f) Submit to periodic tests, as requested by the parole and probation officer assigned to the defendant, to determine whether the defendant is using a controlled substance.~~

~~— (g) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the defendant.~~

~~— (h) Abstain from consuming, possessing or having under the defendant's control any alcohol.~~

~~— (i) Not have contact or communicate with a victim of the sexual offense or a witness who testified against the defendant or solicit another person to engage in such contact or communication on behalf of the defendant, unless approved by the Chief Parole and Probation Officer or the Chief Parole and Probation Officer's designee and a written agreement is entered into and signed in the manner set forth in subsection 5.~~

~~— (j) Not use aliases or fictitious names.~~

~~— (k) Not obtain a post office box unless the defendant receives permission from the parole and probation officer assigned to the defendant.~~

~~— (l) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of a sexual offense is present and permission has been obtained from the parole and probation officer assigned to the defendant in advance of each such contact.~~

~~—(m) Unless approved by the parole and probation officer assigned to the defendant and by a psychiatrist, psychologist or counselor treating the defendant, if any, not knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. The provisions of this paragraph apply only to a defendant who is assigned a Tier III [offender.] level of notification as defined in section 50 of this act.~~

~~—(n) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication.~~

~~—(o) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the defendant.~~

~~—(p) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the defendant.~~

~~—(q) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the defendant.~~

~~—(r) Inform the parole and probation officer assigned to the defendant if the defendant expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of the defendant's enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.~~

~~—2. Except as otherwise provided in subsection 6, if a defendant is convicted of an offense listed in subsection 6 of NRS 213.1255 against a child under the age of 14 years, the defendant is assigned a Tier III [offender] level of notification, as defined in section 50 of this act, and the court grants probation or suspends the sentence of the defendant, the court shall, in addition to any other condition ordered pursuant to subsection 1, order as a condition of probation or suspension of sentence that the defendant:~~

~~—(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.~~

~~—(b) As deemed appropriate by the Chief Parole and Probation Officer, be placed under a system of active electronic monitoring that is capable of identifying the defendant's location and producing, upon request, reports or~~



~~records of the defendant's presence near or within a crime scene or prohibited area or the defendant's departure from a specified geographic location.~~

~~— (e) Pay any costs associated with the defendant's participation under the system of active electronic monitoring, to the extent of the defendant's ability to pay.~~

~~— 3. A defendant placed under the system of active electronic monitoring pursuant to subsection 2 shall:~~

~~— (a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.~~

~~— (b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.~~

~~— (c) Abide by any other conditions set forth by the Division with regard to the defendant's participation under the system of active electronic monitoring.~~

~~— 4. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a defendant pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.~~

~~— 5. A written agreement entered into pursuant to paragraph (i) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:~~

~~— (a) The victim or the witness;~~

~~— (b) The defendant;~~

~~— (c) The parole and probation officer assigned to the defendant;~~

~~— (d) The psychiatrist, psychologist or counselor treating the defendant, victim or witness, if any;~~

~~— (e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child; and~~

~~— (f) The Chief Parole and Probation Officer or the Chief Parole and Probation Officer's designee.~~

~~— 6. The court is not required to impose a condition of probation or suspension of sentence listed in subsections 1 and 2 if the court finds that extraordinary circumstances are present and the court enters those extraordinary circumstances in the record.~~

~~— 7. As used in this section, "sexual offense" has the meaning ascribed to it in [NRS 179D.097.] *section 38 of this act.* (Deleted by amendment.)~~

Sec. 10. ~~[NRS 179.245 is hereby amended to read as follows:~~

~~179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may~~

~~petition the court in which the person was convicted for the sealing of all records relating to a conviction of:~~

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

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

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

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

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

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

~~2. A petition filed pursuant to subsection 1 must:~~

~~— (a) Be accompanied by the petitioner's current, verified records received from:~~

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

~~— (2) All agencies of criminal justice which maintain such records within the city or county in which the conviction was entered;~~

~~— (b) If the petition references NRS 453.3365 or 458.330, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;~~

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

~~— (d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:~~

~~— (1) Date of birth of the petitioner;~~

~~— (2) Specific conviction to which the records to be sealed pertain; and~~

~~— (3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.~~

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

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

~~—(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.~~

~~→ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.~~

~~—4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.~~

~~—5. A person may not petition the court to seal records relating to a conviction of:~~

~~—(a) A crime against a child;~~

~~—(b) A sexual offense;~~

~~—(c) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;~~

~~—(d) A violation of NRS 484C.430;~~

~~—(e) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;~~

~~—(f) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or~~

~~—(g) A violation of NRS 488.420 or 488.425.~~

~~—6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.~~

~~—7. As used in this section:~~

~~—(a) "Crime against a child" has the meaning ascribed to it in [NRS 179D.0357.] section 21 of this act.~~

~~—(b) "Sexual offense" means:~~

~~—(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.~~

~~—(2) Sexual assault pursuant to NRS 200.366.~~

~~— (3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.~~

~~— (4) Battery with intent to commit sexual assault pursuant to NRS 200.400.~~

~~— (5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.~~

~~— (6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.~~

~~— (7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.~~

~~— (8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.~~

~~— (9) Incest pursuant to NRS 201.180.~~

~~— (10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.~~

~~— (11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.~~

~~— (12) Lewdness with a child pursuant to NRS 201.230.~~

~~— (13) Sexual penetration of a dead human body pursuant to NRS 201.450.~~

~~— (14) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.~~

~~— (15) An attempt to commit an offense listed in this paragraph.] (Deleted by amendment.)~~

Sec. 11. ~~[NRS 179.259 is hereby amended to read as follows:~~

~~— 179.259 1. Except as otherwise provided in subsections 3 and 4, 5 years after an eligible person completes a program for reentry, the court may order sealed all documents, papers and exhibits in the eligible person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court may order those records sealed without a hearing unless the Division of Parole and Probation of the Department of Public Safety petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.~~

~~— 2. If the court orders sealed the record of an eligible person, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.~~

~~— 3. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.~~

~~4. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.~~

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

~~(a) "Crime against a child" has the meaning ascribed to it in [NRS 179D.0357.] *section 21 of this act.*~~

~~(b) "Eligible person" means a person who has:~~

~~(1) Successfully completed a program for reentry to which the person participated in pursuant to NRS 209.4886, 209.4888, 213.625 or 213.632; and~~

~~(2) Been convicted of a single offense which was punishable as a felony and which did not involve the use or threatened use of force or violence against the victim. For the purposes of this subparagraph, multiple convictions for an offense punishable as a felony shall be deemed to constitute a single offense if those offenses arose out of the same transaction or occurrence.~~

~~(c) "Program for reentry" means:~~

~~(1) A correctional program for reentry of offenders and parolees into the community that is established by the Director of the Department of Corrections pursuant to NRS 209.4887; or~~

~~(2) A judicial program for reentry of offenders and parolees into the community that is established in a judicial district pursuant to NRS 209.4883.~~

~~(d) "Sexual offense" has the meaning ascribed to it in paragraph (b) of subsection 7 of NRS 179.245.] (Deleted by amendment.)~~

Sec. 12. ~~[NRS 179A.066 is hereby amended to read as follows:~~

~~179A.066 "Offender convicted of a crime against a child" has the meaning ascribed to it in [NRS 179D.0559.] *section 23 of this act.*] (Deleted by amendment.)~~

Sec. 13. ~~[NRS 179B.030 is hereby amended to read as follows:~~

~~179B.030 "Crime against a child" has the meaning ascribed to it in [NRS 179D.0357.] *section 21 of this act.*] (Deleted by amendment.)~~

Sec. 14. ~~[NRS 179B.075 is hereby amended to read as follows:~~

~~179B.075 "Offender convicted of a crime against a child" has the meaning ascribed to it in [NRS 179D.0559.] *section 23 of this act.*] (Deleted by amendment.)~~

Sec. 15. ~~[NRS 179B.250 is hereby amended to read as follows:~~

~~179B.250 1. The Department shall establish and maintain within the Central Repository a community notification website to provide the public with access to certain information contained in the statewide registry in accordance with the procedures set forth in this section.~~

~~2. The community notification website is the source of record for information available to the public concerning offenders listed in the statewide registry.], and must:~~

~~(a) Be maintained in a manner that will allow the public to obtain relevant information for each offender by a single query for any given zip code or geographical radius set by the user;~~

~~—(b) Include in its design all the search field capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website maintained by the Attorney General of the United States pursuant to 42 U.S.C. 16920;~~

~~—(c) Include, to the extent practicable, links to sex offender safety and education resources;~~

~~—(d) Include instructions on how to seek correction of information that a person contends is erroneous; and~~

~~—(e) Include a warning that the information on the website should not be used to unlawfully injure, harass or commit a crime against any person named in the registry or residing or working at any reported address and a notice that any such action could result in civil or criminal penalties.]~~

~~— 3. For each inquiry to the community notification website, the requester may provide:~~

~~—(a) The name of the subject of the search;~~

~~—(b) Any alias of the subject of the search;~~

~~—(c) The zip code of the residence, place of work or school of the subject of the search; or~~

~~—(d) Any other information concerning the identity or location of the subject of the search that is deemed sufficient in the discretion of the Department.~~

~~— 4. For each inquiry to the community notification website made by the requester, the Central Repository shall:~~

~~—(a) Explain the levels of [registration and community] notification that are assigned to sex offenders pursuant to [NRS 179D.010 to 179D.550, inclusive;] *section 54 of this act*; and~~

~~—(b) Explain that the Central Repository is prohibited by law from disclosing certain information concerning certain offenders, even if those offenders are listed in the statewide registry.~~

~~— 5. If an offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search, the Central Repository [shall]:~~

~~—(a) *Shall* disclose to the requester information in the statewide registry concerning [the offender as provided pursuant to subsection 6.~~

~~— 6.] *an offender who is assigned a Tier II or Tier III level of notification.*~~

~~—(b) *Shall not* disclose to the requester information concerning an offender who is assigned a Tier I level of notification.~~

~~— 6. After each inquiry to the community notification website made by the requester, the Central Repository shall inform the requester that:~~

~~—(a) No offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search;~~

~~—(b) The search of the statewide registry has not produced information that is available to the public through the statewide registry; [or]~~

~~— (e) The requester needs to provide additional information concerning the identity or location of the subject of the search before the Central Repository may disclose the results of the search; or~~

~~— (d) An offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search. Except as otherwise provided in paragraph (b) of subsection [7,] 5, if a search of the statewide registry results in a match pursuant to this paragraph, the Central Repository shall provide the requester with the following information:~~

~~— (1) The name of the offender and all aliases that the offender has used or under which the offender has been known;~~

~~— (2) A complete physical description of the offender;~~

~~— (3) A current photograph of the offender;~~

~~— (4) The year of birth of the offender;~~

~~— (5) The complete address of any residence at which the offender resides [or will reside.];~~

~~— (6) The [address] number of the street block, but not the specific street number, of any location where the offender is [or will be:] currently;~~

~~— (I) A student, as defined in NRS 179D.110; or~~

~~— (II) A worker, as defined in NRS 179D.120;~~

~~— (7) [The license plate number and a description of any motor vehicle owned or operated by the offender.~~

~~— (8) The following information for each offense for which the offender has been convicted:~~

~~— (I) The offense that was committed, including a citation to [and the text of] the specific statute that the offender violated;~~

~~— (II) The court in which the offender was convicted;~~

~~— (III) The name under which the offender was convicted;~~

~~— (IV) The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender was committed for the offense;~~

~~— (V) The city, township or county where the offense was committed;~~

~~— [(9)] (8) The tier level of [registration and community] notification assigned to the offender . [pursuant to NRS 179D.010 to 179D.550, inclusive.~~

~~— (10) Any other information required by federal law.]~~

~~7. If a search of the statewide registry results in a match pursuant to paragraph [(c)] (d) of subsection 6, the Central Repository shall not provide the requester with [:~~

~~— (a) The identity of any victim of a sexual offense or crime against a child;~~

~~— (b) Any information relating to a Tier I offender unless the offender has been convicted of a sexual offense against a child or a crime against a child;~~

~~— (c) The social security number of the offender;~~

~~— (d) The name of any location where the offender is or will be;~~

~~— (1) A student, as defined in NRS 179D.110; or~~

- ~~—(2) A worker, as defined in NRS 179D.120;~~
  - ~~—(e) Any reference to arrests of the offender that did not result in conviction;~~
  - ~~—(f) Any other] any information that is included in the record of registration for the offender other than the information required pursuant to paragraph [(c)] (d) of subsection 6.]; or~~
  - ~~—(g) Any other information exempted from disclosure by the Attorney General of the United States pursuant to federal law.]~~
  - ~~—8. A person may not use information obtained through the community notification website as a substitute for information relating to the offenses listed in subsection 4 of NRS 179A.190 that must be provided by the Central Repository pursuant to NRS 179A.180 to 179A.240, inclusive, or another provision of law.~~
  - ~~—9. The provisions of this section do not prevent law enforcement officers, the Central Repository and its officers and employees, or any other person from:~~
    - ~~—(a) Accessing information in the statewide registry pursuant to NRS 179B.200;~~
    - ~~—(b) Carrying out any duty pursuant to chapter 179D of NRS; or~~
    - ~~—(c) Carrying out any duty pursuant to another provision of law.~~
  - ~~—10. As used in this section [.] =~~
    - ~~—(a) "Tier I [offender]" level of notification" has the meaning ascribed to it in [NRS 179D.113.] section 48 of this act.~~
    - ~~—(b) "Tier II level of notification" has the meaning ascribed to it in section 49 of this act.~~
    - ~~—(c) "Tier III level of notification" has the meaning ascribed to it in section 50 of this act."/~~ (Deleted by amendment.)
- Sec. 16. ~~[NRS 179C.010 is hereby amended to read as follows:~~
- ~~179C.010 1. Except as otherwise provided in subsection 2, as used in this chapter, unless the context otherwise requires, "convicted person" means:~~
    - ~~—(a) A person convicted in the State of Nevada or convicted in any place other than the State of Nevada of two or more offenses punishable as felonies.~~
    - ~~—(b) A person convicted in the State of Nevada of an offense punishable as a category A felony.~~
    - ~~—(c) A person convicted in the State of Nevada or convicted in any place other than the State of Nevada of a crime that would constitute a category A felony if committed in this State on or after July 1, 2003.~~
  - ~~2. For the purposes of this chapter, "convicted person" does not include:~~
    - ~~—(a) A person who has been convicted of a crime against a child, as defined in [NRS 179D.0357.] section 21 of this act, or a sexual offense, as defined in [NRS 179D.097.] section 38 of this act; or~~



~~— (b) Except as otherwise provided in this chapter, a person whose conviction is or has been set aside in the manner provided by law.] (Deleted by amendment.)~~

Sec. 17. ~~[Chapter 179D of NRS is hereby amended by adding thereto the provisions set forth as sections 18 to 59, inclusive, of this act.] (Deleted by amendment.)~~

Sec. 18. ~~["Noneconsensual" means against the victim's will or under conditions in which a person knows or reasonably should know that the victim is mentally or physically incapable of resisting, consenting or understanding the nature of the person's conduct.] (Deleted by amendment.)~~

Sec. 19. ~~[1. "Offense that poses a threat to the safety or well-being of others" includes, without limitation, an offense that involves:~~

- ~~— (a) A victim less than 18 years of age;~~
- ~~— (b) A crime against a child as defined in section 21 of this act;~~
- ~~— (c) A sexual offense as defined in section 38 of this act;~~
- ~~— (d) A deadly weapon, explosives or a firearm;~~
- ~~— (e) The use or threatened use of force or violence;~~
- ~~— (f) Physical or mental abuse;~~
- ~~— (g) Death or bodily injury;~~
- ~~— (h) An act of domestic violence;~~
- ~~— (i) Harassment, stalking, threats of any kind or other similar acts;~~
- ~~— (j) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or~~
- ~~— (k) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.~~

~~2. The term includes any offense listed in subsection 1 that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:~~

- ~~— (a) A tribal court.~~
- ~~— (b) A court of the United States or the Armed Forces of the United States.]~~

~~(Deleted by amendment.)~~

Sec. 20. ~~[As used in sections 20 to 30, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 21 to 24, inclusive, of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 21. ~~["Crime against a child" means any of the following offenses if the victim of the offense was less than 18 years of age when the offense was committed:~~

- ~~— 1. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive, unless the offender is the parent or guardian of the victim.~~
- ~~— 2. False imprisonment pursuant to NRS 200.460, unless the offender is the parent or guardian of the victim.~~
- ~~— 3. Involuntary servitude of a minor pursuant to NRS 200.4631, unless the offender is the parent or guardian of the victim.~~

~~4. An offense involving sex trafficking pursuant to NRS 201.300 or prostitution pursuant to NRS 201.320.~~

~~5. An attempt to commit an offense listed in this section.~~

~~6. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:~~

~~(a) A tribal court.~~

~~(b) A court of the United States or the Armed Forces of the United States.~~

~~7. An offense against a child committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as an offender who has committed a crime against a child because of the offense. This subsection includes, without limitation, an offense prosecuted in:~~

~~(a) A tribal court.~~

~~(b) A court of the United States or the Armed Forces of the United States.~~

~~(c) A court having jurisdiction over juveniles.} (Deleted by amendment.)~~

~~Sec. 22. ["Nonresident offender who is a student or worker within this State" and "nonresident offender" mean an offender convicted of a crime against a child who is a student or worker within this State but who is not otherwise deemed a resident offender pursuant to subsection 2 or 3 of section 26 of this act.} (Deleted by amendment.)~~

~~Sec. 23. [1. "Offender convicted of a crime against a child" and "offender" mean a person who, after July 1, 1956, is or has been:~~

~~(a) Convicted of a crime against a child that is listed in section 21 of this act; or~~

~~(b) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a crime against a child that is listed in subsection 7 of section 21 of this act.~~

~~2. The term includes, without limitation, a nonresident offender who is a student or worker within this State.} (Deleted by amendment.)~~

~~Sec. 24. ["Registration" means registration as an offender convicted of a crime against a child pursuant to sections 20 to 30, inclusive, of this act.] (Deleted by amendment.)~~

~~Sec. 25. [1. If the Central Repository receives notice from a court pursuant to NRS 176.0926 that an offender has been convicted of a crime against a child, the Central Repository shall:~~

~~(a) If a record of registration has not previously been established for the offender, notify the local law enforcement agency so that a record of registration may be established; or~~

~~(b) If a record of registration has previously been established for the offender, update the record of registration for the offender and notify the appropriate law enforcement agencies.~~

~~2. If the offender named in the notice is granted probation or otherwise will not be incarcerated or confined, the Central Repository shall immediately provide notification concerning the offender to the appropriate law enforcement agencies and, if the offender resides in a jurisdiction which is outside this State, to the appropriate law enforcement agency in that jurisdiction;~~

~~3. If an offender is incarcerated or confined and has previously been convicted of a crime against a child, before the offender is released:~~

~~(a) The Department of Corrections or a local law enforcement agency in whose facility the offender is incarcerated or confined shall:~~

~~(1) Inform the offender of the requirements for registration, including, without limitation:~~

~~(I) The duty to register in this State during any period in which he or she is a resident of this State or a nonresident who is a student or worker within this State and the time within which the offender is required to register pursuant to section 26 of this act;~~

~~(II) The duty to register in any other jurisdiction during any period in which he or she is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;~~

~~(III) If the offender moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;~~

~~(IV) The duty to notify the local law enforcement agency for the jurisdiction in which the offender now resides, in person, and the jurisdiction in which he or she most recently resided, in person or in writing, if the offender changes the address at which he or she resides, including if the offender moves from this State to another jurisdiction, or changes the primary address at which he or she is a student or worker; and~~

~~(V) The duty to notify immediately the appropriate local law enforcement agency if the offender is, expects to be or becomes enrolled as a student at an institution of higher education or if the offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his or her work at an institution of higher education; and~~

~~(2) Require the offender to read and sign a form confirming that the requirements for registration have been explained to the offender and to forward the form to the Central Repository.~~

~~(b) The Central Repository shall:~~

~~(1) Update the record of registration for the offender; and~~

~~(2) Provide notification concerning the offender to the appropriate local law enforcement agencies and, if the offender will reside upon release in a jurisdiction which is outside this State, to the appropriate law enforcement agency in that jurisdiction.~~

~~4. The failure to provide an offender with the information or confirmation form required by paragraph (a) of subsection 3 does not affect~~

~~the duty of the offender to register and to comply with all other provisions for registration.~~

~~5. If the Central Repository receives notice from another jurisdiction or the Federal Bureau of Investigation that an offender convicted of a crime against a child is now residing or is a student or worker within this State, the Central Repository shall:~~

~~(a) Immediately provide notification concerning the offender to the appropriate local law enforcement agencies; and~~

~~(b) Establish a record of registration for the offender with the assistance of the local law enforcement agency.~~ (Deleted by amendment.)

Sec. 26. ~~[1. In addition to any other registration that is required pursuant to section 25 of this act, each offender who, after July 1, 1956, is or has been convicted of a crime against a child shall register with a local law enforcement agency pursuant to the provisions of this section.~~

~~2. Except as otherwise provided in subsection 3, if the offender resides or is present for 48 hours or more within:~~

~~(a) A county; or~~

~~(b) An incorporated city that does not have a city police department, the offender shall be deemed a resident offender and shall register with the sheriff's office of the county or, if the county or city is within the jurisdiction of a metropolitan police department, the metropolitan police department, not later than 48 hours after arriving or establishing a residence with the county or city.~~

~~3. If the offender resides or is present for 48 hours or more within an incorporated city that has a city police department, the offender shall be deemed a resident offender and shall register with the city police department not later than 48 hours after arriving or establishing a residence within the city.~~

~~4. If the offender is a nonresident offender who is a student or worker within this State, the offender shall register with the appropriate sheriff's office, metropolitan police department or city police department in whose jurisdiction he or she is a student or worker not later than 48 hours after becoming a student or worker within this State.~~

~~5. A resident or nonresident offender shall immediately notify the appropriate local law enforcement agency if:~~

~~(a) The offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his or her enrollment at an institution of higher education; or~~

~~(b) The offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his or her work at an institution of higher education.~~

~~→ The offender shall provide the name, address and type of each such institution of higher education.~~

~~6. To register with a local law enforcement agency pursuant to this section, the offender shall:~~

~~— (a) Appear personally at the office of the appropriate law enforcement agency;~~

~~— (b) Provide all information that is requested by the local law enforcement agency, including, without limitation, fingerprints and a photograph; and~~

~~— (c) Sign and date the record of registration or some other proof of registration in the presence of an officer of the local law enforcement agency.~~

~~7. When an offender registers, the local law enforcement agency shall:~~

~~— (a) Inform the offender of the duty to notify the local law enforcement agency if the offender changes the address at which he or she resides or changes the primary address at which he or she is a student or worker; and~~

~~— (b) Inform the offender of the duty to register with the local law enforcement agency in whose jurisdiction the offender relocates.~~

~~8. After the offender registers with the local law enforcement agency, the local law enforcement agency shall forward to the Central Repository the information collected, including, without limitation, the fingerprints and a photograph of the offender.~~

~~9. If the Central Repository has not previously established a record of registration for an offender described in subsection 8, the Central Repository shall:~~

~~— (a) Establish a record of registration for the offender; and~~

~~— (b) Provide notification concerning the offender to the appropriate local law enforcement agencies.~~

~~10. When an offender notifies a local law enforcement agency that:~~

~~— (a) The offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his or her enrollment at an institution of higher education; or~~

~~— (b) The offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his or her work at an institution of higher education;~~

~~— and provides the name, address and type of each such institution of higher education, the local law enforcement agency shall immediately provide that information to the Central Repository and to the appropriate campus police department.] (Deleted by amendment.)~~

Sec. 27. ~~[1. If an offender convicted of a crime against a child changes the address at which he or she resides, including, without limitation, moving from this State to another jurisdiction, or changes the primary address at which he or she is a student or worker, not later than 48 hours after changing such address, the offender shall provide the new address, in person, to the local law enforcement agency in whose jurisdiction the offender now resides and, in person or in writing, to the local law enforcement agency in whose jurisdiction the offender formerly resided and shall provide all other information that is relevant to updating the offender's record of registration, including, without limitation, any change in the offender's name, occupation, employment, work, volunteer service or driver's~~

~~license and any change in the license number or description of a motor vehicle registered to or frequently driven by the offender.~~

~~2. Upon receiving a change of address from an offender, the local law enforcement agency shall immediately forward the new address and any updated information to the Central Repository and:~~

~~(a) If the offender has changed an address within this State, the Central Repository shall immediately provide notification concerning the offender to the appropriate local law enforcement agency in whose jurisdiction the offender is now residing or is a student or worker and shall notify the local law enforcement agency in whose jurisdiction the offender last resided or was a student or worker; or~~

~~(b) If the offender has changed an address from this State to another jurisdiction, the Central Repository shall immediately provide notification concerning the offender to the appropriate law enforcement agency in the other jurisdiction and shall notify the local law enforcement agency in whose jurisdiction the offender last resided or was a student or worker.] (Deleted by amendment.)~~

Sec. 28. ~~[1. Except as otherwise provided in subsection 1, each year, on the anniversary of the date that the Central Repository establishes a record of registration for the offender, the Central Repository shall mail to the offender, at the address last registered by the offender, a nonforwardable verification form. The offender shall complete and sign the form and mail the form to the Central Repository not later than 10 days after receipt of the form to verify that he or she still resides at the address he or she last registered.~~

~~2. An offender shall include with each verification form a current set of fingerprints, a current photograph and all other information that is relevant to updating his or her record of registration, including, without limitation, any change in his or her name, occupation, employment, work, volunteer service or driver's license and any change in the license number or description of a motor vehicle registered to or frequently driven by him or her. The Central Repository shall provide all updated information to the appropriate local law enforcement agencies.~~

~~3. If the Central Repository does not receive a verification form from an offender and otherwise cannot verify the address or location of the offender, the Central Repository shall immediately notify the appropriate local law enforcement agencies.~~

~~4. The Central Repository is not required to complete the mailing pursuant to subsection 1.~~

~~(a) During any period in which an offender is incarcerated or confined or has changed his or her place of residence from this State to another jurisdiction; or~~

~~(b) For a nonresident offender who is a student or worker within this State.] (Deleted by amendment.)~~

Sec. 29. ~~[1. An offender convicted of a crime against a child shall comply with the provisions for registration for as long as the offender resides or is present within this State or is a nonresident offender who is a student or worker within this State, unless the duty of the offender to register is terminated pursuant to the provisions of this section.~~

~~2. Except as otherwise provided in subsection 5, if an offender complies with the provisions for registration for an interval of at least 15 consecutive years during which he or she is not convicted of an offense that poses a threat to the safety or well-being of others, the offender may file a petition to terminate his or her duty to register with the district court in whose jurisdiction he or she resides or, if the offender is a nonresident offender, in whose jurisdiction he or she is a student or worker. For the purposes of this subsection, registration begins on the date that the Central Repository establishes a record of registration for the offender or the date that the offender is released, whichever occurs later.~~

~~3. If the offender satisfies the requirements of subsection 2, the court shall hold a hearing on the petition at which the offender and any other interested person may present witnesses and other evidence. If the court determines from the evidence presented at the hearing that the offender is not likely to pose a threat to the safety of others, the court shall terminate the duty of the offender to register.~~

~~4. If the court does not terminate the duty of the offender to register after a petition is heard pursuant to subsections 2 and 3, the offender may file another petition after each succeeding interval of 5 consecutive years if the offender is not convicted of an offense that poses a threat to the safety or well-being of others.~~

~~5. An offender may not file a petition to terminate his or her duty to register pursuant to this section if the offender:~~

~~(a) Is subject to community notification or to lifetime supervision pursuant to NRS 176.0931 as a sex offender;~~

~~(b) Has been declared to be a sexually violent predator as defined in section 40 of this act; or~~

~~(c) Has been convicted of:~~

~~(1) One or more sexually violent offenses as defined in section 39 of this act;~~

~~(2) Two or more sexual offenses, as defined in section 38 of this act, against persons less than 18 years of age;~~

~~(3) Two or more crimes against a child; or~~

~~(4) At least one of each offense listed in subparagraphs (2) and (3).]~~

~~(Deleted by amendment.)~~

Sec. 30. ~~[1. Except as otherwise provided in subsection 2, an offender convicted of a crime against a child who:~~

~~(a) Fails to register with a local law enforcement agency;~~

~~(b) Fails to notify the local law enforcement agency of a change of address;~~

~~—(c) Provides false or misleading information to the Central Repository or a local law enforcement agency; or~~

~~—(d) Otherwise violates the provisions of sections 20 to 30, inclusive, of this act;~~

~~— is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~2. An offender convicted of a crime against a child who commits a second or subsequent violation of subsection 1 within 7 years after the first violation is guilty of a category C felony and shall be punished as provided in NRS 193.130. A court shall not grant probation to or suspend the sentence of a person convicted pursuant to this subsection.] (Deleted by amendment.)~~

Sec. 31. ~~[As used in NRS 179D.450 to 179D.550, inclusive, and sections 31 to 42, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 32 to 40, inclusive, of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 32. ~~["Mental disorder" means a congenital or acquired condition affecting the emotional or volitional capacity of a person which predisposes that person to the commission of violent sexual acts. The term includes, without limitation, a mental disorder that is listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.] (Deleted by amendment.)~~

Sec. 33. ~~["Nonresident sex offender who is a student or worker within this State" and "nonresident sex offender" mean a sex offender who is a student or worker within this State but who is not otherwise deemed a resident sex offender pursuant to subsection 2 or 3 of NRS 179D.460.] (Deleted by amendment.)~~

Sec. 34. ~~["Personality disorder" includes, without limitation, a personality disorder that is listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.] (Deleted by amendment.)~~

Sec. 35. ~~["Qualified professional" means a person who has received training in evaluating sex offenders and is:~~

~~—1. A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.; or~~

~~—2. A psychologist licensed to practice in this State.] (Deleted by amendment.)~~

Sec. 36. ~~["Registration" means registration as a sex offender pursuant to NRS 179D.450 to 179D.550, inclusive, and sections 31 to 42, inclusive, of this act.] (Deleted by amendment.)~~

Sec. 37. ~~[1. "Sex offender" means a person who, after July 1, 1956, is or has been:~~

~~—(a) Convicted of a sexual offense listed in section 38 of this act; or~~

~~—(b) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in paragraph (1) of subsection 1 of section 38 of this act.~~



~~2. The term includes, without limitation:~~  
~~(a) A sexually violent predator.~~  
~~(b) A nonresident sex offender who is a student or worker within this State.~~ (Deleted by amendment.)

Sec. 38. ~~[1. "Sexual offense" means any of the following offenses:~~  
~~(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault, sexual abuse of a child or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.~~  
~~(b) Sexual assault pursuant to NRS 200.366.~~  
~~(c) Statutory sexual seduction pursuant to NRS 200.368.~~  
~~(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.~~  
~~(e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this subsection.~~  
~~(f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.~~  
~~(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.~~  
~~(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.~~  
~~(i) Incest pursuant to NRS 201.180.~~  
~~(j) Open or gross lewdness pursuant to NRS 201.210.~~  
~~(k) Indecent or obscene exposure pursuant to NRS 201.220.~~  
~~(l) Lewdness with a child pursuant to NRS 201.230.~~  
~~(m) Sex trafficking pursuant to subsection 2 of NRS 201.300.~~  
~~(n) Sexual penetration of a dead human body pursuant to NRS 201.450.~~  
~~(o) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.~~  
~~(p) Any other offense that has an element involving a sexual act or sexual conduct with another.~~  
~~(q) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (p), inclusive.~~  
~~(r) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.~~  
~~(s) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this subsection. This paragraph includes, without limitation, an offense prosecuted in:~~  
~~(1) A tribal court.~~  
~~(2) A court of the United States or the Armed Forces of the United States.~~

~~(t) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This paragraph includes, without limitation, an offense prosecuted in:~~

- ~~(1) A tribal court.~~
- ~~(2) A court of the United States or the Armed Forces of the United States.~~
- ~~(3) A court having jurisdiction over juveniles.~~

~~2. The term does not include an offense involving consensual sexual conduct if the victim was:~~

- ~~(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or~~
- ~~(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.] (Deleted by amendment.)~~

Sec. 39. ~~["Sexually violent offense" means any of the following offenses:~~

- ~~1. Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault, sexual abuse of a child or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.~~
- ~~2. Sexual assault pursuant to NRS 200.366.~~
- ~~3. Battery with intent to commit sexual assault pursuant to NRS 200.400.~~
- ~~4. An offense involving pornography and a minor pursuant to NRS 200.710.~~
- ~~5. An attempt to commit an offense listed in subsections 1 to 4, inclusive.~~
- ~~6. An offense that is determined to be sexually motivated pursuant to NRS 175.547.~~
- ~~7. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:~~
  - ~~(a) A tribal court.~~
  - ~~(b) A court of the United States or the Armed Forces of the United States.~~
- ~~8. Any other offense listed in section 38 of this act if, during the commission of the offense, the offender engaged in or attempted to engage in:~~
  - ~~(a) Sexual penetration of a child less than 12 years of age; or~~
  - ~~(b) Nonconsensual sexual penetration of any other person.] (Deleted by amendment.)~~

Sec. 40. ~~["Sexually violent predator" means:~~

- ~~1. A person who:~~
  - ~~(a) Has been convicted of a sexually violent offense;~~
  - ~~(b) Suffers from a mental disorder or personality disorder; and~~

~~—(e) Has been declared to be a sexually violent predator pursuant to section 41 of this act.~~

~~—2. A person who has been declared to be a sexually violent predator pursuant to the laws of another jurisdiction.] (Deleted by amendment.)~~

Sec. 41. ~~[1. If a sex offender is convicted of a sexually violent offense, or if a sex offender is convicted of a sexual offense and the sex offender previously has been convicted of a sexually violent offense, the prosecuting attorney may petition the court in which the sex offender was sentenced for a declaration that the sex offender is a sexually violent predator for the purposes of this chapter. The petition must be filed before the sex offender is released.~~

~~—2. If the prosecuting attorney files a petition pursuant to subsection 1, the court shall schedule a hearing on the petition and shall order the sex offender to submit to an evaluation by a panel consisting of two qualified professionals, two persons who are advocates of victims' rights and two persons who represent law enforcement agencies. As part of the evaluation by the panel, the two qualified professionals shall conduct a psychological examination of the sex offender. The panel shall prepare a report of its conclusions, including, without limitation, the conclusions of the two qualified professionals regarding whether the sex offender suffers from a mental disorder or personality disorder, and shall provide a copy of the report to the court.~~

~~—3. If, after reviewing the report and considering the evidence presented at the hearing, the court determines that the sex offender suffers from a mental disorder or personality disorder, the court shall enter an order declaring the sex offender to be a sexually violent predator for the purposes of this chapter.~~

~~—4. If the court determines that the sex offender does not suffer from a mental disorder or personality disorder, the sex offender remains subject to registration and community notification as a sex offender pursuant to the provisions of this chapter.~~

~~—5. A panel conducting an evaluation of a sex offender pursuant to subsection 2 must be given access to all records of the sex offender that are necessary to conduct the evaluation, and the sex offender shall be deemed to have waived all rights of confidentiality and all privileges relating to those records for the limited purpose of the evaluation.] (Deleted by amendment.)~~

Sec. 42. ~~[In addition to the information that must be included in a record of registration pursuant to NRS 170D.151, the record of registration for a sex offender declared to be a sexually violent predator must include a notation regarding whether the sex offender has previously received treatment for his or her mental disorder or personality disorder.] (Deleted by amendment.)~~

Sec. 43. ~~[As used in sections 43 to 50, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 44 to 50,~~

~~inclusive, of this act have the meanings ascribed to them in those sections.]~~  
 (Deleted by amendment.)

Sec. 44. ~~["Nonresident sex offender who is a student or worker within this State" and "nonresident sex offender" mean a sex offender who is a student or worker within this State but who is not otherwise deemed a resident sex offender pursuant to subsection 2 or 3 of NRS 179D.460.]~~  
 (Deleted by amendment.)

Sec. 45. ~~[1. "Sex offender" means a person who, after July 1, 1956, is or has been:~~

~~— (a) Convicted of a sexual offense listed in section 16 of this act; or~~  
~~— (b) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in paragraph (s) of subsection 1 of section 16 of this act.~~

~~2. The term includes, without limitation:~~

~~— (a) A sexually violent predator;~~  
~~— (b) A nonresident sex offender who is a student or worker within this State.]~~ (Deleted by amendment.)

Sec. 46. ~~[1. "Sexual offense" means any of the following offenses:~~

~~— (a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault, sexual abuse of a child or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030;~~

~~— (b) Sexual assault pursuant to NRS 200.366;~~

~~— (c) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;~~

~~— (d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400;~~

~~— (e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section;~~

~~— (f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section;~~

~~— (g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;~~

~~— (h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;~~

~~— (i) Incest pursuant to NRS 201.180;~~

~~— (j) Open or gross lewdness pursuant to NRS 201.210;~~

~~— (k) Indecent or obscene exposure pursuant to NRS 201.220;~~

~~— (l) Lewdness with a child pursuant to NRS 201.230;~~

~~— (m) Sex trafficking pursuant to subsection 2 of NRS 201.300;~~

~~— (n) Sexual penetration of a dead human body pursuant to NRS 201.450;~~

~~(o) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.~~

~~(p) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (o), inclusive.~~

~~(q) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.~~

~~(r) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This paragraph includes, without limitation, an offense prosecuted in:~~

~~(1) A tribal court.~~

~~(2) A court of the United States or the Armed Forces of the United States.~~

~~(s) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This paragraph includes, without limitation, an offense prosecuted in:~~

~~(1) A tribal court.~~

~~(2) A court of the United States or the Armed Forces of the United States.~~

~~(3) A court having jurisdiction over juveniles.~~

~~2. The term does not include an offense involving consensual sexual conduct if the victim was:~~

~~(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or~~

~~(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.] (Deleted by amendment.)~~

~~Sec. 47. ["Sexually violent predator" has the meaning ascribed to it in section 40 of this act.] (Deleted by amendment.)~~

~~Sec. 48. ["Tier I level of notification" means community notification pursuant to paragraph (a) of subsection 1 of section 54 of this act.] (Deleted by amendment.)~~

~~Sec. 49. ["Tier II level of notification" means community notification pursuant to paragraph (b) of subsection 1 of section 54 of this act.] (Deleted by amendment.)~~

~~Sec. 50. ["Tier III level of notification" means community notification pursuant to paragraph (c) of subsection 1 of section 54 of this act.] (Deleted by amendment.)~~

~~Sec. 51. [1. There is hereby created an Advisory Council for Community Notification. The Council consists of:~~

~~(a) Three members, of whom not more than two may be of the same political party, appointed by the Governor; and~~

~~— (b) Four members, of whom not more than two may be of the same political party, appointed by the Legislative Commission.~~

~~— 2. Each member serves a term of 4 years. Members may be reappointed for additional terms of 4 years in the same manner as the original appointments.~~

~~— 3. A vacancy occurring in the membership of the Council must be filled in the same manner as the original appointments.~~

~~— 4. The Council shall consult with and provide recommendations to the Attorney General concerning the guidelines and procedures for community notification.] (Deleted by amendment.)~~

Sec. 52. ~~[1. The Attorney General shall consult with the Advisory Council for Community Notification and shall establish guidelines and procedures for community notification pursuant to sections 43 to 59, inclusive, of this act.~~

~~— 2. The guidelines and procedures established by the Attorney General must be designed to promote, to the extent practicable, the uniform application of the provisions of sections 43 to 59, inclusive, of this act.~~

~~— 3. The provisions of sections 43 to 59, inclusive, of this act must not be construed to prevent:~~

~~— (a) Law enforcement officers from providing the public with notification concerning persons who pose a threat to the safety of the public;~~

~~— (b) A campus police department from providing the campus community with notification concerning persons who pose a threat to the safety of the campus community.] (Deleted by amendment.)~~

Sec. 53. ~~[1. Except as otherwise provided in subsection 5, the Attorney General shall establish guidelines and procedures for assessing the risk of recidivism of each sex offender who resides within this State and each nonresident sex offender who is a student or worker within this State.~~

~~— 2. The guidelines and procedures must identify and incorporate factors relevant to the risk of recidivism of the sex offender, including, without limitation:~~

~~— (a) Conditions of release that minimize the risk of recidivism, including, without limitation, probation or parole, counseling, therapy or treatment;~~

~~— (b) Physical conditions that minimize the risk of recidivism, including, without limitation, advanced age or debilitating illness; and~~

~~— (c) Any criminal history of the sex offender indicative of a high risk of recidivism, including, without limitation:~~

~~— (1) Whether the conduct of the sex offender was found to be characterized by repetitive and compulsive behavior;~~

~~— (2) Whether the sex offender committed the sexual offense against a child;~~

~~— (3) Whether the sexual offense involved the use of a weapon, violence or infliction of serious bodily injury;~~

~~— (4) The number, date and nature of prior offenses;~~

~~(5) Whether psychological or psychiatric profiles indicate a risk of recidivism;~~

~~(6) The response of the sex offender to treatment;~~

~~(7) Any recent threats against a person or expressions of intent to commit additional crimes; and~~

~~(8) Behavior while confined.~~

~~3. The assessment of the risk of recidivism of a sex offender may be based upon information concerning the sex offender obtained from agencies of this State and agencies from other jurisdictions.~~

~~4. Each person who is conducting the assessment must be given access to all records of the sex offender that are necessary to conduct the assessment, and the sex offender shall be deemed to have waived all rights of confidentiality and all privileges relating to those records for the limited purpose of the assessment.~~

~~5. The Attorney General may provide in the guidelines and procedures for a provisional waiver of the assessment of the risk of recidivism of any nonresident sex offender who is not likely to be a student or worker within this State for more than 30 consecutive days and who is not likely to pose a substantial threat to the safety of the public. If a nonresident sex offender is granted such a provisional waiver, the nonresident sex offender:~~

~~(a) Shall be deemed to be assigned provisionally a Tier I level of notification; and~~

~~(b) May be assessed and assigned any other level of notification pursuant to the provisions of sections 43 to 59, inclusive, of this act and the guidelines and procedures for community notification established by the Attorney General if, at any time during the period of the provisional waiver, there is any cause to believe that the nonresident sex offender will be a student or worker within this State for an extended period or that the sex offender poses a threat to the safety of the public.] (Deleted by amendment.)~~

Sec. 54. ~~[1. Except as otherwise provided in this section, the guidelines and procedures for community notification established by the Attorney General must provide for the following levels of notification, depending upon the risk of recidivism of the sex offender:~~

~~(a) If the risk of recidivism is low, the sex offender must be assigned a Tier I level of notification, and the law enforcement agency in whose jurisdiction the sex offender resides or is a student or worker shall notify other law enforcement agencies that are likely to encounter the sex offender.~~

~~(b) If the risk of recidivism is moderate, the sex offender must be assigned a Tier II level of notification, and the law enforcement agency in whose jurisdiction the sex offender resides or is a student or worker shall provide notification pursuant to paragraph (a) and shall notify schools and religious and youth organizations that are likely to encounter the sex offender.~~

~~(c) If the risk of recidivism is high, the sex offender must be assigned a Tier III level of notification, and the law enforcement agency in whose jurisdiction the sex offender resides or is a student or worker shall provide~~

~~notification pursuant to paragraphs (a) and (b) and shall notify the public through means designed to reach members of the public who are likely to encounter the sex offender.~~

~~2. If the sex offender is assigned a Tier II or Tier III level of notification and the sex offender has committed a sexual offense against a person less than 18 years of age, the law enforcement agency in whose jurisdiction the sex offender resides or is a student or worker shall provide the appropriate notification for Tier II or Tier III and, in addition, shall provide a notification that includes a photograph of the sex offender to:~~

~~(a) Motion picture theaters, other than adult motion picture theaters, which are likely to encounter the sex offender; and~~

~~(b) Businesses which are likely to encounter the sex offender and which primarily have children as customers or conduct events that primarily children attend.~~

~~3. A sex offender must be assigned a Tier III level of notification if the sex offender has been:~~

~~(a) Declared to be a sexually violent predator;~~

~~(b) Convicted of three or more sexually violent offenses, and at least two of the offenses were brought and tried separately;~~

~~(c) Convicted of two sexually violent offenses and one or more nonsexually violent offenses, and at least two of the offenses were brought and tried separately;~~

~~(d) Convicted of one sexually violent offense and two or more nonsexually violent offenses, and at least two of the offenses were brought and tried separately;~~

~~(e) Convicted of two sexually violent offenses, and both offenses were brought and tried separately, and the sex offender has been arrested on three or more separate occasions for commission of a sexually violent offense, a nonsexually violent offense or an associated offense; or~~

~~(f) Convicted of one sexually violent offense and one nonsexually violent offense, and both offenses were brought and tried separately, and the sex offender has been arrested on three or more separate occasions for commission of a sexually violent offense, a nonsexually violent offense or an associated offense.~~

~~4. The existence of a community notification website must not be construed to affect, in any manner, the responsibility to provide notification pursuant to this section.~~

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

~~(a) "Adult motion picture theater" has the meaning ascribed to it in NRS 278.0221.~~

~~(b) "Associated offense" includes any of the following offenses:~~

~~(1) Harassment pursuant to NRS 200.571.~~

~~(2) Stalking or aggravated stalking pursuant to NRS 200.575.~~

~~(3) Any offense related to obscenity pursuant to NRS 201.235 to 201.254, inclusive.~~



~~(4) Any offense related to obscene, threatening or annoying telephone calls pursuant to NRS 201.255.~~

~~(5) Any offense related to burglary or invasion of the home pursuant to NRS 205.060 to 205.080, inclusive.~~

~~(c) "Community notification website" has the meaning ascribed to it in NRS 179B.023.~~

~~(d) "Nonsexually violent offense" means an offense that:~~

~~(1) Involves the use or threatened use of force or violence against the victim; and~~

~~(2) Is not a sexual offense as defined pursuant to section 38 of this act.~~

~~(e) "Sexually violent offense" has the meaning ascribed to it in section 39 of this act.] (Deleted by amendment.)~~

Sec. 55. ~~[A sex offender who is assigned a Tier II or Tier III level of notification must be provided with notice indicating:~~

~~1. The level of notification he or she has been assigned; and~~

~~2. The procedures the sex offender must follow to request reconsideration of the level of notification, unless the level of notification is not subject to reconsideration pursuant to a specific statute.] (Deleted by amendment.)~~

Sec. 56. ~~[1. Except as otherwise provided in subsection 5 of section 53 of this act, the level of notification assigned to a sex offender may be changed in accordance with the guidelines and procedures established by the Attorney General pursuant to sections 43 to 59, inclusive, of this act, if the sex offender has been assigned a level of notification pursuant to sections 43 to 59, inclusive, of this act, and the sex offender:~~

~~(a) Is convicted of an offense that poses a threat to the safety or well-being of others;~~

~~(b) Annoys, harasses, threatens or intimidates a victim of one of the sex offender's sexual offenses; or~~

~~(c) Commits an overt act which is sexually motivated or involves the use or threatened use of force or violence and which causes harm or creates a reasonable apprehension of harm.~~

~~2. As used in this section:~~

~~(a) "Sexual offense" includes, without limitation, a sexual offense punishable as a misdemeanor or gross misdemeanor.~~

~~(b) "Sexually motivated" means that one of the purposes for which the person committed the act was his or her sexual gratification.] (Deleted by amendment.)~~

Sec. 57. ~~[1. Except as otherwise provided in subsection 6, if a sex offender is subject to community notification for an interval of at least 10 consecutive years during which he or she is not convicted of an offense that poses a threat to the safety or well-being of others, the sex offender may petition the Attorney General for a reassessment of his or her risk of recidivism.~~

~~2. If the sex offender satisfies the requirements of subsection 1, the Attorney General shall arrange for a reassessment. The reassessment must be conducted in the same manner as an assessment of the risk of recidivism.~~

~~3. If the sex offender is assigned a Tier I level of notification before the reassessment is conducted, the sex offender may be:~~

~~(a) Reassigned the Tier I level of notification that he or she is currently assigned; or~~

~~(b) Relieved from being subject to community notification.~~

~~4. If the sex offender is assigned a Tier II or Tier III level of notification before the reassessment is conducted, the sex offender may be:~~

~~(a) Reassigned the level of notification that he or she is currently assigned; or~~

~~(b) Reassigned a level of notification that is one tier below the level of notification that he or she is currently assigned.~~

~~5. After receiving a reassessment pursuant to subsections 1 and 2, the sex offender may file another petition for a reassessment after each succeeding interval of 5 consecutive years if the sex offender is not convicted of an offense that poses a threat to the safety or well-being of others.~~

~~6. If a sex offender has been declared to be a sexually violent predator, the sex offender may not receive a reassessment pursuant to the provisions of this section.] (Deleted by amendment.)~~

~~Sec. 58. [The law enforcement agency in whose jurisdiction a sex offender resides or is a student or worker shall disclose information regarding the sex offender to the appropriate persons pursuant to the guidelines and procedures established by the Attorney General pursuant to sections 13 to 59, inclusive, of this act.] (Deleted by amendment.)~~

~~Sec. 59. [1. The Attorney General shall establish guidelines and procedures for community notification concerning juvenile sex offenders who are subject to the provisions of sections 74 to 82, inclusive, of this act. The guidelines and procedures for community notification concerning juvenile sex offenders must be, to the extent practicable, consistent with the guidelines and procedures for community notification concerning adult sex offenders established by the Attorney General pursuant to sections 13 to 59, inclusive, of this act.~~

~~2. Upon receiving notification from a probation officer or parole officer, as appropriate, assigned to a juvenile sex offender pursuant to sections 74 to 82, inclusive, of this act, the local law enforcement agency receiving the notification shall disclose information regarding the juvenile sex offender to the appropriate persons pursuant to the guidelines and procedures established by the Attorney General pursuant to sections 13 to 59, inclusive, of this act.~~

~~3. Each person who is conducting an assessment of the risk of recidivism of a juvenile sex offender must be given access to all records of the juvenile sex offender that are necessary to conduct the assessment, including, without limitation, records compiled pursuant to title 5 of NRS, and the juvenile sex~~

~~offender shall be deemed to have waived all right of confidentiality and all privileges relating to those records for the limited purpose of the assessment.] (Deleted by amendment.)~~

Sec. 60. ~~[NRS 179D.010 is hereby amended to read as follows:  
179D.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 179D.015 to 179D.120, inclusive, and sections 18 and 19 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 61. ~~[NRS 179D.030 is hereby amended to read as follows:  
179D.030 "Community notification" means notification of a community pursuant to the provisions of [NRS 179D.475.] sections 13 to 59, inclusive, of this act.] (Deleted by amendment.)~~

Sec. 62. NRS 179D.035 is hereby amended to read as follows:

179D.035 ~~["Convicted"]~~

1. Except as otherwise provided in subsection 2, "convicted" includes, but is not limited to, an adjudication of delinquency ~~for a finding of guilt~~ by a court having jurisdiction over juveniles if:

~~1. The] the~~ adjudication of delinquency ~~for the finding of guilt~~ is for the commission of a ~~any of the following offenses:~~

~~1. A crime against a child that is listed in subsection 7 of section 21 of this act.~~

~~2. A] sexual offense that is listed in [NRS 62F.200; and~~

~~2. The offender was 14 years of age or older at the time of the offense. paragraph (t) of subsection 1 of section 38 of this act.~~

~~3. A sexual offense that is listed in paragraph (s) of subsection 1 of section 16 of this act.~~

~~4. A sexual offense that is listed in paragraph (b) of subsection 2 of section ~~[82] 76~~ of this act.~~

2. The term does not include an adjudication of delinquency by a court having jurisdiction over juveniles if, pursuant to section 81 of this act, the court has relieved the juvenile of being subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

Sec. 63. ~~[NRS 179D.151 is hereby amended to read as follows:  
179D.151 1. [A] Except as otherwise provided in section 12 of this act, a record of registration must include, if the information is available:~~

~~(a) Information identifying the offender or sex offender, including, but not limited to:~~

~~(1) The name of the offender or sex offender and all aliases that the offender or sex offender has used or under which he or she has been known;~~

~~(2) A complete physical description of the offender or sex offender, a current photograph of the offender or sex offender and the fingerprints and palm prints of the offender or sex offender;~~

~~(3) The date of birth and the social security number of the offender or sex offender;~~

~~— (4) The identification number from a driver's license or an identification card issued to the offender or sex offender by this State or any other jurisdiction and a photocopy of such driver's license or identification card;~~

~~— (5) Information indicating whether the DNA profile and DNA record of the offender or sex offender has been entered in CODIS; and~~

~~— (6) Any other information that identifies the offender or sex offender.~~

~~— (b) Except as otherwise provided in paragraph (c), information concerning the residence of the offender or sex offender, including, but not limited to:~~

~~— (1) The address at which the offender or sex offender resides;~~

~~— (2) The length of time the offender or sex offender has resided at that address and the length of time the offender or sex offender expects to reside at that address;~~

~~— (3) The address or location of any other place where the offender or sex offender expects to reside in the future and the length of time the offender or sex offender expects to reside there; and~~

~~— (4) The length of time the offender or sex offender expects to remain in the county where the offender or sex offender resides and in this State.~~

~~— (c) If the offender or sex offender has no fixed residence, the address of any dwelling that is providing the offender or sex offender temporary shelter, or any other location where the offender or sex offender habitually sleeps, including, but not limited to, the cross streets, intersection, direction and identifiable landmarks of the city, county, state and zip code of that location.~~

~~— (d) Information concerning the offender's or sex offender's occupations, employment or work or expected occupations, employment or work, including, but not limited to, the name, address and type of business of all current and expected future employers of the offender or sex offender.~~

~~— (e) Information concerning the offender's or sex offender's volunteer service or expected volunteer service in connection with any activity or organization within this State, including, but not limited to, the name, address and type of each such activity or organization.~~

~~— (f) Information concerning the offender's or sex offender's enrollment or expected enrollment as a student in any public or private educational institution or school within this State, including, but not limited to, the name, address and type of each such educational institution or school.~~

~~— (g) Information concerning whether:~~

~~— (1) The offender or sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of the offender's or sex offender's enrollment at an institution of higher education; or~~

~~— (2) The offender or sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of the offender's or sex offender's work at an institution of higher education,~~

~~including, but not limited to, the name, address and type of each such institution of higher education.~~

~~— (h) The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender.~~

~~— (i) The level of [registration and] community notification of the offender or sex offender.~~

~~— (j) The criminal history of the offender or sex offender, including, without limitation:~~

~~— (1) The dates of all arrests and convictions of the offender or sex offender;~~

~~— (2) The status of parole, probation or supervised release of the offender or sex offender;~~

~~— (3) The status of the registration of the offender or sex offender; and~~

~~— (4) The existence of any outstanding arrest warrants for the offender or sex offender.~~

~~— (k) The following information for each offense for which the offender or sex offender has been convicted:~~

~~— (1) The court in which the offender or sex offender was convicted;~~

~~— (2) The text of the provision of law defining each offense;~~

~~— (3) The name under which the offender or sex offender was convicted;~~

~~— (4) The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender or sex offender was committed;~~

~~— (5) The specific location where the offense was committed;~~

~~— (6) The age, the gender, the race and a general physical description of the victim; and~~

~~— (7) The method of operation that was used to commit the offense, including, but not limited to:~~

~~— (I) Specific sexual acts committed against the victim;~~

~~— (II) The method of obtaining access to the victim, such as the use of enticements, threats, forced entry or violence against the victim;~~

~~— (III) The type of injuries inflicted on the victim;~~

~~— (IV) The types of instruments, weapons or objects used;~~

~~— (V) The type of property taken; and~~

~~— (VI) Any other distinctive characteristic of the behavior or personality of the offender or sex offender.~~

~~— [(l) Any other information required by federal law.]~~

~~— 2. As used in this section:~~

~~— (a) "CODIS" has the meaning ascribed to it in NRS 176.09113.~~

~~— (b) "DNA profile" has the meaning ascribed to it in NRS 176.09115.~~

~~— (c) "DNA record" has the meaning ascribed to it in NRS 176.09116.]~~

~~(Deleted by amendment.)~~

*Sec. 63.3.* NRS 179D.443 is hereby amended to read as follows:

179D.443 1. When an offender convicted of a crime against a child or a sex offender registers with a local law enforcement agency as required pursuant to NRS 179D.445, 179D.460 or 179D.480, or updates the registration as required pursuant to NRS 179D.447:

(a) The offender or sex offender shall provide the local law enforcement agency with the following:

(1) The name of the offender or sex offender and all aliases that the offender or sex offender has used or under which the offender or sex offender has been known;

(2) The social security number of the offender or sex offender;

(3) The address of any residence or location at which the offender or sex offender resides or will reside;

(4) The name and address of any place where the offender or sex offender is a worker or will be a worker;

(5) The name and address of any place where the offender or sex offender is a student or will be a student;

(6) The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender; and

(7) Any other information required by federal law.

(b) If the offender or sex offender has not previously provided a biological specimen pursuant to NRS 176.09123, 176.0913 or 176.0916, the offender or sex offender shall provide a biological specimen to the local law enforcement agency. The local law enforcement agency shall provide the specimen to the forensic laboratory that has been designated by the county in which the offender or sex offender resides, is present or is a worker or student to conduct or oversee genetic marker analysis for the county pursuant to NRS 176.0917.

(c) The local law enforcement agency shall ensure that the record of registration of the offender or sex offender includes, without limitation:

(1) A complete physical description of the offender or sex offender, a current photograph of the offender or sex offender and the fingerprints and palm prints of the offender or sex offender;

~~(2) [The text of the provision of law defining each offense for which the offender or sex offender is required to register;~~

~~(3) The criminal history of the offender or sex offender, including, without limitation:~~

~~(I) The dates of all arrests and convictions of the offender or sex offender;~~

~~(II) The status of parole, probation or supervised release of the offender or sex offender;~~

~~(III) The status of the registration of the offender or sex offender; and~~

~~(IV) The existence of any outstanding arrest warrants for the offender or sex offender;~~

~~(4)~~ Information indicating whether the DNA profile and DNA record of the offender or sex offender has been entered in CODIS;

~~(5)~~ (3) The identification number from a driver's license or an identification card issued to the offender or sex offender by this State or any other jurisdiction and a photocopy of such driver's license or identification card; and

~~[(6)]~~ (4) Any other information required by federal law.

2. As used in this section:

(a) "CODIS" has the meaning ascribed to it in NRS 176.09113.

(b) "DNA profile" has the meaning ascribed to it in NRS 176.09115.

(c) "DNA record" has the meaning ascribed to it in NRS 176.09116.

Sec. 63.7. NRS 179D.447 is hereby amended to read as follows:

179D.447 1. ~~[(a)]~~ If an offender convicted of a crime against a child or a sex offender convicted of a sexual offense ~~[who]~~ changes his or her name, residence, employment or student status, if there is a change to the driver's license or identification card issued by this State or any other jurisdiction to an offender convicted of a crime against a child or a sex offender or if there is a change in the description of the motor vehicle registered to or frequently driven by an offender convicted of a crime against a child or a sex offender, the offender or sex offender shall, not later than ~~[3 business days]~~ 48 hours after such change, ~~[of name, residence, employment or student status]~~

(a) Appear in person in at least one of the jurisdictions in which the offender or sex offender resides, is a student or worker; and

(b) Provide all information concerning such change to the appropriate local law enforcement agency.

2. The local law enforcement agency shall immediately provide the updated information provided by an offender or sex offender pursuant to subsection 1 to the Central Repository and to all other jurisdictions in which the offender or sex offender is required to register.

Sec. 64. NRS 179D.450 is hereby amended to read as follows:

179D.450 1. If the Central Repository receives notice from a court pursuant to NRS 176.0926 that an offender has been convicted of a crime against a child, pursuant to NRS 176.0927 that a sex offender has been convicted of a sexual offense or pursuant to ~~[NRS 62F.220]~~ section 78 of this act that ~~[(a)]~~ juvenile has been adjudicated delinquent for an offense for which the juvenile is subject to registration and community notification pursuant to sections 74 to 82, inclusive, of this act and NRS 179D.010 to 179D.550, inclusive, ~~sex offender has been deemed to be an adult sex offender,~~ the Central Repository shall:

(a) If a record of registration has not previously been established for the offender or sex offender, notify the local law enforcement agency so that a record of registration may be established; or

(b) If a record of registration has previously been established for the offender or sex offender, update the record of registration for the offender or sex offender and notify the appropriate local law enforcement agencies.

2. If the offender or sex offender named in the notice is granted probation or otherwise will not be incarcerated or confined, ~~the for if the sex offender named in the notice has been deemed to be an adult sex offender pursuant to section 81 of this act and is not otherwise incarcerated or confined.~~

~~[(a)]~~ The Central Repository shall:

(a) Immediately ~~fimmediately~~ provide notification concerning the offender or sex offender to the appropriate local law enforcement agencies and, if the offender or sex offender resides in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction; and

(b) ~~Immediately~~ *Except as otherwise provided in section 80.5 of this act, provide ~~If the sex offender is subject to~~ community notification concerning the offender or sex offender pursuant to the provisions of NRS 179D.475. ~~f, the Central Repository shall arrange for the assessment of the risk of recidivism of the sex offender pursuant to the guidelines and procedures for community notification established by the Attorney General pursuant to sections 13 to 59, inclusive, of this act.~~*

3. If an offender or ~~for~~ sex offender is incarcerated or confined and has previously been convicted of a crime against a child as described in NRS 179D.0357 or a sexual offense as described in NRS 179D.097, ~~section 38 of this act,~~ before the offender or sex offender is released:

(a) The Department of Corrections or a local law enforcement agency in whose facility the offender or sex offender is incarcerated or confined shall:

(1) Inform the offender or sex offender of the requirements for registration, including, but not limited to:

(I) The duty to register initially with the appropriate law enforcement agency in the jurisdiction in which the offender or sex offender was convicted if the offender or sex offender is not a resident of that jurisdiction pursuant to NRS 179D.445;

(II) The duty to register in this State during any period in which the offender or sex offender is a resident of this State or a nonresident who is a student or worker within this State and the time within which the offender or sex offender is required to register pursuant to NRS 179D.460;

(III) ~~(II)~~ The duty to register in any other jurisdiction during any period in which the offender or sex offender is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

(IV) ~~(III)~~ If the offender or sex offender moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

(V) ~~(IV)~~ The duty to notify the local law enforcement agency for the jurisdiction in which the offender or sex offender now resides, in person, and the jurisdiction in which the offender or sex offender formerly resided, in person or in writing, if the offender or sex offender changes the address at which the offender or sex offender resides, including if the offender or sex offender moves from this State to another jurisdiction, or changes the primary address at which the offender or sex offender is a student or worker; and

(VI) ~~(V)~~ The duty to notify immediately the appropriate local law enforcement agency if the offender or sex offender is, expects to be or



becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's enrollment at an institution of higher education or if the offender or sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's work at an institution of higher education; and

(2) Require the offender or sex offender to read and sign a form stating that the requirements for registration have been explained and that the offender or sex offender understands the requirements for registration, ~~to the sex offender]~~ and to forward the form to the Central Repository.

(b) The Central Repository shall:

(1) Update the record of registration for the offender or sex offender;

(2) ~~[Provide] [If the sex offender is subject to community notification, arrange for the assessment of the risk of recidivism of the sex offender pursuant to the guidelines and procedures for]~~ Except as otherwise provided in section 80.5 of this act, provide community notification concerning the offender or sex offender established by the Attorney General, pursuant to the provisions of NRS 179D.475, ~~[sections 43 to 59, inclusive, of this act.]~~ and

(3) Provide notification concerning the offender or sex offender to the appropriate local law enforcement agencies and, if the offender or sex offender will reside upon release in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction.

4. The failure to provide an offender or ~~fa]~~ sex offender with the information or confirmation form required by paragraph (a) of subsection 3 does not affect the duty of the offender or sex offender to register and to comply with all other provisions for registration.

5. If the Central Repository receives notice from another jurisdiction or the Federal Bureau of Investigation that an offender or ~~fa]~~ sex offender is now residing or is a student or worker within this State, the Central Repository shall:

(a) Immediately provide notification concerning the offender or sex offender to the appropriate local law enforcement agencies;

(b) Establish a record of registration for the offender or sex offender; and

(c) Immediately provide ~~[If the sex offender is subject to community notification, arrange for the assessment of the risk of recidivism of the sex offender pursuant to the guidelines and procedures for]~~ community notification concerning the offender or sex offender established by the Attorney General, pursuant to the provisions of NRS 179D.475, ~~[sections 43 to 59, inclusive, of this act.]~~

Sec. 65. NRS 179D.460 is hereby amended to read as follows:

179D.460 1. In addition to any other registration that is required pursuant to NRS 179D.450, each offender or sex offender who, after July 1, 1956, is or has been convicted of a crime against a child or a sexual offense

shall register with a local law enforcement agency pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3, if the offender or sex offender resides or is present for 48 hours or more within:

(a) A county; or

(b) An incorporated city that does not have a city police department,  
→ the offender or sex offender shall be deemed a resident offender or sex offender and shall register with the sheriff's office of the county or, if the county or the city is within the jurisdiction of a metropolitan police department, the metropolitan police department, not later than 48 hours after arriving or establishing a residence within the county or the city.

3. If the offender or sex offender resides or is present for 48 hours or more within an incorporated city that has a city police department, the offender or sex offender shall be deemed a resident offender or sex offender and shall register with the city police department not later than 48 hours after arriving or establishing a residence within the city.

4. If the offender or sex offender is a nonresident offender or sex offender who is a student or worker within this State, the offender or sex offender shall register with the appropriate sheriff's office, metropolitan police department or city police department in whose jurisdiction the offender or sex offender is a student or worker not later than 48 hours after becoming a student or worker within this State.

5. A resident or nonresident offender or sex offender shall immediately notify the appropriate local law enforcement agency if:

(a) The offender or sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's enrollment at an institution of higher education; or

(b) The offender or sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's work at an institution of higher education.

→ The offender or sex offender shall provide the name, address and type of each such institution of higher education.

6. To register with a local law enforcement agency pursuant to this section, the offender or sex offender shall:

(a) Appear personally at the office of the appropriate local law enforcement agency;

(b) Provide all information that is requested by the local law enforcement agency, including, but not limited to, fingerprints, palm prints and a photograph; and

(c) Sign and date the record of registration or some other proof of registration of the local law enforcement agency in the presence of an officer of the local law enforcement agency.

7. When an offender or ~~for~~ sex offender registers, the local law enforcement agency shall:

(a) Inform the offender or sex offender of the duty to notify the local law enforcement agency if ~~the~~ :

(1) The offender or sex offender changes the address at which the offender or sex offender resides, including if the offender or sex offender moves from this State to another jurisdiction, or changes the primary address at which the offender or sex offender is a student or worker;

(2) There is a change to the driver's license or identification card issued to the offender or sex offender by this State or any other jurisdiction; or

(3) There is a change in the description of the motor vehicle registered to or frequently driven by the offender or sex offender; and

(b) Inform the offender or sex offender of the duty to register with the local law enforcement agency in whose jurisdiction the sex offender relocates.

8. After the offender or sex offender registers with the local law enforcement agency, the local law enforcement agency shall forward to the Central Repository the information collected, including the fingerprints, palm prints and a photograph of the offender or sex offender.

9. If the Central Repository has not previously established a record of registration for an offender or ~~for~~ sex offender described in subsection 8, the Central Repository shall:

(a) Establish a record of registration for the offender or sex offender;

(b) Provide notification concerning the offender or sex offender to the appropriate local law enforcement agencies; and

(c) Provide ~~[If the sex offender is subject to]~~ community notification concerning the offender or ~~and has not otherwise been assigned a level of notification, arrange for the assessment of the risk of recidivism of the~~ sex offender pursuant to the provisions of NRS 179D.475. ~~[guidelines and procedures for community notification established by the Attorney General pursuant to sections 13 to 59, inclusive, of this act.]~~

10. When an offender or ~~for~~ sex offender notifies a local law enforcement agency that:

(a) The offender or sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's enrollment at an institution of higher education; or

(b) The offender or sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's work at an institution of higher education,

➔ and provides the name, address and type of each such institution of higher education, the local law enforcement agency shall immediately provide that information to the Central Repository and to the appropriate campus police department.

Sec. 65.5. NRS 179D.470 is hereby amended to read as follows:

179D.470 1. If a sex offender changes the address at which he or she resides, including moving from this State to another jurisdiction, changes the primary address at which he or she is a student or worker, ~~for~~ remains in a jurisdiction longer than 30 days after initially reporting a stay of less than 30 days, if there is a change to the driver's license or identification card issued to the sex offender by this State or any other jurisdiction or if there is a change in the description of a motor vehicle registered to or frequently driven by a sex offender, the sex offender shall, not later than 48 hours after such a change in status, provide notice of the change in status, including, without limitation, the new address, in person, to the local law enforcement agency in whose jurisdiction the sex offender now resides and, in person or in writing, to the local law enforcement agency in whose jurisdiction the sex offender formerly resided and shall provide all other information that is relevant to updating the record of registration, including, but not limited to, any change in the sex offender's name, occupation, employment, work, volunteer service or driver's license and any change in the license number or description of a motor vehicle registered to or frequently driven by the sex offender.

2. Upon receiving a change of address from a sex offender, the local law enforcement agency shall immediately forward the new address and any updated information to the Central Repository and:

(a) If the sex offender has changed an address within this State, the Central Repository shall immediately provide notification concerning the sex offender to the local law enforcement agency in whose jurisdiction the sex offender is now residing or is a student or worker and shall notify the local law enforcement agency in whose jurisdiction the sex offender last resided or was a student or worker; or

(b) If the sex offender has changed an address from this State to another jurisdiction, the Central Repository shall immediately provide notification concerning the sex offender to the appropriate law enforcement agency in the other jurisdiction and shall notify the local law enforcement agency in whose jurisdiction the sex offender last resided or was a student or worker.

3. In addition to any other requirement pursuant to this section and upon notification of the requirements of this subsection, any sex offender who has no fixed residence shall at least every 30 days notify the local law enforcement agency in whose jurisdiction the sex offender resides if there are any changes in the address of any dwelling that is providing the sex offender temporary shelter or any changes in location where the sex offender habitually sleeps. The court may dismiss any criminal charges filed for failure to comply with this subsection if the sex offender immediately updates his or her record of registration.

Sec. 66. NRS 179D.480 is hereby amended to read as follows:

179D.480 1. Except as otherwise provided in subsection 3, an offender convicted of a crime against a child or a sex offender shall appear in person

in at least one jurisdiction in which the offender or sex offender resides or is a student or worker:

(a) Not less frequently than annually, on or before the anniversary of the date on which the Central Repository established a record of registration for the offender or sex offender, if the offender or sex offender is a Tier I offender;

(b) Not less frequently than every 180 days, on or before the anniversary of the date on which the Central Repository established a record of registration for the offender or sex offender, if the offender or sex offender is a Tier II offender; or

(c) Not less frequently than every 90 days, on or before the anniversary of the date on which the Central Repository established a record of registration for the offender or sex offender, if the offender or sex offender is a Tier III offender.

↪ and shall allow the appropriate local law enforcement agency to collect  
~~(subsections 2 and 5, each year, on the anniversary of the date that the Central Repository establishes a record of registration for the sex offender, the Central Repository shall mail to the sex offender, at the address last registered by the sex offender, a nonforwardable verification form. The sex offender shall complete and sign the form and mail the form to the Central Repository not later than 10 days after receipt of the form to verify that the sex offender still resides at the address the sex offender last registered.~~

~~2. Except as otherwise provided in subsection 5, if a sex offender has been declared to be a sexually violent predator, every 90 days, beginning on the date that the Central Repository establishes a record of registration for the sex offender, the Central Repository shall mail to the sex offender, at the address last registered by the sex offender, a nonforwardable verification form. The sex offender shall complete and sign the form and mail the form to the Central Repository not later than 10 days after receipt of the form to verify that the sex offender still resides at the address the sex offender last registered.~~

~~3. A sex offender shall include with each verification form~~ a current set of fingerprints ~~and~~ and palm prints, a current photograph and all other information that is relevant to updating the offender or sex offender's record of registration, including, but not limited to, any change in the offender or sex offender's name, occupation, employment, work, volunteer service or driver's license and any change in the license number or description of a motor vehicle registered to or frequently driven by the offender or sex offender.

2. If an offender or sex offender does not comply with the provisions of subsection 1, ~~The Central Repository shall provide all updated information to the appropriate law enforcement agencies.~~

~~4. If the Central Repository does not receive a verification form from a sex offender and otherwise cannot verify the address or location of the sex offender,~~ the Central Repository shall ;

(a) Immediately ~~fimmediately~~ notify the appropriate local law enforcement agencies ~~f~~ and the Attorney General of the United States; and

(b) Update the record of registration for the sex offender to reflect the failure to comply with the provisions of subsection 1.

3. An offender or sex offender ~~f~~

~~5. The Central Repository~~ is not required to comply with the provisions of ~~fcomplete the mailing pursuant to~~ subsection 1 during ~~for 2~~

~~(a) During~~ any period in which the offender or ~~f~~ sex offender is incarcerated or confined ~~for has changed his or her place of residence from this State to another jurisdiction; or~~

~~(b) For a nonresident sex offender who is a student or worker within this State.~~

Sec. 67. NRS 179D.490 is hereby amended to read as follows:

179D.490 1. An offender convicted of a crime against a child or a ~~f~~ sex offender shall comply with the provisions for registration for as long as the offender or sex offender resides or is present within this State or is a nonresident offender or sex offender who is a student or worker within this State, unless the period of time during which the offender or sex offender has the duty ~~f~~ of the sex offender to register is reduced ~~fterminated~~ pursuant to the provisions of this section.

2. Except as otherwise provided in subsection ~~3 f~~ and section 81 of this act, the full period of registration is:

(a) Fifteen years, if the offender or sex offender is a Tier I offender;

(b) Twenty-five years, if the offender or sex offender is a Tier II offender; and

(c) The life of the offender or sex offender, if the offender or sex offender is a Tier III offender,

~~exclusive of any time during which the offender or sex offender is incarcerated or confined.~~

3. If an offender or ~~f5, if a~~ sex offender complies with the provisions for registration :

(a) For ~~f~~ an interval of at least 10 ~~f15~~ consecutive years , if the offender or sex offender is a Tier I offender; or

(b) For an interval of at least 25 consecutive years, if the offender or sex offender is a Tier III offender adjudicated delinquent for the offense which required registration as an offender or sex offender,

~~during which the offender or sex offender is not convicted of an offense for which imprisonment for more than 1 year may be imposed, is not convicted of a sexual offense, is not convicted of a violation of subsection 8 of NRS 213.1243, successfully completes any periods of supervised release, probation or parole, and successfully completes a sex offender treatment program certified by the State or by the Attorney General of the United States, ~~fthat poses a threat to the safety or well being of others,~~ the offender or sex offender may file a petition to reduce the period of time during which the offender or sex offender has a ~~fterminate the sex offender's~~ duty to~~

register with the district court in whose jurisdiction the offender or sex offender resides or, if he or she is a nonresident offender or sex offender, in whose jurisdiction the offender or sex offender is a student or worker. For the purposes of this subsection, registration begins on the date that the Central Repository or appropriate agency of another jurisdiction establishes a record of registration for the offender or sex offender or the date that the offender or sex offender is released, whichever occurs later.

~~4. ~~3.1~~~~ If the offender or sex offender satisfies the requirements of subsection 3, ~~the court shall hold a hearing on the petition at which the offender or sex offender and any other interested person may present witnesses and other evidence. If the court determines from the evidence presented at the hearing that the offender or sex offender satisfies the requirements of subsection 3, ~~the court shall~~~~ the court shall :

(a) If the offender or sex offender is a Tier I offender, reduce the period of time during which the offender or sex offender is required to register by 5 years; and

(b) If the offender or sex offender is a Tier III offender adjudicated delinquent for the offense which required registration as an offender or sex offender, reduce the period of time during which the offender or sex offender is required to register from the life of the offender or sex offender to that period of time for which the offender or sex offender meets the requirements of subsection 3, ~~terminate the duty of the sex offender to register.~~

~~4. If the court does not terminate the duty of the sex offender to register after a petition is heard pursuant to subsections 2 and 3, the sex offender may file another petition after each succeeding interval of 5 consecutive years if the sex offender is not convicted of an offense that poses a threat to the safety or well being of others.~~

~~5. A sex offender may not file a petition to terminate the sex offender's duty to register pursuant to this section if the sex offender:~~

~~(a) Is subject to community notification or to lifetime supervision pursuant to NRS 176.0931;~~

~~(b) Has been declared to be a sexually violent predator; or~~

~~(c) Has been convicted of:~~

~~(1) One or more sexually violent offenses;~~

~~(2) Two or more sexually violent offenses against persons less than 18 years of age;~~

~~(3) Two or more crimes against a child as defined in section 21 of this act; or~~

~~(4) At least one of each offense listed in subparagraphs (2) and (3).]~~

Sec. 68. NRS 179D.550 is hereby amended to read as follows:

179D.550 1. Except as otherwise provided in subsection 2, an offender or ~~sex~~ sex offender who:

(a) Fails to register with a local law enforcement agency;

(b) Fails to notify the local law enforcement agency of a change of name, residence, employment or student status, a change to the driver's license or identification card issued to the offender or sex offender by this State or any other jurisdiction or a change in the description of the motor vehicle registered to or frequently driven by the offender or sex offender, as required pursuant to NRS 179D.447, ~~address,~~

(c) Provides false or misleading information to the Central Repository or a local law enforcement agency; or

(d) Otherwise violates the provisions of NRS 179D.010 ~~179D.450~~ to 179D.550, inclusive, ~~and sections 31 to 42, inclusive, of this act,~~

↪ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. An offender or ~~44~~ sex offender who commits a second or subsequent violation of subsection 1 within 7 years after the first violation is guilty of a category C felony and shall be punished as provided in NRS 193.130. A court shall not grant probation to or suspend the sentence of a person convicted pursuant to this subsection.

3. If a local law enforcement agency is aware that an offender or sex offender in its jurisdiction has failed to comply with a provision of NRS 179D.010 to 179D.550, inclusive, the local law enforcement agency must take any appropriate action to ensure compliance.

Sec. 69. ~~[NRS 179D.570 is hereby amended to read as follows:~~

~~179D.570 1. The Central Repository shall, in accordance with the requirements of this section, share information concerning sex offenders and offenders convicted of a crime against a child with:~~

~~(a) The State Gaming Control Board to carry out the provisions of NRS 463.235 pertaining to the registration of a gaming employee who is a sex offender or an offender convicted of a crime against a child. The Central Repository shall, at least once each calendar month, provide the State Gaming Control Board with the name and other identifying information of each offender who is not in compliance with the provisions of this chapter, in the manner and form agreed upon by the Central Repository and the State Gaming Control Board.~~

~~(b) The Department of Motor Vehicles to carry out the provisions of NRS 483.283, 483.861 and 483.929.~~

~~2. The information shared by the Central Repository pursuant to this section must indicate whether a sex offender or an offender convicted of a crime against a child is in compliance with the provisions of this chapter.~~

~~3. The Central Repository shall share information pursuant to this section as expeditiously as possible under the circumstances.~~

~~4. The Central Repository may adopt regulations to carry out the provisions of this section.~~

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

~~(a) "Offender convicted of a crime against a child" has the meaning ascribed to it in section 23 of this act.~~



~~—(b) "Sex offender" has the meaning ascribed to it in section 37 of this act.]~~  
 (Deleted by amendment.)

- Sec. 70. ~~[NRS 40.770 is hereby amended to read as follows:~~
- ~~40.770 1. Except as otherwise provided in subsection 6, in any sale, lease or rental of real property, the fact that the property is or has been:~~
- ~~—(a) The site of a homicide, suicide or death by any other cause, except a death that results from a condition of the property;~~
  - ~~—(b) The site of any crime punishable as a felony other than a crime that involves the manufacturing of any material, compound, mixture or preparation which contains any quantity of methamphetamine; or~~
  - ~~—(c) Occupied by a person exposed to the human immunodeficiency virus or suffering from acquired immune deficiency syndrome or any other disease that is not known to be transmitted through occupancy of the property;~~
- ~~is not material to the transaction.~~
- ~~2. In any sale, lease or rental of real property, the fact that a sex offender, as defined in [NRS 179D.095,] section 37 of this act, resides or is expected to reside in the community is not material to the transaction, and the seller, lessor or landlord or any agent of the seller, lessor or landlord does not have a duty to disclose such a fact to a buyer, lessee or tenant or any agent of a buyer, lessee or tenant.~~
- ~~3. In any sale, lease or rental of real property, the fact that a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS is located near the property being sold, leased or rented is not material to the transaction.~~
- ~~4. A seller, lessor or landlord or any agent of the seller, lessor or landlord is not liable to the buyer, lessee or tenant in any action at law or in equity because of the failure to disclose any fact described in subsection 1, 2 or 3 that is not material to the transaction or of which the seller, lessor or landlord or agent of the seller, lessor or landlord had no actual knowledge.~~
- ~~5. Except as otherwise provided in an agreement between a buyer, lessee or tenant and that person's agent, an agent of the buyer, lessee or tenant is not liable to the buyer, lessee or tenant in any action at law or in equity because of the failure to disclose any fact described in subsection 1, 2 or 3 that is not material to the transaction or of which the agent of the buyer, lessee or tenant had no actual knowledge.~~
- ~~6. For purposes of this section, the fact that the property is or has been the site of a crime that involves the manufacturing of any material, compound, mixture or preparation which contains any quantity of methamphetamine is not material to the transaction if:~~
- ~~—(a) All materials and substances involving methamphetamine have been removed from or remediated on the property by an entity certified or licensed to do so; or~~
  - ~~—(b) The property has been deemed safe for habitation by the board of health.~~
- ~~7. As used in this section:~~

~~(a) "Board of health" has the meaning ascribed to it in NRS 439.4797.~~

~~(b) "Facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.] (Deleted by amendment.)~~

Sec. 71. NRS 62A.030 is hereby amended to read as follows:

62A.030 1. "Child" means:

(a) A person who is less than 18 years of age;

(b) A person who is less than 21 years of age and subject to the jurisdiction of the juvenile court for an unlawful act that was committed before the person reached 18 years of age; or

(c) A person who is otherwise subject to the jurisdiction of the juvenile court as a juvenile sex offender pursuant to the provisions of ~~[NRS 62F.200, 62F.220 and 62F.260.]~~ *sections 74 to 82, inclusive, of this act.*

2. The term does not include:

(a) A person who is excluded from the jurisdiction of the juvenile court pursuant to NRS 62B.330;

(b) A person who is transferred to the district court for criminal proceedings as an adult pursuant to NRS 62B.335; or

(c) A person who is certified for criminal proceedings as an adult pursuant to NRS 62B.390 or 62B.400.

Sec. 72. NRS 62B.410 is hereby amended to read as follows:

62B.410 Except as otherwise provided in NRS 62F.110 and ~~[62F.220,]~~ *sections 78 and 81 of this act*, if a child is subject to the jurisdiction of the juvenile court, the juvenile court:

1. May terminate its jurisdiction concerning the child at any time, either on its own volition or for good cause shown; or

2. May retain jurisdiction over the child until the child reaches 21 years of age.

Sec. 73. Chapter 62F of NRS is hereby amended by adding thereto the provisions set forth as sections 74 to 82, inclusive, of this act.

Sec. 74. *As used in sections 74 to 82, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~75 and 76~~ 74.5 to 76, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 74.5. "Aggravated sexual offense" means:

1. Battery with intent to commit sexual assault pursuant to NRS 200.400;

2. An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is listed in NRS 179D.097;

3. An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violation pursuant to NRS 200.408, if the crime of violence is listed in NRS 179D.097;

4. An offense listed in NRS 179D.097, if the offense is subject to the additional penalty set forth in NRS 193.165;

5. An offense listed in NRS 179D.097, if the offense results in substantial bodily harm to the victim;

6. Any sexual offense if the juvenile has previously been adjudicated delinquent, or placed under the supervision of the juvenile court pursuant to NRS 62C.230, for a sexual offense; or

7. An attempt or conspiracy to commit an offense listed in this section.

Sec. 75. "Community notification" means notification of a community pursuant to the ~~guidelines and procedures established by the Attorney General for juvenile sex offenders pursuant to section 59 of this act;~~ provisions of NRS 179D.475.

Sec. 75.5. "Community notification website" has the meaning ascribed to it in NRS 179B.023.

Sec. 76. "Sexual offense" means:

1. Sexual assault pursuant to NRS 200.366;

2. ~~Battery with intent to commit sexual assault pursuant to NRS 200.400;~~

~~3.~~ An offense involving pornography and a minor pursuant to NRS 200.710 or 200.720;

~~4.~~ 3. Lewdness with a child pursuant to NRS 201.230; ~~for~~

~~5.~~ 4. An attempt or conspiracy to commit an offense listed in ~~this section;~~ subsection 1, 2 or 3, if punishable as a felony; or

5. An aggravated sexual offense.

Sec. 77. ~~Except as otherwise provided in subsection 2 of section 82 of this act, the provisions of sections 74 to 82, inclusive, of this act do not apply to a child who is subject to registration and community notification pursuant to NRS 179D.450 to 179D.570, inclusive, and sections 31 to 59, inclusive, of this act, before reaching 21 years of age.~~ (Deleted by amendment.)

Sec. 77.5. 1. Notwithstanding any other provision of law, a child who is adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult and who was 14 years of age or older at the time of the commission of the unlawful act shall:

(a) Register initially, as required by NRS 179D.445, with the juvenile court, the director of juvenile services or the Youth Parole Bureau in the jurisdiction in which the child was adjudicated, as determined by the juvenile court; and

(b) Not later than 48 hours after a change of his or her name, residence or employment or student status, the issuance of or a change to the driver's license or identification card issued to the child by this State or any other jurisdiction or a change in the description of the motor vehicle registered to or frequently driven by the child, if any, update the juvenile court, the director of juvenile services or the Youth Parole Bureau, as applicable, of such a change.

2. The juvenile court shall order the parent or guardian of a child who is subject to the requirements of subsection 1 to:

(a) Ensure that while the child is subject to the jurisdiction of the juvenile court, the child complies with the requirements of subsection 1; and

(b) If the child runs away or otherwise leaves the placement for the child approved by the juvenile court, inform the juvenile court, the director of juvenile services or the Youth Parole Bureau, as applicable, that the child has run away or otherwise left the placement and, if appropriate, make a report to the local law enforcement agency of the jurisdiction in which the child was placed.

3. The juvenile court, director of juvenile services or Youth Parole Bureau, as applicable, shall immediately provide the information provided by a child or the parent or guardian of a child pursuant to subsection 1 or 2 to the Central Repository.

Sec. 78. 1. In addition to any other action authorized or required pursuant to the provisions of this title, if a child is adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult ~~for is adjudicated delinquent for a sexually motivated act,~~ and was 14 years of age or older at the time of the commission of the unlawful act, the juvenile court shall:

(a) Notify the ~~Attorney General~~ Central Repository of the adjudication so that the ~~Attorney General may arrange for the assessment of the risk of recidivism of the child pursuant to the guidelines and procedures for community notification established pursuant to section 59 of this act;~~ Central Repository may carry out the provisions for registration and community notification of the child pursuant to sections 74 to 82, inclusive, of this act and NRS 179D.010 to 179D.550, inclusive; and

(b) ~~Place the child under the supervision of a probation officer or parole officer, as appropriate, for a period of not less than 3 years;~~

~~—(c)—~~ Inform the child and the parent or guardian of the child that the child is subject to registration and community notification ~~as a juvenile sex offender and may be subject to registration and community notification~~ pursuant to sections 74 to 82, inclusive, of this act and NRS ~~179D.450~~ 179D.010 to 179D.570, inclusive, ~~f, and sections 31 to 59, inclusive, of this act, if the child is deemed an adult sex offender pursuant to section 81 of this act; and~~

(d) Order the child, and the parent or guardian of the child during the minority of the child, while the child is subject to community notification as a juvenile sex offender, to inform the probation officer or parole officer, as appropriate, assigned to the child of a change of the address at which the child resides not later than 48 hours after the change of address.

2. The juvenile court may not terminate its jurisdiction over the child for the purposes of carrying out the provisions of sections 74 to 82, inclusive, of this act until the ~~child is no longer subject to community notification as a juvenile sex offender pursuant to sections 74 to 82, inclusive, of this act.~~ juvenile court, pursuant to section 81 of this act, has relieved the child of being subject to the requirements for registration and community notification

pursuant to NRS 179D.010 to 179D.550, inclusive, or ordered that the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

~~Sec. 79. [1. If a child has been adjudicated delinquent for a sexual offense or a sexually motivated act, the probation officer or parole officer, as appropriate, assigned to the child shall notify the local law enforcement agency in whose jurisdiction the child resides that the child:~~

~~— (a) Has been adjudicated delinquent for a sexual offense or a sexually motivated act; and~~

~~— (b) Is subject to community notification as a juvenile sex offender.~~

~~2. If the probation officer or parole officer, as appropriate, assigned to the child is informed by the child or the parent or guardian of the child that the child has changed the address at which the child resides or if the probation officer or parole officer otherwise becomes aware of such a change, the probation officer or parole officer shall notify:~~

~~— (a) The local law enforcement agency in whose jurisdiction the child last resided that the child has moved; and~~

~~— (b) The local law enforcement agency in whose jurisdiction the child is now residing that the child:~~

~~— (1) Has been adjudicated delinquent for a sexual offense or a sexually motivated act; and~~

~~— (2) Is subject to community notification as a juvenile sex offender.]~~

~~(Deleted by amendment.)~~

~~Sec. 80. [1. If a child who has been adjudicated delinquent for a sexual offense or a sexually motivated act has not previously been relieved of being subject to community notification as a juvenile sex offender, the juvenile court may, at any appropriate time, hold a hearing to determine whether the child should be relieved of being subject to community notification as a juvenile sex offender.~~

~~2. If the juvenile court determines at the hearing that the child has been rehabilitated to the satisfaction of the juvenile court and that the child is not likely to pose a threat to the safety of others, the juvenile court may relieve the child of being subject to community notification as a juvenile sex offender.] (Deleted by amendment.)~~

Sec. 80.5. 1. Notwithstanding any other provision of law and except as otherwise provided in this subsection, upon a motion by a child, the juvenile court may exempt the child from community notification or exclude the child from placement on the community notification website, or both, if the juvenile court finds by clear and convincing evidence that the child is not likely to pose a threat to the safety of others. The juvenile court shall not exempt a child from community notification or exclude the child from placement on the community notification website if the child is adjudicated delinquent for committing an aggravated sexual offense.

2. At the hearing held on a motion pursuant to this section, the juvenile court may consider any evidence, reports, statements or other material which

the juvenile court determines is relevant and helpful to determine whether to grant the motion.

3. In determining at the hearing whether the child is likely to pose a threat to the safety of others, the juvenile court shall consider the following factors:

(a) The number, date, nature and gravity of the act or acts committed by the child, including, without limitation, whether the act or acts were characterized by repetitive and compulsive behavior.

(b) The family controls in place over the child.

(c) The plan for providing counseling, therapy or treatment to the child.

(d) The history of the child with the juvenile court, including, without limitation, reports concerning any unlawful acts which the child has admitted committing, any acts for which the juvenile court placed the child under a supervision and consent decree pursuant to NRS 62C.230 and any prior adjudication of delinquency or need of supervision.

(e) The results of any psychological or psychiatric profiles of the child and whether those profiles indicate a risk of recidivism.

(f) Any physical conditions that minimize the risk of recidivism, including, without limitation, physical disability or illness.

(g) The impact of the unlawful act on the victim and any statements made by the victim.

(h) The safety of the community and the need to protect the public.

(i) The impact that registration and community notification pursuant to sections 74 to 82, inclusive, of this act and NRS 179D.010 to 179D.550, inclusive, will have on the treatment of the child.

(j) Any other factor that the juvenile court finds relevant to the determination of whether the child is likely to pose a threat to the safety of others.

4. If the juvenile court exempts a child from community notification or excludes a child from placement on the community notification website, or both, the juvenile court shall notify the Central Repository so that Central Repository may carry out the determination of the juvenile court.

5. Upon good cause shown, the juvenile court may reconsider the granting or denial of a motion pursuant to this section, and reverse, modify or affirm its determination. In determining whether to reverse, modify or affirm its determination, the court:

(a) Shall consider:

(1) The factors set forth in subsection 3;

(2) The extent to which the child has received counseling, therapy or treatment and the response of the child to any such counseling, therapy or treatment; and

(3) The behavior of the child while subject to the jurisdiction of the juvenile court, including, without limitation, the behavior of the child during any period of confinement.

(b) Shall not exempt a child from community notification or exclude a child from placement on the community notification website unless the court finds by clear and convincing evidence that the child is not likely to pose a threat to the safety of others.

Sec. 81. Except as otherwise provided in sections 74 to 82, inclusive, of this act:

1. ~~If a child ~~who~~ has been adjudicated delinquent for a sexual offense, ~~for a sexually motivated act is not relieved of being subject to community notification as a juvenile sex offender before the child reaches 21 years of age,~~ the juvenile court shall hold a hearing when the child reaches 21 years of age, or at a time reasonably near the date on which the child reaches 21 years of age, to determine whether the child should be ~~deemed an adult sex offender for the purposes of~~ subject to registration and community notification pursuant to NRS ~~[179D.450 to 179D.570, inclusive, and sections 31 to 59, inclusive, of this act.]~~ 179D.010 to 179D.550, inclusive.~~

2. At the hearing held on a motion pursuant to this section, the juvenile court may consider any evidence, reports, statements or other material which the juvenile court determines is relevant and helpful to determine whether to grant the motion.

3. If the juvenile court ~~determines~~ finds by clear and convincing evidence at the hearing that the child has been rehabilitated to the satisfaction of the juvenile court and that the child is not likely to pose a threat to the safety of others, the juvenile court ~~shall~~ may relieve the child of being subject to registration and community notification ~~as a juvenile sex offender,~~ pursuant to NRS 179D.010 to 179D.550, inclusive.

~~[3.] 4. If the juvenile court ~~determines~~ does not find by clear and convincing evidence at the hearing that the child has ~~not~~ been rehabilitated to the satisfaction of the juvenile court ~~for~~ and that the child is not likely to pose a threat to the safety of others, the juvenile court shall ~~deem the child an adult sex offender who is subject to~~ :~~

(a) Order that the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

(b) Notify the Central Repository of the adjudication of the child and the determination of the juvenile court that the child should be subject to registration and community notification pursuant to NRS ~~[179D.450 to 179D.570,]~~ 179D.010 to 179D.550, inclusive, ~~and sections 31 to 59, inclusive, of this act,~~ so that the Central Repository may carry out the provisions for registration and community notification pursuant to those sections; and

(c) Inform the child that he or she is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

~~[4.] 5. In determining at the hearing ~~whether the child has been rehabilitated to the satisfaction of the juvenile court and~~ whether the child is likely to pose a threat to the safety of others, the juvenile court shall consider the following factors:~~

(a) The number, date, nature and gravity of the act or acts committed by the child, including ~~f~~.

~~—(1) Whether, without limitation, whether the act or acts were characterized by repetitive and compulsive behavior, f; and~~

~~—(2) Whether the act or acts involved the use of a weapon, violence or infliction of serious bodily injury.~~

(b) The extent to which the child has received counseling, therapy or treatment, and the response of the child to any such counseling, therapy or treatment.

(c) Whether psychological or psychiatric profiles indicate a risk of recidivism.

(d) The behavior of the child while subject to the jurisdiction of the juvenile court, including, without limitation, the behavior of the child during any period of confinement.

(e) Whether the child has made any recent threats against a person or expressed any intent to commit any crimes in the future.

(f) Any physical conditions that minimize the risk of recidivism, including, without limitation, physical disability or illness.

(g) The impact of the unlawful act on the victim and any statements made by the victim.

(h) The safety of the community and the need to protect the public.

(i) Any other factor that the juvenile court finds relevant to the determination of whether the child has been rehabilitated to the satisfaction of the juvenile court and whether the child is likely to pose a threat to the safety of others.

~~f 5. If a child is deemed an adult sex offender pursuant to this section, the juvenile court shall notify the Central Repository so that the Central Repository may carry out the provisions for registration of the child as an adult sex offender pursuant to NRS 179D.450.~~

6. The juvenile court shall file written findings of fact and conclusions of law setting for the basis and legal support for any decision pursuant to this section.

7. If, pursuant to this section, the juvenile court orders that a child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, the jurisdiction of the juvenile court terminates, and the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, for the period specified in NRS 179D.490.

Sec. 82. ~~f1~~ The records relating to a child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive, while the child is subject to ~~community notification as a juvenile sex offender.~~

~~2. If a child is deemed an adult sex offender pursuant to section 81 of this act, is convicted of a sexual offense, as defined in section 38 of this act, before reaching 21 years of age or is otherwise subject to registration and community notification pursuant to NRS ~~179D.450 to 179D.570,~~ 179D.010~~



~~to 179D.550, inclusive, f, and sections 31 to 59, inclusive, of this act before reaching 21 years of age;~~

~~— (a) The records relating to the child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive; and~~

~~— (b) Each delinquent act committed by the child that would have been a sexual offense, as defined in section 38 of this act, if committed by an adult shall be deemed to be a criminal conviction for the purposes of:~~

~~— (1) Registration and community notification pursuant to NRS 179D.450 to 179D.570, inclusive, and sections 31 to 59, inclusive, of this act; and~~

~~— (2) The statewide registry established within the Central Repository pursuant to chapter 179B of NRS.]~~

Sec. 83. NRS 62H.110 is hereby amended to read as follows:

62H.110 The provisions of NRS 62H.100 to 62H.170, inclusive, do not apply to:

1. Information maintained in the standardized system established pursuant to NRS 62H.200;

2. Information that must be collected by the Division of Child and Family Services pursuant to NRS 62H.220;

3. Records that are subject to the provisions of ~~[NRS 62F.260;]~~ section 82 of this act; or

4. Records relating to a traffic offense that would have been a misdemeanor if committed by an adult.

Sec. 84. NRS 62H.120 is hereby amended to read as follows:

62H.120 Any decree or order entered concerning a child within the purview of this title must contain, for the benefit of the child, an explanation of the contents of NRS 62H.100 to 62H.170, inclusive, and, if applicable, ~~[NRS 62F.260;]~~ section 82 of this act.

Sec. 85. ~~[NRS 118A.335 is hereby amended to read as follows:~~

~~118A.335 1. Except as otherwise provided in subsection 6, a landlord of dwelling units intended and operated exclusively for persons 55 years of age and older may not employ any person who will work 36 hours or more per week and who will have access to all dwelling units to perform work on the premises unless the person has obtained a work card issued pursuant to subsection 2 by the sheriff of the county in which the dwelling units are located and renewed that work card as necessary.~~

~~2. The sheriff of a county shall issue a work card to each person who is required by this section to obtain a work card and who complies with the requirements established by the sheriff for the issuance of such a card. A work card issued pursuant to this section must be renewed:~~

~~— (a) Every 5 years; and~~

~~— (b) Whenever the person changes his or her employment to perform work for an employer other than the employer for which the person's current work card was issued.~~

~~3. Except as otherwise provided in subsection 4, if the sheriff of a county requires an applicant for a work card to be investigated:~~

~~—(a) The applicant must submit with his or her application a complete set of his or her fingerprints and written permission authorizing the sheriff to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.~~

~~—(b) The sheriff shall submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.~~

~~—(c) The sheriff may issue a temporary work card pending the determination of the criminal history of the applicant by the Federal Bureau of Investigation.~~

~~—4. The sheriff of a county shall not require an investigation of the criminal history of an employee or independent contractor of an agency or facility governed by NRS 449.122 to 449.125, inclusive, and 449.174 who has had his or her fingerprints submitted to the Central Repository for Nevada Records of Criminal History pursuant to NRS 449.123 for an investigation of his or her criminal history within the immediately preceding 6 months.~~

~~—5. The sheriff shall not issue a work card to any person who:~~

~~—(a) Has been convicted of a category A, B or C felony or of a crime in another state which would be a category A, B or C felony if committed in this State;~~

~~—(b) Has been convicted of a sexual offense;~~

~~—(c) Has been convicted of a crime against any person who is 60 years of age or older or against a vulnerable person for which an additional term of imprisonment may be imposed pursuant to NRS 193.167 or the laws of any other jurisdiction;~~

~~—(d) Has been convicted of a battery punishable as a gross misdemeanor; or~~

~~—(e) Within the immediately preceding 5 years:~~

~~—(1) Has been convicted of a theft; or~~

~~—(2) Has been convicted of a violation of any state or federal law regulating the possession, distribution or use of a controlled substance.~~

~~—6. The following persons are not required to obtain a work card pursuant to this section:~~

~~—(a) A person who holds a permit to engage in property management pursuant to chapter 645 of NRS.~~

~~—(b) An independent contractor. As used in this paragraph, "independent contractor" means a person who performs services for a fixed price according to the person's own methods and without subjection to the supervision or control of the landlord, except as to the results of the work, and not as to the means by which the services are accomplished.~~

~~—(c) An offender in the course and scope of his or her employment in a work program directed by the warden, sheriff, administrator or other person responsible for administering a prison, jail or other detention facility.~~

~~— (d) A person performing work through a court assigned restitution or community service program.~~

~~— 7. If the sheriff does not issue a work card to a person because the information received from the Central Repository for Nevada Records of Criminal History indicates that the person has been convicted of a crime listed in subsection 5 and the person believes that the information provided by the Central Repository is incorrect, the person may immediately inform the sheriff. If the sheriff is so informed, the sheriff shall give the person at least 30 days in which to correct the information before terminating the temporary work card issued pursuant to subsection 3.~~

~~— 8. As used in this section, unless the context otherwise requires:~~

~~— (a) "Sexual offense" has the meaning ascribed to it in [NRS 179D.097.] section 38 of this act.~~

~~— (b) "Vulnerable person" has the meaning ascribed to it in NRS 200.5092.] (Deleted by amendment.)~~

Sec. 86. ~~[NRS 213.1099 is hereby amended to read as follows:~~

~~— 213.1099 1. Except as otherwise provided in this section and NRS 213.1215, the Board may release on parole a prisoner who is otherwise eligible for parole pursuant to NRS 213.107 to 213.157, inclusive.~~

~~— 2. In determining whether to release a prisoner on parole, the Board shall consider:~~

~~— (a) Whether there is a reasonable probability that the prisoner will live and remain at liberty without violating the laws;~~

~~— (b) Whether the release is incompatible with the welfare of society;~~

~~— (c) The seriousness of the offense and the history of criminal conduct of the prisoner;~~

~~— (d) The standards adopted pursuant to NRS 213.10885 and the recommendation, if any, of the Chief; and~~

~~— (e) Any documents or testimony submitted by a victim notified pursuant to NRS 213.131 or 213.10915.~~

~~— 3. When a person is convicted of a felony and is punished by a sentence of imprisonment, the person remains subject to the jurisdiction of the Board from the time the person is released on parole under the provisions of this chapter until the expiration of the maximum term or the maximum aggregate term of imprisonment imposed by the court, as applicable, less any credits earned to reduce his or her sentence pursuant to chapter 209 of NRS.~~

~~— 4. Except as otherwise provided in NRS 213.1215, the Board may not release on parole a prisoner whose sentence to death or to life without possibility of parole has been commuted to a lesser penalty unless the Board finds that the prisoner has served at least 20 consecutive years in the state prison, is not under an order to be detained to answer for a crime or violation of parole or probation in another jurisdiction, and does not have a history of:~~

~~— (a) Recent misconduct in the institution, and has been recommended for parole by the Director of the Department of Corrections;~~

~~— (b) Repetitive criminal conduct;~~

- ~~— (e) Criminal conduct related to the use of alcohol or drugs;~~
- ~~— (d) Repetitive sexual deviance, violence or aggression; or~~
- ~~— (e) Failure in parole, probation, work release or similar programs.~~

~~— 5. In determining whether to release a prisoner on parole pursuant to this section, the Board shall not consider whether the prisoner will soon be eligible for release pursuant to NRS 213.1215.~~

~~— 6. The Board shall not release on parole an offender convicted of an offense listed in [NRS 179D.097] section 38 of this act until the [Central Repository for Nevada Records of Criminal History] law enforcement agency in whose jurisdiction the offender will be released on parole has been provided an opportunity to give the notice required by the Attorney General pursuant to [NRS 179D.475.] sections 43 to 59, inclusive, of this act.]~~  
(Deleted by amendment.)

Sec. 87. ~~[NRS 213.1243 is hereby amended to read as follows:~~

~~— 213.1243 1. The Board shall establish by regulation a program of lifetime supervision of sex offenders to commence after any period of probation or any term of imprisonment and any period of release on parole. The program must provide for the lifetime supervision of sex offenders by parole and probation officers.~~

~~— 2. Lifetime supervision shall be deemed a form of parole for:~~

~~— (a) The limited purposes of the applicability of the provisions of NRS 213.1076, subsection 9 of NRS 213.1095, NRS 213.1096 and subsection 2 of NRS 213.110; and~~

~~— (b) The purposes of the Interstate Compact for Adult Offender Supervision ratified, enacted and entered into by the State of Nevada pursuant to NRS 213.215.~~

~~— 3. Except as otherwise provided in subsection 9, the Board shall require as a condition of lifetime supervision that the sex offender reside at a location only if:~~

~~— (a) The residence has been approved by the parole and probation officer assigned to the person.~~

~~— (b) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.~~

~~— (c) The person keeps the parole and probation officer informed of his or her current address.~~

~~— 4. Except as otherwise provided in subsection 9, the Board shall require as a condition of lifetime supervision that the sex offender, unless approved by the parole and probation officer assigned to the sex offender and by a psychiatrist, psychologist or counselor treating the sex offender, if any, not knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a~~

~~facility for youth sports, or a motion picture theater. The provisions of this subsection apply only to a sex offender who is assigned a Tier [3 offender.] III level of notification as defined in section 50 of this act.~~

~~5. Except as otherwise provided in subsection 9, if a sex offender is convicted of a sexual offense listed in subsection 6 of NRS 213.1255 against a child under the age of 14 years, the sex offender is assigned a Tier [3 offender.] III level of notification, as defined in section 50 of this act, and the sex offender is sentenced to lifetime supervision, the Board shall require as a condition of lifetime supervision that the sex offender:~~

~~(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.~~

~~(b) As deemed appropriate by the Chief, be placed under a system of active electronic monitoring that is capable of identifying his or her location and producing, upon request, reports or records of his or her presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location.~~

~~(c) Pay any costs associated with his or her participation under the system of active electronic monitoring, to the extent of his or her ability to pay.~~

~~6. A sex offender placed under the system of active electronic monitoring pursuant to subsection 4 shall:~~

~~(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.~~

~~(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.~~

~~(c) Abide by any other conditions set forth by the Division with regard to his or her participation under the system of active electronic monitoring.~~

~~7. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a sex offender pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.~~

~~8. Except as otherwise provided in subsection 7, a sex offender who commits a violation of a condition imposed on him or her pursuant to the program of lifetime supervision 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.~~

~~9. The Board is not required to impose a condition pursuant to the program of lifetime supervision listed in subsections 3, 4 and 5 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.~~

~~10. The Board shall require as a condition of lifetime supervision that the sex offender not have contact or communicate with a victim of the sexual offense or a witness who testified against the sex offender or solicit another person to engage in such contact or communication on behalf of the sex offender, unless approved by the Chief or his or her designee and a written agreement is entered into and signed.~~

~~11. If a court issues a warrant for arrest for a violation of this section, the court shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, notice of the issuance of the warrant for arrest in a manner which ensures that such notice is received by the Central Repository within 3 business days.~~

~~12. For the purposes of prosecution of a violation by a sex offender of a condition imposed upon him or her pursuant to the program of lifetime supervision, the violation shall be deemed to have occurred in, and may only be prosecuted in, the county in which the court that imposed the sentence of lifetime supervision pursuant to NRS 176.0931 is located, regardless of whether the acts or conduct constituting the violation took place, in whole or in part, within or outside that county or within or outside this State.] (Deleted by amendment.)~~

Sec. 88. [NRS 213.1245 is hereby amended to read as follows:

~~213.1245 1. Except as otherwise provided in subsection 3, if the Board releases on parole a prisoner convicted of an offense listed in [NRS 179D.097,] section 38 of this act, the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee:~~

~~(a) Reside at a location only if:~~

~~(1) The residence has been approved by the parole and probation officer assigned to the parolee.~~

~~(2) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.~~

~~(3) The parolee keeps the parole and probation officer informed of his or her current address.~~

~~(b) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the parolee and keep the parole and probation officer informed of the location of his or her position of employment or position as a volunteer.~~

~~(c) Abide by any curfew imposed by the parole and probation officer assigned to the parolee.~~

~~(d) Participate in and complete a program of professional counseling approved by the Division.~~

~~—(e) Submit to periodic tests, as requested by the parole and probation officer assigned to the parolee, to determine whether the parolee is using a controlled substance.~~

~~—(f) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the parolee.~~

~~—(g) Abstain from consuming, possessing or having under his or her control any alcohol.~~

~~—(h) Not have contact or communicate with a victim of the offense or a witness who testified against the parolee or solicit another person to engage in such contact or communication on behalf of the parolee, unless approved by the Chief or his or her designee and a written agreement is entered into and signed in the manner set forth in subsection 2.~~

~~—(i) Not use aliases or fictitious names.~~

~~—(j) Not obtain a post office box unless the parolee receives permission from the parole and probation officer assigned to the parolee.~~

~~—(k) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of an offense listed in [NRS 179D.097] *section 38 of this act* is present and permission has been obtained from the parole and probation officer assigned to the parolee in advance of each such contact.~~

~~—(l) Unless approved by the parole and probation officer assigned to the parolee and by a psychiatrist, psychologist or counselor treating the parolee, if any, not knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. The provisions of this paragraph apply only to a parolee who is assigned a Tier [3 offender.] *III level of notification as defined in section 50 of this act.*~~

~~—(m) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication.~~

~~—(n) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the parolee.~~

~~—(o) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the parolee.~~

~~—(p) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the parolee.~~

~~—(q) Inform the parole and probation officer assigned to the parolee if the parolee expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his~~

~~or her enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.~~

~~2. A written agreement entered into pursuant to paragraph (h) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:~~

- ~~— (a) The victim or the witness;~~
- ~~— (b) The parolee;~~
- ~~— (c) The parole and probation officer assigned to the parolee;~~
- ~~— (d) The psychiatrist, psychologist or counselor treating the parolee, victim or witness, if any;~~
- ~~— (e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child; and~~
- ~~— (f) The Chief or his or her designee.~~

~~3. The Board is not required to impose a condition of parole listed in subsection 1 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.] (Deleted by amendment.)~~

Sec. 89. ~~[NRS 213.1255 is hereby amended to read as follows:~~

~~213.1255 1. Except as otherwise provided in subsection 4, in addition to any conditions of parole required to be imposed pursuant to NRS 213.1245, as a condition of releasing on parole a prisoner who was convicted of committing an offense listed in subsection 6 against a child under the age of 14 years and who is assigned a Tier [3 offender.] III level of notification, as defined in section 50 of this act, the Board shall require that the parolee:~~

~~— (a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.~~

~~— (b) As deemed appropriate by the Chief, be placed under a system of active electronic monitoring that is capable of identifying his or her location and producing, upon request, reports or records of his or her presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location.~~

~~— (c) Pay any costs associated with his or her participation under the system of active electronic monitoring, to the extent of his or her ability to pay.~~

~~2. A parolee placed under the system of active electronic monitoring pursuant to subsection 1 shall:~~



~~— (a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.~~

~~— (b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.~~

~~— (c) Abide by any other conditions set forth by the Division with regard to his or her participation under the system of active electronic monitoring.~~

~~— 3. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a parolee pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.~~

~~— 4. The Board is not required to impose a condition of parole listed in subsection 1 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.~~

~~— 5. In addition to any conditions of parole required to be imposed pursuant to subsection 1 and NRS 213.1245, as a condition of releasing on parole a prisoner who was convicted of committing an offense listed in subsection 6 against a child under the age of 14 years, the Board shall, when appropriate:~~

~~— (a) Require the parolee to participate in psychological counseling.~~

~~— (b) Prohibit the parolee from being alone with a child unless another adult who has never been convicted of a sexual offense is present.~~

~~— 6. The provisions of subsections 1 and 5 apply to a prisoner who was convicted of:~~

~~— (a) Sexual assault pursuant to paragraph (c) of subsection 3 of NRS 200.366;~~

~~— (b) Abuse or neglect of a child pursuant to subparagraph (1) of paragraph (a) of subsection 1 or subparagraph (1) of paragraph (a) of subsection 2 of NRS 200.508;~~

~~— (c) An offense punishable pursuant to subsection 2 of NRS 200.750;~~

~~— (d) Lewdness with a child pursuant to NRS 201.230;~~

~~— (e) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony; or~~

~~— (f) Any combination of the crimes listed in this subsection.] (Deleted by amendment.)~~

Sec. 90. ~~[NRS 458.300 is hereby amended to read as follows:~~

~~— 458.300 Subject to the provisions of NRS 458.290 to 458.350, inclusive, an alcoholic or a drug addict who has been convicted of a crime is eligible to elect to be assigned by the court to a program of treatment for the abuse of alcohol or drugs pursuant to NRS 453.580 before he or she is sentenced unless:~~

~~— 1. The crime is:~~

~~— (a) A crime against the person punishable as a felony or gross misdemeanor as provided in chapter 200 of NRS;~~  
~~— (b) A crime against a child as defined in [NRS 179D.0357;] *section 21 of this act*;~~  
~~— (c) A sexual offense as defined in [NRS 179D.097;] *section 38 of this act*;~~  
~~or~~  
~~— (d) An act which constitutes domestic violence as set forth in NRS 33.018;~~  
~~2. The crime is that of trafficking of a controlled substance;~~  
~~3. The crime is a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430;~~  
~~4. The alcoholic or drug addict has a record of two or more convictions of a crime described in subsection 1 or 2, a similar crime in violation of the laws of another state, or of three or more convictions of any felony;~~  
~~5. Other criminal proceedings alleging commission of a felony are pending against the alcoholic or drug addict;~~  
~~6. The alcoholic or drug addict is on probation or parole and the appropriate parole or probation authority does not consent to the election; or~~  
~~7. The alcoholic or drug addict elected and was admitted, pursuant to NRS 458.290 to 458.350, inclusive, to a program of treatment not more than twice within the preceding 5 years.] (Deleted by amendment.)~~

Sec. 91. ~~[NRS 458A.210 is hereby amended to read as follows:~~

~~458A.210 Subject to the provisions of NRS 458A.200 to 458A.260, inclusive, a problem gambler who has been convicted of a crime and who committed the crime in furtherance or as a result of problem gambling is eligible to elect to be assigned by the court to a program for the treatment of problem gambling before he or she is sentenced unless:~~

~~1. The crime is:~~  
~~— (a) A crime against the person punishable as a felony or gross misdemeanor as provided in chapter 200 of NRS;~~  
~~— (b) A crime against a child as defined in [NRS 179D.0357;] *section 21 of this act*;~~  
~~— (c) A sexual offense as defined in [NRS 179D.097;] *section 38 of this act*;~~  
~~or~~  
~~— (d) An act which constitutes domestic violence as set forth in NRS 33.018;~~  
~~2. The problem gambler has a record of two or more convictions of a crime described in subsection 1 or a similar crime in violation of the laws of another state, or of three or more convictions of any felony;~~  
~~3. Other criminal proceedings alleging commission of a felony are pending against the problem gambler;~~  
~~4. The problem gambler is on probation or parole, except that the problem gambler is eligible to make the election if the appropriate probation or parole authority consents to the election or the court finds that the problem gambler is eligible to make the election after considering any objections made by the appropriate probation or parole authority; or~~

~~5. The problem gambler has previously been assigned by a court to a program for the treatment of problem gambling, except that the problem gambler is eligible to make the election if the court, in its discretion, finds that the problem gambler is eligible to make such an election.}] (Deleted by amendment.)~~

Sec. 92. ~~[NRS 483.283 is hereby amended to read as follows:~~

~~483.283 1. The Department shall not issue a driver's license to an offender or renew the driver's license of an offender until the Department has received information submitted by the Central Repository pursuant to NRS 179D.570 or other satisfactory evidence indicating that the offender is in compliance with the provisions of chapter 179D of NRS.~~

~~2. If an offender is not in compliance with the provisions of chapter 179D of NRS, the Department:~~

~~(a) Shall not issue a driver's license to the offender or renew the driver's license of the offender; and~~

~~(b) Shall advise the offender to contact the Central Repository to determine the actions that the offender must take to be in compliance with the provisions of chapter 179D of NRS.~~

~~3. A driver's license issued to an offender expires on the first anniversary date of the offender's birthday, measured in the case of an original license, or a renewal license and a renewal of an expired license, from the birthday nearest the date of issuance or renewal.~~

~~4. The Department may adopt regulations to carry out the provisions of this section.~~

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

~~(a) "Central Repository" means the Central Repository for Nevada Records of Criminal History.~~

~~(b) "Offender" includes an "offender convicted of a crime against a child" as defined in [NRS 179D.0559] *section 23 of this act* and a "sex offender" as defined in [NRS 179D.095.] *section 37 of this act.*] (Deleted by amendment.)~~

Sec. 93. ~~[NRS 483.861 is hereby amended to read as follows:~~

~~483.861 1. The Department shall not issue an identification card to an offender or renew the identification card of an offender until the Department has received information submitted by the Central Repository pursuant to NRS 179D.570 or other satisfactory evidence indicating that the offender is in compliance with the provisions of chapter 179D of NRS.~~

~~2. If an offender is not in compliance with the provisions of chapter 179D of NRS, the Department:~~

~~(a) Shall not issue an identification card to the offender or renew the identification card of the offender; and~~

~~(b) Shall advise the offender to contact the Central Repository to determine the actions that the offender must take to be in compliance with the provisions of chapter 179D of NRS.~~

~~3. An identification card issued to an offender expires on the first anniversary date of the offender's birthday, measured in the case of an~~

~~original identification card, a renewal identification card and a renewal of an expired identification card, from the birthday nearest the date of issuance or renewal.~~

~~4. The Department may adopt regulations to carry out the provisions of this section.~~

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

~~(a) "Central Repository" means the Central Repository for Nevada Records of Criminal History.~~

~~(b) "Offender" includes, without limitation, an "offender convicted of a crime against a child" as defined in [NRS 179D.0559] *section 23 of this act* and a "sex offender" as defined in [NRS 179D.095.] *section 37 of this act.* (Deleted by amendment.)~~

Sec. 94. [NRS 483.929 is hereby amended to read as follows:

~~483.929 1. The Department shall not issue a commercial driver's license to an offender or renew the commercial driver's license of an offender until the Department has received information submitted by the Central Repository pursuant to NRS 179D.570 or other satisfactory evidence indicating that the offender is in compliance with the provisions of chapter 179D of NRS.~~

~~2. If an offender is not in compliance with the provisions of chapter 179D of NRS, the Department:~~

~~(a) Shall not issue a commercial driver's license to the offender or renew the commercial driver's license of the offender; and~~

~~(b) Shall advise the offender to contact the Central Repository to determine the actions that the offender must take to be in compliance with the provisions of chapter 179D of NRS.~~

~~3. A commercial driver's license issued to an offender expires on the first anniversary date of the offender's birthday, measured in the case of an original license, a renewal license and a renewal of an expired license, from the birthday nearest the date of issuance or renewal.~~

~~4. The Department may adopt regulations to carry out the provisions of this section.~~

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

~~(a) "Central Repository" means the Central Repository for Nevada Records of Criminal History.~~

~~(b) "Offender" includes, without limitation, an "offender convicted of a crime against a child" as defined in [NRS 179D.0559] *section 23 of this act* and a "sex offender" as defined in [NRS 179D.095.] *section 37 of this act.* (Deleted by amendment.)~~

Sec. 95. NRS 62F.200, 62F.220 ~~[,]~~ and 62F.260 ~~[, 179D.0357, 179D.0557, 179D.0559, 179D.075, 179D.095, 179D.097, 179D.113, 179D.115, 179D.117, 179D.441, 179D.443, 179D.445, 179D.475 and 179D.495]~~ are hereby repealed.

#### ~~[HEADLINES]~~ TEXT OF REPEALED SECTIONS

62F.200 "Sexual offense" defined.

1. As used in this section and NRS 62F.220 and 62F.260, unless the context otherwise requires, "sexual offense" means:

- (a) Sexual assault pursuant to NRS 200.366;
- (b) Battery with intent to commit sexual assault pursuant to NRS 200.400;
- (c) Lewdness with a child pursuant to NRS 201.230; or
- (d) An attempt or conspiracy to commit an offense listed in this section.

2. The term does not include an offense involving consensual sexual conduct if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

62F.220 Certain duties of juvenile court with respect to juvenile sex offenders; jurisdiction of juvenile court not terminated until child no longer subject to registration and community notification.

1. If a child who is 14 years of age or older is adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult, the juvenile court shall:

(a) Notify the Central Repository of the adjudication of the child, so the Central Repository may carry out any provisions for registration of the child pursuant to NRS 179D.010 to 179D.550, inclusive; and

(b) Inform the child and the parent or guardian of the child that the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

2. The juvenile court may not terminate its jurisdiction concerning the child for the purposes of carrying out the provisions of this section and NRS 62F.200 and 62F.260 until the child is no longer subject to registration and community notification as a juvenile sex offender pursuant to this section and NRS 62F.200 and 62F.260.

62F.260 Records not sealed during period of registration and community notification.

The records relating to a child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive, while the child is subject to registration and community notification as a juvenile sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.

~~[ 179D.0357 "Crime against a child" defined.~~

~~179D.0557 "Nonresident offender or sex offender who is a student or worker within this State" and "nonresident offender or sex offender" defined.~~

~~179D.0559 "Offender convicted of a crime against a child" and "offender" defined.~~

~~179D.075 "Registration" defined.~~

~~179D.095 "Sex offender" defined.~~

~~179D.097 "Sexual offense" defined.~~

~~179D.113 "Tier I offender" defined.~~

~~179D.115 "Tier II offender" defined.~~

~~179D.117 "Tier III offender" defined.~~

~~179D.441 Duty to register and to keep registration current.~~

~~179D.443 Information required for registration; provision of biological specimen; duties of local law enforcement agency.~~

~~179D.445 Initial registration with local law enforcement agency of jurisdiction in which convicted.~~

~~179D.475 Community notification.~~

~~179D.495 Duty of Central Repository to determine whether person is required to register as a Tier I, Tier II or Tier III offender.]~~

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

Amendment No. 436 repeals all sections of Senate Bill No. 99, as introduced, and replaces the bill with amendments governing the registration of sex offenders and persons guilty of crimes against children as well as revisions to community notification procedures concerning certain juvenile sex offenders.

Second, Amendment No. 436 makes the following changes regarding sex offenders and those guilty of crimes against children to include: technical corrections to registration procedures; revisions governing information to be included in the record of registration; revisions governing a registrant's duty to update information; and various changes to the requirements for a sex offender to notify appropriate agencies upon a change in name, occupation, employment or certain other information.

Third, the amendment makes several changes regarding juvenile sex offenders. This amendment repeals certain current provisions governing community notification of juvenile sex offenders and adding new language setting forth: new definitions relating to juvenile sex offenders; a registration and community notification process for children age 14 or older at the time of an alleged offense who are adjudicated delinquent for a sexual offense; procedures for the termination of registration and community notification requirement for such juveniles; and continuing registration and community notification requirements for a child adjudicated delinquent for an aggravated sexual offense.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 245.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 411.

SUMMARY—Revises provisions concerning drivers of vehicles involved in accidents resulting in bodily injury to or the death of a person. (BDR 43-558)

AN ACT relating to public safety; providing that the affirmative defense available to certain persons who drive a vehicle and proximately cause substantial bodily harm to or the death of another person cannot be offered by a person also charged with violating certain other provisions of law; increasing the maximum term of imprisonment for a person who leaves the scene of an accident that results in bodily injury to or the death of a person; prohibiting a prosecuting attorney from dismissing a charge against a person who leaves the scene of an accident that results in bodily injury to or the death of a person in exchange for certain pleas to a lesser charge or for any other reason in certain circumstances;] providing that the bodily injury to or

the death of each person that results from an accident of which a person leaves the scene constitutes a separate offense; providing that the sentence of a person convicted of ~~such a crime~~ leaving the scene of an accident that results in bodily injury to or the death of a person may not be suspended nor may probation be granted to the person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides that a person who drives a vehicle while under the influence of alcohol or a prohibited substance and proximately causes substantial bodily harm to or the death of another person is guilty of a category B felony and must be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and by a fine of not less than \$2,000 and not more than \$5,000. ~~[A prosecuting attorney is prohibited from dismissing a charge against a person who commits such an offense in exchange for certain pleas to a lesser charge or for any other reason unless the attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.]~~ The sentence of a person convicted of such a crime may not be suspended nor may probation be granted to the person. (NRS 484C.430)

Existing law also generally requires the driver of any vehicle involved in an accident that results in bodily injury to or the death of a person to stop his or her vehicle immediately at or near the scene of the accident and return to and remain at the scene until the driver provides certain information and renders reasonable assistance to any injured person. A person who violates such a provision is guilty of a category B felony and must be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not less than \$2,000 and not more than \$5,000. (NRS 484E.010, 484E.030)

~~[This]~~ Section 2 of this bill increases the maximum term of imprisonment for a person who leaves the scene of an accident that results in bodily injury to or the death of a person from 15 years to 20 years, thereby making the penalties the same for leaving the scene of such an accident and driving under the influence of alcohol or a prohibited substance and proximately causing substantial bodily harm to or the death of another person. ~~[This bill]~~ Section 2 also ~~[prohibits a prosecuting attorney from dismissing a charge against a person who leaves the scene of such an accident in exchange for certain pleas to a lesser charge or for any other reason unless the attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.]~~ provides that such a person commits a separate offense for each person who is injured or dies in the accident. Finally, ~~[this bill]~~ section 2 provides that the sentence of a person convicted of such a crime may not be suspended nor may probation be granted to the person.

Existing law provides that if: (1) a person drives a vehicle and proximately causes substantial bodily harm to or the death of another person; (2) the person is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath; and (3) consumption is proven by a preponderance of the evidence, the person may use as an affirmative defense that he or she consumed a sufficient quantity of alcohol after driving or being in actual control of the vehicle, and before his or her blood or breath was tested, to cause the person to have such a concentration of alcohol in his or her blood or breath. (NRS 484C.430) Section 1 of this bill provides that a person may not offer such an affirmative defense if the person is also charged with a violation of any of the provisions of law which require a person to: (1) stop at the scene of an accident involving death, personal injury or damage to a vehicle or other property; and (2) provide certain information and render reasonable assistance to injured persons after any such accident.

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

*Section 1.* NRS 484C.430 is hereby amended to read as follows:

484C.430 1. Unless a greater penalty is provided pursuant to NRS 484C.440, a person who:

- (a) Is under the influence of intoxicating liquor;
- (b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;
- (c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath;
- (d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;
- (e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle; or
- (f) Has a prohibited substance in his or her blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 484C.110,

↪ and does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on or off the highways of this State, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and must be further punished by a fine of not less than \$2,000 nor more than \$5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.



2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 may not be suspended nor may probation be granted.

3. ~~[4]~~ Except as otherwise provided in subsection 4, if consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If the defendant is also charged with violating the provisions of NRS 484E.010, 484E.020 or 484E.030, the defendant may not offer the affirmative defense set forth in subsection 3.

5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

~~[Section 1.]~~ Sec. 2. NRS 484E.010 is hereby amended to read as follows:

484E.010 1. The driver of any vehicle involved in an accident on a highway or on premises to which the public has access resulting in bodily injury to or the death of a person shall immediately stop his or her vehicle at the scene of the accident or as close thereto as possible, and shall forthwith return to and in every event shall remain at the scene of the accident until the driver has fulfilled the requirements of NRS 484E.030.

2. Every such stop must be made without obstructing traffic more than is necessary.

3. A person failing to comply with the provisions of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than ~~[15]~~ 20 years and by a fine of not less than \$2,000 nor more than \$5,000. A person failing to comply with the provisions of subsection 1 commits a separate offense under this section for the bodily injury to or the death of each person that results from an accident with regard to which the person failed to comply with the provisions of subsection 1.

4. ~~A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, guilty but~~

~~mentally ill or nolo contendere to a lesser charge or for any other reason unless the attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.] A sentence imposed pursuant to subsection 3 may not be suspended nor may probation be granted.~~

~~[Sec. 2.]~~ Sec. 3. The amendatory provisions of this act apply to an offense committed on or after October 1, 2015.

Senator Hammond moved the adoption of the amendment.

Remarks by Senator Hammond.

Amendment No. 411 eliminates the provision prohibiting a plea bargain in most circumstances for a violation of the hit-and-run statute; provides that a person charged with a hit-and-run is not eligible for probation and may be charged with multiple counts if more than one person involved in the accident is injured or dies; and prohibits a person charged under both the DUI statute and any of the three statutes, which impose a duty to stop at the scene of an accident, from using an affirmative defense that the reason the person's blood alcohol exceeded the legal level was that he or she consumed alcohol *after* the incident.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 262.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 328.

SUMMARY—Revises provisions relating to guardians. (BDR 13-643)

AN ACT relating to guardians; adding provisions governing the appointment of certain preferred persons as guardians for adult wards; ~~[providing an exception to the residency requirements for certain guardians under certain circumstances;]~~ revising provisions relating to the appointment of a guardian for a minor; revising requirements governing eligibility to utilize a public guardian; [revising provisions concerning attorneys retained by a public guardian; revising provisions concerning reimbursement by a public guardian to the county for expenses relating to a ward;] and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the appointment, qualifications and duties of guardians for certain minor and adult wards. (Chapter 159 of NRS) Existing law prohibits a nonresident of Nevada from being appointed as a guardian for a minor or adult ward unless the person has associated a co-guardian who is a resident of Nevada or a banking corporation whose principal place of business is in Nevada. (NRS 159.059) Existing law also gives preference to certain persons to be appointed as a guardian for a minor ward but does not give preference to any persons to be appointed as a guardian for an adult ward. (NRS 159.061)

Sections 1 and ~~[2.]~~ 6.7 of this bill ~~[allow the]~~ revise the circumstances under which a court is authorized to appoint a nonresident as a guardian for an adult ward\_ [under certain circumstances.] Section 6.3 eliminates existing

limitations on the authority of a court to appoint a nonresident as a guardian for a minor ward. Section 1 also requires the court to give preference in appointing a guardian for an adult ward to the following persons in the following order, whether or not the person is a nonresident: (1) a nominated person, who is a person the adult ward specifically nominated or requested as a guardian in a will, trust or other written document executed by the adult ward while competent; or (2) a relative. If two or more nominated persons are qualified and suitable to be appointed as a guardian, section 1 authorizes the court to appoint two or more co-guardians or generally requires the court to give preference to the nominated person named in a will, trust or other written document that is part of the adult's established estate plan, but there are certain exceptions for extraordinary circumstances.

In selecting a guardian, section 1 does not allow the court to give preference to a nominated person or relative who is a resident over a nominated person or relative who is a nonresident if the court determines that the nonresident would be a more qualified and suitable guardian and the adult would receive continuing care and supervision under the guardianship of the nonresident. If the court selects a nonresident guardian, section 1 requires the court to order the nonresident guardian to designate a registered agent in this State.

~~[ Under existing law, the board of county commissioners of each county must establish the office of public guardian to serve as the guardian for certain wards. (NRS 253.150-253.250) During the 74th Session of the Legislature in 2007, the Legislature passed Senate Bill No. 157 (S.B. 157), which made certain changes to the provisions governing the appointment and duties of public guardians. (Chapter 467, Statutes of Nevada 2007, p. 2485) Sections 3-6 of this bill reenact certain provisions governing public guardians that were removed by S.B. 157.~~

~~Specifically, existing]~~

Sections 1 and 2.5 of this bill increase the frequency with which a guardian must file with the court a report regarding the finances and well-being of a ward from annually to semiannually.

Section 2.3 revises the existing list of persons who are preferred for appointment as a guardian to a minor to include any person recommended by: (1) an agency which provides child welfare services, an agency which provides child protective services or a similar agency; or (2) a guardian ad litem or court appointed special advocate who represents the minor.

Sections 2.1-2.9 and 6.3 of this act make conforming changes to reflect the changes made by sections 1 and 6.7.

Existing law provides that a ward is eligible to have a public guardian appointed as his or her permanent or general individual guardian if: (1) there is no relative or friend able and willing to be appointed as a guardian for the ward; or (2) the court removes a private professional guardian previously appointed for the ward. (NRS 253.200) Section 3 of this bill ~~reenacts a provision removed by S.B. 157 which provides that a ward is also eligible to~~

~~have a public guardian appointed if the ward is unable to pay for a private guardian.~~

~~Existing law authorizes a public guardian to employ an attorney to assist the public guardian when necessary in the proper administration of a guardianship, and it also authorizes, but does not require, a public guardian to rotate this employment among the attorneys practicing in the county who are qualified and willing to accept such employment. (NRS 253.215) Section 4 of this bill reenacts a provision removed by S.B. 157 which requires a public guardian to rotate this employment among the attorneys practicing in the county who are qualified and willing to accept such employment.~~

~~Existing law provides that the reasonable value of a public guardian's services rendered without cost to a ward must be allowed as a claim against the estate of the ward upon the approval of the court while the ward is still living. (NRS 253.240) Existing law also allows a county to advance to a public guardian the necessary expenses incurred by the public guardian during a guardianship, and if a county provides such an advance, the public guardian must reimburse the county from the assets of the ward's estate as soon as the assets become available while the ward is still living. (NRS 253.243) Sections 5 and 6 of this bill reenact a provision removed by S.B. 157 which requires a public guardian to wait until after the ward's death to reimburse the county from the assets of the ward's estate.]~~ provides for the appointment of a public guardian for an incompetent adult who failed to nominate a person for appointment as guardian while he or she was still competent or if the nominated person is not suitable or willing to serve as guardian.

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

Section 1. Chapter 159 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 3, in a proceeding to appoint a guardian for an adult, the court shall give preference to a nominated person or relative, in that order of preference:*

(a) *Whether or not the nominated person or relative is a resident of this State; and*

(b) *If the court determines that the nominated person or relative is qualified and suitable to be appointed as guardian for the adult.*

2. *In determining whether a nominated person or relative is qualified and suitable to be appointed as guardian for an adult, the court shall consider, without limitation:*

(a) *The ability of the nominated person or relative to provide for the basic needs of the adult, including, without limitation, food, shelter, clothing and medical care;*

(b) *Whether the nominated person or relative has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months,*

except the use of marijuana in accordance with the provisions of chapter 453A of NRS; ~~and~~

(c) Whether the nominated person or relative has been judicially determined to have committed abuse, neglect or exploitation of a child, his or her spouse, his or her parent or any other adult, unless the court finds that it is in the best interests of the ward to appoint the person as guardian for the adult;

(d) Whether the nominated person or relative is incompetent or has a disability; and

(e) Whether the nominated person or relative has been convicted in this State or any other jurisdiction of a ~~felony of moral turpitude, a crime involving domestic violence, a crime involving the exploitation of a child or a crime against an older person or a vulnerable person.~~ felony, unless the court determines that any such conviction should not disqualify the person or relative from serving as guardian for the adult.

3. If the court finds that two or more nominated persons are qualified and suitable to be appointed as guardian for an adult, the court may appoint two or more nominated persons as co-guardians or shall give preference among them in the following order of preference:

(a) A person whom the adult nominated for the appointment as guardian for the adult in a will, trust or other written instrument that is part of the adult's established estate plan and was executed by the adult while competent.

(b) A person whom the adult requested for the appointment as guardian for the adult in a written instrument that is not part of the adult's established estate plan and was executed by the adult while competent. ~~if, unless such a person presents clear and convincing evidence of extraordinary circumstances that he or she is more qualified and suitable to serve as guardian for the adult than a person described in paragraph (a).]~~

4. Subject to the preferences set forth in subsections 1 and 3, the court shall appoint as guardian the qualified person who is most suitable and is willing to serve. In determining who is most suitable, the court shall give consideration, among other factors, to:

(a) Any nomination or request for the appointment as guardian by the adult.

(b) Any nomination or request for the appointment as guardian by a relative.

(c) The relationship by blood, adoption, marriage or domestic partnership of the proposed guardian to the adult. In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider any relative in the following order of preference:

(1) A spouse or domestic partner.

(2) A child.

(3) A parent.

(4) Any relative with whom the adult has resided for more than 6 months before the filing of the petition or any relative who has a power of attorney executed by the adult while competent.

(5) Any relative currently acting as agent.

(6) A sibling.

~~[(6)]~~ (7) A grandparent or grandchild.

~~[(7)]~~ (8) An uncle, aunt, niece, nephew or cousin.

~~[(8)]~~ (9) Any other person recognized to be in a familial relationship with the adult.

(d) Any recommendation made by a master of the court or special master pursuant to NRS 159.0615.

(e) Any request for the appointment of any other interested person that the court deems appropriate, including, without limitation, a person who is not a relative and who has a power of attorney executed by the adult while competent.

5. The court may appoint as guardian a nominated person or relative who ~~does not satisfy the residency requirement set forth in subsection 5 of NRS 159.059.7~~ is not a resident of this State. The court shall not give preference to a resident of this State over a nonresident if the court determines that:

(a) The nonresident is more qualified and suitable to serve as guardian; and

(b) The distance from the proposed guardian's place of residence and the adult's place of residence will not affect the quality of the guardianship or the ability of the proposed guardian to make decisions and respond quickly to the needs of the adult because:

(1) A person or care provider in this State is providing continuing care and supervision for the adult;

(2) The adult is in a secured residential long-term care facility in this State; or

(3) Within 30 days after the appointment of the proposed guardian, the proposed guardian will move to this State or the adult will move to the proposed guardian's state of residence.

6. If the court appoints a nonresident as guardian to the adult:

(a) The jurisdictional requirements of NRS 159.1991 to 159.2029, inclusive, must be met;

(b) The court shall order the guardian to designate a registered agent in this State in the same manner as a represented entity pursuant to chapter 77 of NRS; and

(c) The court may require the guardian to complete any available training concerning guardianships pursuant to NRS 159.0592, in this State or in the state of residence of the guardian, regarding:

(1) The legal duties and responsibilities of the guardian pursuant to this chapter;

(2) *The preparation of records and the filing of ~~annual~~ semiannual reports regarding the finances and well-being of the adult required pursuant to NRS 159.073;*

(3) *The rights of the adult;*

(4) *The availability of local resources to aid the adult; and*

(5) *Any other matter the court deems necessary or prudent.*

7. *If the court finds that there is no suitable nominated person or relative to appoint as guardian, the court may appoint as guardian:*

(a) *The public guardian of the county where the adult resides if:*

(1) *There is a public guardian in the county where the adult resides; and*

(2) *The adult qualifies for a public guardian pursuant to chapter 253 of NRS;*

(b) *A private fiduciary who may obtain a bond in this State and who is a resident of this State, if the court finds that the interests of the adult will be served appropriately by the appointment of a private fiduciary; or*

(c) *A private professional guardian who meets the requirements of NRS 159.0595.*

8. *A person is not qualified to be appointed as guardian for an adult if the person has been suspended for misconduct or disbarred from:*

*(a) The practice of law;*

*(b) The practice of accounting; or*

*(c) Any other profession that:*

*(1) Involves or may involve the management or sale of money, investments, securities or real property; and*

*(2) Requires licensure in this State or any other state in which the person practices his or her profession.*

9. *As used in this section:*

(a) *"Adult" means a person who is a ward or a proposed ward and who is not a minor.*

(b) *"Domestic partner" means a person in a domestic partnership.*

(c) *"Domestic partnership" means:*

(1) *A domestic partnership as defined in NRS 122A.040; or*

(2) *A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.*

(d) *"Nominated person" means a person, whether or not a relative, whom an adult:*

(1) *Nominates for the appointment as guardian for the adult in a will, trust or other written instrument that is part of the adult's established estate plan and was executed by the adult while competent.*

(2) *Requests for the appointment as guardian for the adult in a written instrument that is not part of the adult's established estate plan and was executed by the adult while competent.*

(e) "Relative" means a person who is 18 years of age or older and who is related to the adult by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

Sec. 2. ~~[NRS 159.059 is hereby amended to read as follows:~~

~~159.059 Except as otherwise provided in NRS 159.0595, any qualified person or entity that the court finds suitable may serve as a guardian. A person is not qualified to serve as a guardian who:~~

- ~~1. Is an incompetent.~~
- ~~2. Is a minor.~~
- ~~3. Has been convicted of a felony, unless the court determines that such conviction should not disqualify the person from serving as the guardian of the ward.~~
- ~~4. Has been suspended for misconduct or disbarred from:~~
  - ~~(a) The practice of law;~~
  - ~~(b) The practice of accounting; or~~
  - ~~(c) Any other profession which:~~
    - ~~(1) Involves or may involve the management or sale of money, investments, securities or real property; and~~
    - ~~(2) Requires licensure in this State or any other state,~~
- ~~5. [Is] Except as otherwise provided in section 1 of this act, is a nonresident of this State and:~~
  - ~~(a) Has not associated as a coguardian, a resident of this State or a banking corporation whose principal place of business is in this State; and~~
  - ~~(b) Is not a petitioner in the guardianship proceeding.~~
- ~~6. Has been judicially determined, by clear and convincing evidence, to have committed abuse, neglect or exploitation of a child, spouse, parent or other adult, unless the court finds that it is in the best interests of the ward to appoint the person as the guardian of the ward.] (Deleted by amendment.)~~

Sec. 2.1. NRS 159.0595 is hereby amended to read as follows:

159.0595 1. A private professional guardian, if a person, must be qualified to serve as a guardian pursuant to ~~[NRS 159.059]~~ section 1 of this act if the ward is an adult or NRS 159.061 if the ward is a minor and must be a certified guardian.

2. A private professional guardian, if an entity, must be qualified to serve as a guardian pursuant to ~~[NRS 159.059]~~ section 1 of this act if the ward is an adult and must have a certified guardian involved in the day-to-day operation or management of the entity.

3. A private professional guardian shall, at his or her own cost and expense:

(a) Undergo a background investigation which requires the submission of a complete set of his or her fingerprints to the Central Repository for Nevada Records of Criminal History and to the Federal Bureau of Investigation for their respective reports; and



(b) Present the results of the background investigation to the court upon request.

4. As used in this section:

(a) "Certified guardian" means a person who is certified by the Center for Guardianship Certification or any successor organization.

(b) "Entity" includes, without limitation, a corporation, whether or not for profit, a limited-liability company and a partnership.

(c) "Person" means a natural person.

*Sec. 2.3. NRS 159.061 is hereby amended to read as follows:*

159.061 1. The parents of a minor, or either parent, if qualified and suitable, are preferred over all others for appointment as guardian for the minor. The appointment of a parent as a guardian of the ~~person~~ minor must not conflict with a valid order for custody of the minor. In determining whether the parents of a minor, or either parent, is qualified and suitable, the court shall consider, without limitation:

(a) Which parent has physical custody of the minor;

(b) The ability of the parents or parent to provide for the basic needs of the ~~child,~~ minor, including, without limitation, food, shelter, clothing and medical care;

(c) Whether the parents or parent has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of chapter 453A of NRS; ~~and~~

(d) Whether the parents or parent has been convicted of a crime of moral turpitude, a crime involving domestic violence or a crime involving the abuse, neglect or exploitation of a child ~~or~~, his or her spouse, his or her parent or any other adult; and

(e) Whether the parent or parents have been convicted in this State or any other jurisdiction of a felony.

2. Subject to the preference set forth in subsection 1, the court shall appoint as guardian for ~~an incompetent, a person of limited capacity or~~ a minor, the qualified person who is most suitable and is willing to serve.

3. In determining who is most suitable, the court shall give consideration, among other factors, to:

(a) ~~Any request for the appointment as guardian for an incompetent contained in a written instrument executed by the incompetent while competent.~~

~~(b) Any nomination of a guardian for an incompetent, a minor or person of limited capacity contained in a will or other written instrument executed by a parent or spouse of the proposed ward.~~

~~(c) minor.~~

~~(b)~~ Any request for the appointment as guardian for a minor 14 years of age or older made by the minor.

~~(d)~~ (c) The relationship by blood ~~or~~ or adoption ~~for marriage~~ of the proposed guardian to the ~~proposed ward,~~ minor. In considering preferences

of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider relatives in the following order of preference:

- (1) ~~[Spouse.]~~
- ~~(2) Adult child.]~~
- ~~[(3)]~~ Parent.
- ~~[(4)]~~ (2) Adult sibling.
- ~~[(5)]~~ (3) Grandparent, ~~[or adult grandchild.]~~
- ~~[(6)]~~ (4) Uncle, ~~[or aunt, adult niece or adult nephew.]~~
- ~~(e)]~~ (d) Any recommendation made by a master of the court or special master pursuant to NRS 159.0615.

~~[(4)]~~ (e) Any recommendation made by:

(1) An agency which provides child welfare services, an agency which provides child protective services or a similar agency; or

(2) A guardian ad litem or court appointed special advocate who represents the minor.

(f) Any request for the appointment of any other interested person that the court deems appropriate.

4. ~~[If the court finds that there is no suitable person to appoint as guardian pursuant to subsection 3, the court may appoint as guardian:~~

~~(a) The public guardian of the county where the ward resides, if:~~

~~(1) There is a public guardian in the county where the ward resides; and~~

~~(2) The proposed ward qualifies for a public guardian pursuant to chapter 253 of NRS;~~

~~(b) A private fiduciary who may obtain a bond in this State and who is a resident of this State, if the court finds that the interests of the ward will be served appropriately by the appointment of a private fiduciary; or~~

~~(c) A private professional guardian who meets the requirements of NRS 159.0595.]~~ As used in this section, "agency which provides child welfare services" has the meaning ascribed to it NRS 432B.030.

Sec. 2.5. NRS 159.073 is hereby amended to read as follows:

159.073 1. Every guardian, before entering upon his or her duties as guardian and before letters of guardianship may issue, shall:

(a) Take and subscribe the official oath which must:

(1) Be endorsed on the letters of guardianship; and

(2) State that the guardian will well and faithfully perform the duties of guardian according to law.

(b) File in the proceeding the appropriate documents which include, without limitation, the full legal name of the guardian and the residence and post office addresses of the guardian.

(c) Except as otherwise required in subsection 2, make and file in the proceeding a verified acknowledgment of the duties and responsibilities of a guardian. The acknowledgment must set forth:

(1) A summary of the duties, functions and responsibilities of a guardian, including, without limitation, the duty to:

(I) Act in the best interest of the ward at all times.

(II) Provide the ward with medical, surgical, dental, psychiatric, psychological, hygienic or other care and treatment as needed, with adequate food and clothing and with safe and appropriate housing.

(III) Protect, preserve and manage the income, assets and estate of the ward and utilize the income, assets and estate of the ward solely for the benefit of the ward.

(IV) Maintain the assets of the ward in the name of the ward or the name of the guardianship. Except when the spouse of the ward is also his or her guardian, the assets of the ward must not be commingled with the assets of any third party.

(V) Notify the court, all interested parties, the trustee, and named executor or appointed personal representative of the estate of the ward of the death of the ward within 30 days after the death.

(2) A summary of the statutes, regulations, rules and standards governing the duties of a guardian.

(3) A list of actions regarding the ward that require the prior approval of the court.

(4) A statement of the need for accurate recordkeeping and the filing of ~~annual~~ *semiannual* reports with the court regarding the finances and well-being of the ward.

2. The court may exempt a public guardian or private professional guardian from filing an acknowledgment in each case and, in lieu thereof, require the public guardian or private professional guardian to file a general acknowledgment covering all guardianships to which the guardian may be appointed by the court.

*Sec. 2.7. NRS 159.185 is hereby amended to read as follows:*

159.185 1. The court may remove a guardian if the court determines that:

(a) The guardian has become mentally incompetent, unsuitable or otherwise incapable of exercising the authority and performing the duties of a guardian as provided by law;

(b) The guardian is no longer qualified to act as a guardian pursuant to ~~NRS 159.059;~~ *section 1 of this act if the ward is an adult or NRS 159.061 if the ward is a minor;*

(c) The guardian has filed for bankruptcy within the previous 5 years;

(d) The guardian of the estate has mismanaged the estate of the ward;

(e) The guardian has negligently failed to perform any duty as provided by law or by any order of the court and:

(1) The negligence resulted in injury to the ward or the estate of the ward; or

(2) There was a substantial likelihood that the negligence would result in injury to the ward or the estate of the ward;

(f) The guardian has intentionally failed to perform any duty as provided by law or by any lawful order of the court, regardless of injury;

(g) The best interests of the ward will be served by the appointment of another person as guardian; or

(h) The guardian is a private professional guardian who is no longer qualified as a private professional guardian pursuant to NRS 159.0595.

2. A guardian may not be removed if the sole reason for removal is the lack of money to pay the compensation and expenses of the guardian.

Sec. 2.9. NRS 159.2024 is hereby amended to read as follows:

159.2024 1. To transfer jurisdiction of a guardianship or conservatorship to this State, the guardian, conservator or other interested party must petition the court of this State for guardianship pursuant to NRS 159.1991 to 159.2029, inclusive, to accept guardianship in this State. The petition must include a certified copy of the other state's provisional order of transfer and proof that the ward is physically present in, or is reasonably expected to move permanently to, this State.

2. The court shall issue a provisional order granting a petition filed under subsection 1, unless:

(a) An objection is made and the objector establishes that transfer of the proceeding would be contrary to the interests of the ward; or

(b) The guardian or petitioner is not qualified for appointment as a guardian in this State pursuant to ~~[NRS 159.059.]~~ section 1 of this act if the ward is an adult or NRS 159.061 if the ward is a minor.

3. The court shall issue a final order granting guardianship upon filing of a final order issued by the other state terminating proceedings in that state and transferring the proceedings to this State.

4. Not later than 90 days after the issuance of a final order accepting transfer of a guardianship or conservatorship, the court shall determine whether the guardianship or conservatorship needs to be modified to conform to the laws of this State.

5. In granting a petition under this section, the court shall recognize a guardianship or conservatorship order from the other state, including the determination of the ward's incapacity and the appointment of the guardian or conservator.

Sec. 3. NRS 253.200 is hereby amended to read as follows:

253.200 1. A resident of Nevada is eligible to have the public guardian of the county in which he or she resides appointed as his or her temporary individual guardian pursuant to NRS 159.0523 or 159.0525.

2. A resident of Nevada is eligible to have the public guardian of a county appointed as his or her permanent or general individual guardian if the proposed ward is a resident of that county and:

(a) The proposed ward has no *nominated person*, relative or friend suitable and willing to serve as his or her guardian; or

(b) ~~The proposed ward lacks sufficient assets to provide the requisite compensation to a private guardian; or~~

~~—(c)—~~ The proposed ward has a guardian who the court determines must be removed pursuant to NRS 159.185.

3. A person qualified pursuant to subsection 1 or 2, or anyone on his or her behalf, may petition the district court of the county in which he or she resides to make the appointment.

4. Before a petition for the appointment of the public guardian as a guardian may be filed pursuant to subsection 3, a copy of the petition and copies of all accompanying documents to be filed must be delivered to the public guardian or a deputy public guardian.

5. Any petition for the appointment of the public guardian as a guardian filed pursuant to subsection 3 must include a statement signed by the public guardian or deputy public guardian and in substantially the following form:

The undersigned is the Public Guardian or a Deputy Public Guardian of ..... County. The undersigned certifies that he or she has received a copy of this petition and all accompanying documents to be filed with the court.

6. A petition for the appointment of the public guardian as permanent or general guardian must be filed separately from a petition for the appointment of a temporary guardian.

7. If a person other than the public guardian served as temporary guardian before the appointment of the public guardian as permanent or general guardian, the temporary guardian must file an accounting and report with the court in which the petition for the appointment of a public guardian was filed within 30 days of the appointment of the public guardian as permanent or general guardian.

8. In addition to NRS 159.099, a county is not liable on any written or oral contract entered into by the public guardian of the county for or on behalf of a ward.

9. For the purposes of this section:

(a) Except as otherwise provided in paragraph (b), the county of residence of a person is the county to which the person moved with the intent to reside for an indefinite period.

(b) The county of residence of a person placed in institutional care is the county that was the county of residence of the person before the person was placed in institutional care by a guardian or agency or under power of attorney.

10. *As used in this section, "nominated person" has the meaning ascribed to it in section 1 of this act.*

Sec. 4. ~~[NRS 253.215 is hereby amended to read as follows:~~

~~253.215 1. When necessary for the proper administration of a guardianship, a public guardian may:~~

~~(a) Retain an attorney to assist him or her if the attorney practices law in the county and is qualified by experience and willing to serve [or] and, if the public guardian retains an attorney for this purpose, the public guardian shall, in successive guardianships, rotate [this] his or her employment of an attorney among attorneys who practice law in the county and who are qualified by experience and willing to serve; or~~

~~(b) Upon approval of the board of county commissioners, obtain assistance from the office of the district attorney of the county.~~

~~2. Any attorney's fee must be paid from the assets of the ward.] (Deleted by amendment.)~~

Sec. 5. ~~[NRS 253.240 is hereby amended to read as follows:~~

~~253.240 1. The reasonable value of a public guardian's services rendered without cost to a ward [shall] must be allowed as a claim against the estate of the ward only upon the [approval of the court.] death of the ward.~~

~~2. Money received in payment of a claim against the estate of the ward [shall] must be deposited by the public guardian to the credit of the county general fund or any other county fund, as determined by the board of county commissioners.] (Deleted by amendment.)~~

Sec. 6. ~~[NRS 253.243 is hereby amended to read as follows:~~

~~253.243 1. A public guardian may file with the board of county commissioners a request for an advance of money to pay necessary expenses incurred, or to be incurred, by the public guardian during a guardianship. The board may approve or deny the request. If the board approves the request, the board shall determine the amount to be advanced and advance that amount to the public guardian.~~

~~2. The board of county commissioners of any county may establish a revolving fund to be used to provide advances to the public guardian pursuant to subsection 1. If the board has established a revolving fund pursuant to this subsection, the board shall pay any advance approved pursuant to subsection 1 from the revolving fund to the extent that there is sufficient money in the revolving fund to pay the advance. After the money in the revolving fund has been exhausted, the board shall pay any advance, or any part of an advance, approved by the board from the general fund of the county. If the board has not established a revolving fund pursuant to this subsection, the board shall pay any advance approved pursuant to subsection 1 from the general fund of the county.~~

~~3. The public guardian [must] shall reimburse the county for any advance provided pursuant to subsection 1 from the assets of the estate of the ward as soon as, and to the extent that, the assets become available [.] upon the death of the ward. If the board of county commissioners has established a revolving fund pursuant to subsection 2, the board shall deposit in the revolving fund the money obtained from a reimbursement provided pursuant to this subsection. If the board has not established a revolving fund pursuant to subsection 2, the board shall deposit in the general fund of the county the money obtained from a reimbursement provided pursuant to this subsection.] (Deleted by amendment.)~~

Sec. 6.3. NRS 432B.4665 is hereby amended to read as follows:

432B.4665 1. The court may, upon the filing of a petition pursuant to NRS 432B.466, appoint a person as a guardian for a child if:

(a) The court finds:

(1) That the proposed guardian is suitable and is not disqualified from guardianship pursuant to NRS ~~159.059,~~ 159.061;

(2) That the child has been in the custody of the proposed guardian for 6 months or more pursuant to a determination by a court that the child was in need of protection, unless the court waives this requirement for good cause shown;

(3) Except as otherwise provided in subsection 3, that the proposed guardian has complied with the requirements of chapter 159 of NRS; and

(4) That the burden of proof set forth in chapter 159 of NRS for the appointment of a guardian for a child has been satisfied;

(b) The child consents to the guardianship, if the child is 14 years of age or older; and

(c) The court determines that the requirements for filing a petition pursuant to NRS 432B.466 have been satisfied.

2. A guardianship established pursuant to this section:

(a) Provides the guardian with the powers and duties provided in NRS 159.079, and subjects the guardian to the limitations set forth in NRS 159.0805;

(b) Is subject to the provisions of NRS 159.065 to 159.076, inclusive, and 159.185 to 159.199, inclusive;

(c) Provides the guardian with sole legal and physical custody of the child;

(d) Does not result in the termination of parental rights of a parent of the child; and

(e) Does not affect any rights of the child to inheritance, a succession or any services or benefits provided by the Federal Government, this state or an agency or political subdivision of this state.

~~[2. The court may appoint as a guardian for a child pursuant to this section for not more than 6 months a person who does not satisfy the residency requirement set forth in subsection 5 of NRS 159.059 if the court determines that appointing such a person is necessary to facilitate the permanent placement of the child.]~~

Sec. 6.7. NRS 159.059 is hereby repealed.

Sec. 7. This act becomes effective on July 1, 2015.

#### TEXT OF REPEALED SECTION

159.059 Qualifications of guardian. Except as otherwise provided in NRS 159.0595, any qualified person or entity that the court finds suitable may serve as a guardian. A person is not qualified to serve as a guardian who:

1. Is an incompetent.

2. Is a minor.

3. Has been convicted of a felony, unless the court determines that such conviction should not disqualify the person from serving as the guardian of the ward.

4. Has been suspended for misconduct or disbarred from:

(a) The practice of law;

(b) The practice of accounting; or

(c) Any other profession which:

(1) Involves or may involve the management or sale of money, investments, securities or real property; and

(2) Requires licensure in this State or any other state, during the period of the suspension or disbarment.

5. Is a nonresident of this State and:

(a) Has not associated as a coguardian, a resident of this State or a banking corporation whose principal place of business is in this State; and

(b) Is not a petitioner in the guardianship proceeding.

6. Has been judicially determined, by clear and convincing evidence, to have committed abuse, neglect or exploitation of a child, spouse, parent or other adult, unless the court finds that it is in the best interests of the ward to appoint the person as the guardian of the ward.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

The amendment does the following: eliminates limitations on a court's authority to appoint a nonresident of this State as a guardian for a minor; authorizes a court to appoint two or more co-guardians; shortens, from once every year to once every six months, the requirement that a guardian provide a report on the finances and well-being of a ward; adds as preference number five in the order of preference for those persons who might be appointed as a guardian—a person "currently acting as agent" for the ward; provides for the appointment of a public guardian for an incompetent adult who failed to nominate a guardian while he or she was still competent or if the nominated person is not suited or is not willing to serve as a guardian.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 295.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 619.

SUMMARY—Revises provisions relating to education. (BDR 34-789)

AN ACT relating to education; requiring the Department of Education to maintain an Internet website for public high schools to provide information on career pathways in science, technology, engineering and mathematics; requiring pupils enrolled in certain public schools to complete a course in computer science; requiring the board of trustees of each school district and the governing body of each charter school to ensure access to certain professional development training for teachers and administrators; requiring the board of trustees of each school district and governing body of each charter school to schedule a certain number of days of professional development for teachers and administrators; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the Department of Education to maintain an Internet website for use by each public high school to provide information



relating to career pathways in science, technology, engineering and mathematics.

Existing law establishes the academic subjects, standards and courses of study for public schools in this State. (Chapter 389 of NRS) Section 2 of this bill requires that all pupils enrolled in public high schools in this State, including charter schools and state facilities for the detention of children, complete at least 1/2 unit of credit in computer science to receive a certificate or diploma of graduation. Sections 3 and 4 of this bill make conforming changes.

Section 5 of this bill requires the board of trustees of each school district and the governing body of each charter school to ensure that the teachers and administrators employed by the school district or charter school have access to high-quality, ongoing professional development training which must address the academic standards adopted by the State Board of Education, including the academic standards for science based on the Next Generation Science Standards and the curriculum and instruction required for science, technology, engineering and mathematics.

Section 6 of this bill requires the board of trustees of each school district and the governing body of each charter school to schedule for the professional development of the teachers and administrators employed by the school district or charter school ~~1 day for the 2015-2016 school year, and 2 days for the 2016-2017 school year, respectively, 1 day in addition to the number of days provided for professional development during the 2014-2015 school year, and (2) for the 2016-2017 school year, 2 days in addition to the number of days provided for professional development during the 2014-2015 school year.~~

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

*The Department shall maintain an Internet website for use by each public high school to provide information and raise awareness of career pathways in the fields of science, technology, engineering and mathematics.*

Sec. 2. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

*No pupil in any public high school, the Caliente Youth Center, the Nevada Youth Training Center or any other state facility for the detention of children that is operated pursuant to title 5 of NRS, may receive a certificate or diploma of graduation without having completed at least 1/2 unit of credit in computer science.*

Sec. 3. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and

any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

- (a) English, including reading, composition and writing;
- (b) Mathematics;
- (c) Science; and
- (d) Social studies, which includes only the subjects of history, geography, economics and government.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

- (a) Four units of credit in English;
- (b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;
- (c) Three units of credit in science, including two laboratory courses; and
- (d) Three units of credit in social studies, including, without limitation:
  - (1) American government;
  - (2) American history; and
  - (3) World history or geography.

↪ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma or an adjusted diploma, as applicable.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

- (a) The arts;
- (b) Computer education and technology ~~[-]~~, *including computer science*;
- (c) Health; and
- (d) Physical education.

↪ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.0185, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

Sec. 4. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

- (a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade

levels set forth in subsection 3, based upon the content of each course, that is expected of pupils for the following courses of study:

- (1) English, including reading, composition and writing;
- (2) Mathematics;
- (3) Science;
- (4) Social studies, which includes only the subjects of history, geography, economics and government;
- (5) The arts;
- (6) Computer education and technology ~~[-]~~ , *including computer science*;
- (7) Health; and
- (8) Physical education.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

- (1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and
- (2) Methods to ensure the prevention of:
  - (I) Cyber-bullying;
  - (II) Plagiarism; and
  - (III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

- (1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;
- (2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and
- (3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

- (1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

- (2) The necessity for secure passwords or other unique identifiers;
- (3) The effects of a computer contaminant;
- (4) Methods to identify unsolicited commercial material; and
- (5) The dangers associated with social networking Internet sites; and
- (d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

4. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

5. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

↪ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

6. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.

7. As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

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

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 5. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

*The board of trustees of each school district and the governing body of each charter school shall ensure that the teachers and administrators employed by the school district or charter school have access to high-quality, ongoing professional development training. The professional development training must address, without limitation:*

1. *The academic standards adopted by the State Board, including the academic standards for science based on the Next Generation Science Standards; and*

2. *The curriculum and instruction required for science, technology, engineering and mathematics.*

Sec. 6. The board of trustees of each school district and the governing body of each charter school shall ~~for~~

~~1. For~~, for the 2015-2016 ~~[school year]~~ and 2016-2017 school years, respectively, schedule 1 day in addition to the number of days provided during the 2014-2015 school year, for the professional development of teachers and administrators employed by the school district or charter school.

~~2. For the 2016-2017 school year, schedule 2 days in addition to the number of days provided during the 2014-2015 school year, for the professional development of teachers and administrators employed by the school district or charter school.~~

Sec. 7. 1. There is hereby appropriated from the State General Fund to the Department of Education for ~~[Fiscal Year 2015-2016 the sum of \$12,000,000 for]~~ allocation to school districts and governing bodies of charter schools to provide professional development to teachers and administrators in public schools for the purposes of this act ~~[ ]~~ the following sums:

For the Fiscal Year 2015-2016.....\$12,000,000

For the Fiscal Year 2016-2017.....\$12,000,000

2. The Department of Education shall distribute the money from the appropriation made by subsection 1 as follows:

(a) To the Clark County School District, \$7,200,000 to provide professional development training to teachers and administrators employed by the school district.

(b) To the Washoe County School District, \$3,600,000 to provide professional development training to teachers and administrators employed by the school district.

(c) To the Department of Education, \$600,000 for grants among the remaining school districts and governing bodies of charter schools to provide professional development training to teachers and administrators employed by those school districts.

(d) To the Department of Education, \$600,000 for distribution among the three regional training programs to provide professional development training to teachers and administrators.

3. ~~[Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2016, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2016.]~~ Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money

remaining must not be spent for any purpose after September 16, 2016, and September 15, 2017, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2016, and September 15, 2017, respectively.

Sec. 8. This act becomes effective on July 1, 2015.

Senator Harris moved the adoption of the amendment.

Remarks by Senators Harris and Atkinson.

SENATOR HARRIS:

Amendment No. 619 corrects a bill drafting oversight by adding a \$12 million appropriation to the 2016-17 Fiscal Year, clarifying that charter schools may receive Grants, and changing, from two days to one day, the number of new professional development days required in School Year 2016-17.

SENATOR ATKINSON:

Did Senator Harris say they missed the fiscal note?

SENATOR HARRIS:

No, in the original drafting, one of the appropriations over the Biennium was not appropriately put in to the bill and so it is just a correction.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 306.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 442.

SUMMARY—Revises provisions relating to liens on real property located within a common-interest community. (BDR 10-55)

AN ACT relating to common-interest communities; revising provisions governing a unit-owners' association's lien on a unit for certain amounts due to the association; revising provisions governing the foreclosure of an association's lien; requiring the trustee under a deed of trust securing real property to provide a homeowners' association certain notice concerning the Foreclosure Mediation Program under certain circumstances; requiring certain financial institutions to provide certain contact information to the Division of Financial Institutions of the Department of Business and Industry; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a unit-owners' association has a lien on a unit for certain amounts due to the association and may foreclose its lien through a nonjudicial foreclosure sale. (NRS 116.3116-116.31168) Generally, the association's lien is not prior to a first security interest on the unit recorded before the date on which the amount sought to be enforced became delinquent. However, the association's lien is prior to the first security interest on the unit to the extent of certain maintenance and abatement charges and a certain amount of assessments for common expenses. The

portion of the association's lien that is prior to the first security interest on the unit is commonly referred to as the "super-priority lien." (NRS 116.3116) In *SFR Investments Pool 1, LLC v. U.S. Bank*, 130 Nev. Adv. Op. 75, 334 P.3d 408 (2014), the Nevada Supreme Court held that the foreclosure of the super-priority lien by the association extinguishes the first security interest on the unit.

This bill amends various provisions governing the association's super-priority lien and the procedures required for an association to foreclose its lien. Section 1 of this bill authorizes a limited amount of the costs of enforcing the association's lien to be included in the super-priority lien. Section 1 also specifically states that an association, a member of the association's executive board, an officer or employee of the association or the community manager of the association is not required to be a licensed debt collection agency or contract with a licensed debt collection agency to collect amounts included in the association's lien until a notice and default and election to sell the unit to enforce the lien is recorded. Finally, section 1 specifically states that any payment of an amount included in the association's lien by the holder of a subordinate lien on the unit becomes a debt due from the unit's owner to the holder of the lien.

Sections 2-7 of this bill revise provisions governing the procedures for the foreclosure of the association's lien. Sections 2-4 revise provisions relating to the notice of the association's foreclosure required to be given to the holders of recorded security interests on the unit. Under section 3, an association is required to mail by certified ~~for registered~~ mail, ~~return receipt requested,~~ not later than 10 days after recording the notice of default and election to sell, a copy of the notice to each holder of a security interest recorded before the association recorded the notice. Section 4 similarly requires the association to mail by certified ~~for registered~~ mail, ~~return receipt requested,~~ not later than 10 days after recording notice of the foreclosure sale of the unit, a copy of the notice of sale to each holder of a security interest recorded before the association recorded the notice of sale. Section 2 also: (1) specifically states that the mailing of the copy of the notice of default and election to sell and the copy of the notice of sale to each holder of a recorded security interest is a condition which must be satisfied before the association may sell the unit; and (2) requires the association to record an affidavit stating the name of each holder of a recorded security interest to whom a copy of the notice of default and election to sell and notice of sale was mailed and the address to which those notices were sent. Section 4 further requires the publishing, posting and giving of notice of the foreclosure sale of a unit by an association in a manner similar to the publishing, posting and giving of notice of the nonjudicial foreclosure sale of real property secured by a deed of trust.

Sections 5 and 6 revise provisions relating to the foreclosure sale of a unit by an association. Section 5 requires the sale to be conducted at the same location that a nonjudicial foreclosure sale of real property secured by a deed of trust must be conducted, ~~and requires that the sale be commercially~~

~~reasonable.]~~ Section 5 also ~~[removes provisions authorizing the association or person conducting the sale to postpone a sale and, instead, requires notice of a rescheduled sale to be given in the same manner that notice of the sale is given.]~~ provides that if the sale is postponed by oral proclamation, the sale must be postponed to a later date at the same time and location. However, if the date of sale has been postponed by oral proclamation three times, any new sale information must be provided by giving certain notice of the sale. Finally, section 5 requires the person conducting the sale to announce at the sale whether or not the super-priority lien has been satisfied.

Section 6 provides that if the holder of the first security interest pays the amount of the super-priority lien not later than ~~[10]~~ 5 days before the date of sale, the foreclosure of the association's lien does not extinguish the first security interest. Section 6 also provides that after a sale of a unit to enforce the association's lien, the unit's owner or a holder of a security interest on the unit may redeem the unit by paying certain amounts to the purchaser within 60 days after the sale. If the unit's owner redeems the unit, the unit's owner is restored to his or her ownership of the unit, ~~[.]~~ subject to any security interest on the unit that existed at the time of the sale. If a holder of a security interest on the unit redeems the unit, that holder becomes the owner of the unit. Section 6 further provides that upon expiration of the redemption period, any failure to comply with the requirements of existing law for the foreclosure of the association's lien does not affect the rights of a bona fide purchaser or encumbrancer for value.

Existing law further provides that if a unit is subject to the Foreclosure Mediation Program, a unit-owners' association may not foreclose its lien on the unit until the trustee has recorded the required certificate. (NRS 107.086, 116.31162) Section 2 revises the language of existing law and specifies that a unit-owners' association may foreclose its lien on a unit that is subject to the Foreclosure Mediation Program if the unit's owner has failed to pay amounts that became due to the association during the pendency of the mediation. Section 8 of this bill requires the trustee under a deed of trust to notify the association that a unit is subject to the Foreclosure Mediation Program, and to notify the association that the trustee has received the required certificate from the Program.

Section 8.5 of this bill requires a financial institution that is a mortgagee or beneficiary of a deed of trust under certain residential mortgage loans to provide to the Division of Financial Institutions of the Department of Business and Industry the name and street address of a person to whom: (1) a borrower or a borrower's representative may send information and notices to facilitate a mediation under the Foreclosure Mediation Program; and (2) a unit-owners' association may mail notices concerning the association's lien. Under section 8.5, the Division is required to maintain this information on its Internet website and provide a prominent display of, or a link to, this information on the home page of its Internet website.



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

Section 1. NRS 116.3116 is hereby amended to read as follows:

116.3116 1. The association has a lien on a unit for any construction penalty that is imposed against the unit's owner pursuant to NRS 116.310305, any assessment levied against that unit or any fines imposed against the unit's owner from the time the construction penalty, assessment or fine becomes due. Unless the declaration otherwise provides, any penalties, fees, charges, late charges, fines and interest charged pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102 *and any costs of collecting a past due obligation charged pursuant to NRS 116.310313* are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

2. A lien under this section is prior to all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes or takes subject to;

(b) A first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent or, in a cooperative, the first security interest encumbering only the unit's owner's interest and perfected before the date on which the assessment sought to be enforced became delinquent ~~{;}~~, *except that a lien under this section is prior to a security interest described in this paragraph to the extent set forth in subsection 3; ~~and~~*

(c) Liens for real estate taxes and other governmental assessments or charges against the unit or cooperative ~~{;}~~

~~→ The lien is also~~; *and*

(d) Liens for any fee or charge levied pursuant to subsection 1 of NRS 444.520.

3. A lien under this section is prior to all security interests described in paragraph (b) of subsection 2 to the extent of ~~{any}~~:

(a) Any charges incurred by the association on a unit pursuant to NRS 116.310312 ~~{and to the extent of the}~~;

(b) The unpaid amount of assessments, not to exceed an amount equal to assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which would have become due in the absence of acceleration during the 9 months immediately preceding ~~{institution of an action to enforce the lien, not to exceed 9 months of such assessments;}~~ the date on which the notice of default and election to sell is recorded pursuant to paragraph (b) of subsection 1 of NRS 116.31162; and

(c) The costs incurred by the association to enforce the lien in an amount not to exceed the amounts set forth in subsection 5,

↪ unless federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien. If federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period during which the lien is prior to all security interests described in paragraph (b) of subsection 2 must be determined in accordance with those federal regulations, except that notwithstanding the provisions of the federal regulations, the period of priority for the lien must not be less than the 6 months immediately preceding the recording of a notice of default and election to sell pursuant to paragraph (b) of subsection 1 of NRS 116.31162 or the institution of ~~an~~ a judicial action to enforce the lien.

4. This ~~subsection~~ section does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association.

~~{3-}~~ 5. *The amount of the costs of enforcing the association's lien that are prior to the security interest described in paragraph (b) of subsection 2 must not exceed the actual costs incurred by the association, must not include more than one trustee's sale guaranty and must not exceed:*

- (a) *For a demand or intent to lien letter, \$150.*
- (b) *For a notice of delinquent assessment, \$325.*
- (c) *For an intent to record a notice of default letter, \$90.*
- (d) *For a notice of default, \$400.*
- (e) *For a trustee's sale guaranty, \$400.*

↪ *No costs of enforcing the association's lien, other than the costs described in this subsection, and no amount of attorney's fees may be included in the amount of the association's lien that is prior to the security interest described in paragraph (b) of subsection 2.*

6. *Notwithstanding any other provision of law, an association, or member of the executive board, officer, employee or unit's owner of the association, acting under the authority of this chapter or the governing documents of the association, or the community manager of the association, or any employee, agent or affiliate of the community manager, while engaged in the management of the common-interest community governed by the association, is not required to be licensed as a collection agency pursuant to chapter 649 of NRS or hire or contract with a collection agency licensed pursuant to chapter 649 to collect amounts due to the association in accordance with subsection 1 before the recording of a notice of default and election to sell pursuant to paragraph (b) of subsection 1 of NRS 116.31162.*

7. The holder of the security interest described in paragraph (b) of subsection 2 or the holder's authorized agent may establish an escrow account, loan trust account or other impound account for advance contributions for the payment of assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 if the unit's owner and the holder of that security interest consent to the

establishment of such an account. If such an account is established, payments from the account for assessments for common expenses must be made in accordance with the same due dates as apply to payments of such assessments by a unit's owner.

~~{4.}~~ 8. Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.

~~{5.}~~ 9. Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.

~~{6.}~~ 10. A lien for unpaid assessments is extinguished unless *a notice of default and election to sell is recorded as required by paragraph (b) of subsection 1 of NRS 116.31162, or judicial proceedings to enforce the lien* are instituted , within 3 years after the full amount of the assessments becomes due.

~~{7.}~~ 11. This section does not prohibit actions to recover sums for which subsection 1 creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

~~{8.}~~ 12. A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.

~~{9.}~~ 13. The association, upon written request, shall furnish to a unit's owner a statement setting forth the amount of unpaid assessments against the unit. If the interest of the unit's owner is real estate or if a lien for the unpaid assessments may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board and every unit's owner.

~~{10.}~~ 14. In a cooperative, upon nonpayment of an assessment on a unit, the unit's owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and:

(a) In a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, the association's lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

(b) In a cooperative where the owner's interest in a unit is personal property under NRS 116.1105, the association's lien:

(1) May be foreclosed as a security interest under NRS 104.9101 to 104.9709, inclusive; or

(2) If the declaration so provides, may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

~~{11.}~~ 15. In an action by an association to collect assessments or to foreclose a lien created under this section, the court may appoint a receiver to collect all rents or other income from the unit alleged to be due and owing to a unit's owner before commencement or during pendency of the action. The receivership is governed by chapter 32 of NRS. The court may order the receiver to pay any sums held by the receiver to the association during

pendency of the action to the extent of the association's common expense assessments based on a periodic budget adopted by the association pursuant to NRS 116.3115.

*16. Notwithstanding any other provision of law, any payment of an amount due to an association in accordance with subsection 1 by the holder of any lien or encumbrance on a unit that is subordinate to the association's lien under this section becomes a debt due from the unit's owner to the holder of the lien or encumbrance.*

Sec. 2. NRS 116.31162 is hereby amended to read as follows:

116.31162 1. Except as otherwise provided in subsection 5 ~~{or 6,}~~ , 6 or 7, in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) *State the total amount of the deficiency in payment, with a separate statement of:*

*(I) The amount of the association's lien that is prior to the first security interest on the unit pursuant to subsection 3 of NRS 116.3116 as of the date of the notice;*

*(II) The amount of the lien described in sub-subparagraph (I) that is attributable to assessments based on the periodic budget adopted by the association pursuant to NRS 116.3115 as of the date of the notice;*

*(III) The amount of the lien described in sub-subparagraph (I) that is attributable to amounts described in NRS 116.310312 as of the date of the notice; and*

*(IV) The amount of the lien described in sub-subparagraph (I) that is attributable to the costs of enforcing the association's lien as of the date of the notice.*

(3) State that ~~the~~ :

(I) If the holder of the first security interest on the unit does not ~~pay~~ satisfy the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116, the association may foreclose its lien by sale and that the sale may extinguish the first security interest as to the unit ~~if~~; and

(II) If, not later than 5 days before the date of the sale, the holder of the first security interest on the unit satisfies the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116 and, not later than 2 days before the date of the sale, a record of such satisfaction is recorded in the office of the recorder of the county in which the unit is located, the association may foreclose its lien by sale but the sale may not extinguish the first security interest as to the unit.

(4) State the name and address of the person authorized by the association to enforce the lien by sale.

~~{(3)}~~ (5) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

(d) *The unit's owner or his or her successor in interest, or the holder of a recorded security interest on the unit, has, for a period which commences in the manner and subject to the requirements described in subsection 3 and which expires ~~10~~ 5 days before the date of sale, failed to pay the assessments and other sums that are due to the association in accordance with subsection 1 of NRS 116.3116.*

(e) *The association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, an affidavit which states, based on the direct, personal knowledge of the affiant, the personal knowledge which the affiant acquired by a review of a trustee sale guarantee or a similar product or the personal knowledge which the affiant acquired by a review of the business records of the association or other person conducting the sale, which business records must meet the standards set forth in NRS 51.135, the following:*

*(1) The name of each holder of a security interest on the unit to which the notice of default and election to sell and the notice of sale was mailed, as required by subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of NRS 116.311635; and*

*(2) The address at which the notices were mailed to each such holder of a security interest.*

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days *described in paragraph (c) of subsection 1* begins on the first day following:

(a) The date on which the notice of default *and election to sell* is recorded; or

(b) The date on which a copy of the notice of default *and election to sell* is mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,

↪ whichever date occurs later.

4. An association may not mail to a unit's owner or his or her successor in interest a letter of its intent to mail a notice of delinquent assessment pursuant to paragraph (a) of subsection 1, mail the notice of delinquent assessment or take any other action to collect a past due obligation from a unit's owner or his or her successor in interest unless ~~[-not]~~ :

(a) *Not* earlier than 60 days after the obligation becomes past due, the association mails to the address on file for the unit's owner:

~~[(a)]~~ (1) A schedule of the fees that may be charged if the unit's owner fails to pay the past due obligation;

~~[(b)]~~ (2) A proposed repayment plan; and

~~[(c)]~~ (3) A notice of the right to contest the past due obligation at a hearing before the executive board and the procedures for requesting such a hearing ~~[-]~~; and

(b) *Within 30 days after the date on which the information described in paragraph (a) is mailed, the past due obligation has not been paid in full or the unit's owner or his or her successor in interest has not entered into a repayment plan or requested a hearing before the executive board. If the unit's owner or his or her successor in interest requests a hearing or enters into a repayment plan within 30 days after the date on which the information described in paragraph (a) is mailed and is unsuccessful at the hearing or fails to make a payment under the repayment plan within 10 days after the due date, the association may take any lawful action pursuant to subsection 1 to enforce its lien.*

5. *The association may not foreclose a lien by sale if the association has not mailed a copy of the notice of default and election to sell and a copy of the notice of sale to each holder of a security interest on the unit in the manner and subject to the requirements set forth in subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of 116.311635.*

6. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

~~6.] 7. The association may not foreclose a lien by sale if [~~  
~~— (a) The unit is owner occupied housing encumbered by a deed of trust;~~  
~~— (b) The beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee has recorded a notice of default and election to sell with respect to the unit pursuant to subsection 2 of NRS 107.080; and~~  
~~— (c) The] the association has received notice pursuant to NRS 107.086 that the unit is subject to foreclosure mediation pursuant to that section, unless:~~

~~(a) The trustee of record has [not] recorded the certificate provided to the trustee pursuant to subparagraph (1) or (2) of paragraph [(d)] (e) of subsection 2 of NRS 107.086 [~~

~~As used in this subsection, "owner occupied housing" has the meaning ascribed to it in NRS 107.086.] ; or~~

~~(b) The unit's owner has failed to pay to the association any amounts enforceable as assessments pursuant to subsection 1 of NRS 116.3116 that become due during the pendency of foreclosure mediation pursuant to NRS 107.086, other than past due obligations as described in subsection 10 of NRS 107.086.~~

Sec. 3. NRS 116.31163 is hereby amended to read as follows:

116.31163 The association or other person conducting the sale shall also mail, within 10 days after the notice of default and election to sell is recorded, a copy of the notice by ~~[first class] certified [for registered] mail [~~ *return receipt requested,* ~~] to:~~

1. Each person who has requested notice pursuant to NRS ~~[107.090 or] 116.31168; and~~

2. ~~[Any] Each holder of a recorded security interest encumbering the unit's owner's interest [who has notified the association, 30 days] which was recorded before the recordation of the notice of default [of the existence of the security interest; or, if the holder of the security interest has a registered agent in this State, the registered agent of the holder of the security interest; and~~

~~3. A purchaser of the unit, if the unit's owner has notified the association, 30 days to whom the association has been requested, before the recordation of the notice, that the unit is the subject of a contract of sale and the association has been requested of default, to furnish the certificate required by subsection 3 of NRS 116.4109.] at the address of the holder that is provided pursuant to section 8.5 of this act on the Internet website maintained by the Division of Financial Institutions of the Department of Business and Industry.~~

Sec. 4. NRS 116.311635 is hereby amended to read as follows:

116.311635 1. The association or other person conducting the sale shall also, after the expiration of the ~~[90 days] 90-day period described in paragraph (c) of subsection 1 of NRS 116.31162 and before selling the unit [~~

~~—(a) Give~~, give notice of the time and place of the sale ~~[in the manner and for a time not less than that required by law for the sale of real property upon execution, except that in lieu of following the procedure for service on a judgment debtor pursuant to NRS 21.130, service must be made on]~~ by recording the notice of sale and by:

(a) Posting a similar notice particularly describing the unit, for 20 days consecutively, in a public place in the county where the unit is situated;

(b) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the unit is situated;

(c) Notifying the unit's owner or his or her successor in interest as follows:

(1) A copy of the notice of sale must be mailed, on or before the date of first publication or posting, by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and to the address of the unit; and

(2) A copy of the notice of sale must be served, on or before the date of first publication or posting, in the manner set forth in subsection 2; and

~~[(b) Mail,]~~

(d) Mailing, on or before the date of first publication or posting, a copy of the notice by certified ~~[or registered]~~ mail ~~[, return receipt requested,]~~ to:

(1) Each person entitled to receive a copy of the notice of default and election to sell notice under subsection 1 of NRS 116.31163;

(2) The holder of a ~~[recorded]~~ security interest ~~[or the purchaser of the unit, if either of them has notified the association,]~~ recorded before the mailing of the notice of sale ~~[or, if the holder of the security interest has a registered agent in this State, the registered agent of the holder of the security interest,]~~ of the existence of the security interest, lease or contract of sale, as applicable; at the address of the holder that is provided pursuant to section 8.5 of this act on the Internet website maintained by the Division of Financial Institutions of the Department of Business and Industry; and

(3) ~~[A purchaser of the unit to whom the association has been requested, before the mailing of the notice of sale, to furnish the certificate required by subsection 3 of NRS 116.4109; and~~

~~—(4)]~~ The Ombudsman.

2. In addition to the requirements set forth in subsection 1, a copy of the notice of sale must be served:

(a) By a person who is 18 years of age or older and who is not a party to or interested in the sale by personally delivering a copy of the notice of sale to an occupant of the unit who is of suitable age; or

(b) By posting a copy of the notice of sale in a conspicuous place on the unit.

3. Any copy of the notice of sale required to be served pursuant to this section must include:



(a) The amount necessary to satisfy the lien as of the date of the proposed sale; and

(b) The following warning in 14-point bold type:

WARNING! A SALE OF YOUR PROPERTY IS IMMINENT! UNLESS YOU PAY THE AMOUNT SPECIFIED IN THIS NOTICE BEFORE THE SALE DATE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE. YOU MUST ACT BEFORE THE SALE DATE. IF YOU HAVE ANY QUESTIONS, PLEASE CALL (name and telephone number of the contact person for the association). IF YOU NEED ASSISTANCE, PLEASE CALL THE FORECLOSURE SECTION OF THE OMBUDSMAN'S OFFICE, NEVADA REAL ESTATE DIVISION, AT (toll-free telephone number designated by the Division) IMMEDIATELY.

4. Proof of service of any copy of the notice of sale required to be served pursuant to this section must consist of:

(a) A certificate of mailing which evidences that the notice was mailed through the United States Postal Service; or

(b) An affidavit of service signed by the person who served the notice stating:

(1) The time of service, manner of service and location of service; and

(2) The name of the person served or, if the notice was not served on a person, a description of the location where the notice was posted on the unit.

Sec. 5. NRS 116.31164 is hereby amended to read as follows:

116.31164 1. ~~Every aspect of a sale or other disposition of a unit pursuant to NRS 116.3116 to 116.31168, inclusive, including, without limitation, the method, advertising, time, date, place and terms, must be commercially reasonable.~~ The sale must be conducted in accordance with the provisions of this section.

2. If the holder of the security interest described in paragraph (b) of subsection 2 of NRS 116.3116 satisfies the amount of the association's lien that is prior to its security interest not later than 5 days before the date of sale, the sale may not occur unless a record of such satisfaction is recorded in the office of the county recorder of the county in which the unit is located not later than 2 days before the date of sale.

3. ~~The sale must be conducted~~ made between the hours of 9 a.m. and 5 p.m. and:

(a) If the unit is located in a county whose population is less than 100,000, at the courthouse in the county in which the [common interest community] unit [or part of it] is [situated, and] located.

(b) If the unit is located in a county whose population is 100,000 or more, at the public location in the county designated by the governing body of the county to conduct a sale of real property pursuant to NRS 107.080.

~~3.~~ 4. The sale may be conducted by the association, its agent or attorney, or a title insurance company or escrow agent licensed to do business in this State, except that the sale may be made at the office of the

association if the notice of the sale so provided, whether the unit is located within the same county as the office of the association or not. ~~person conducting the sale may not become a purchaser at the sale or be interested in any purchase at such a sale.~~

~~4.~~

5. The association or other person conducting the sale may from time to time ~~not~~ postpone the sale by such advertisement and notice as it considers reasonable or, without further advertisement or notice, by proclamation made to the persons assembled at the time and place previously set and advertised for the sale ~~:-~~

~~2. , but may reschedule the sale by providing notice of the rescheduled sale in accordance with NRS 116.311635.~~

~~5.~~ , except that:

(a) If the sale is postponed by oral proclamation, the sale must be postponed to a later date at the same time and location; and

(b) If such a date has been postponed by oral proclamation three times, any new sale information must be provided by notice as provided in NRS 116.311635.

6. On the day of sale , ~~originally advertised or to which the sale is postponed,~~ at the time and place specified in the notice , ~~for postponement,~~ the person conducting the sale ~~may~~ :

(a) Shall state to the persons assembled for the sale whether or not the holder of the security interest described in paragraph (b) of subsection 2 of NRS 116.3116 has satisfied the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116.

(b) May sell the unit at public auction to the highest cash bidder. Except as otherwise provided in this subsection, the person conducting the sale or any entity in which that person holds an interest may not become a purchaser at the sale. Unless otherwise provided in the declaration or by agreement, the association may purchase the unit and hold, lease, mortgage or convey it. The association may purchase by a credit bid up to the amount of the unpaid assessments and any permitted costs, fees and expenses incident to the enforcement of its lien.

~~{3.-6.}~~ 7. After the sale, the person conducting the sale shall ~~:-~~

(a) ~~Make, execute and, after payment is made, deliver to the purchaser, or his or her successor or assign, a deed without warranty which conveys to the grantee all title of the unit's owner to the unit;~~

(b) ~~Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the purchaser, or his or her successor or assign;~~ :

(a) Comply with the provisions of subsection 2 of NRS 116.31166; and

~~{(e)}~~ (b) Apply the proceeds of the sale for the following purposes in the following order:

(1) The reasonable expenses of sale;

(2) The reasonable expenses of securing possession before sale, holding, maintaining, and preparing the unit for sale, including payment of

taxes and other governmental charges, premiums on hazard and liability insurance, and, to the extent provided for by the declaration, reasonable attorney's fees and other legal expenses incurred by the association;

(3) Satisfaction of the association's lien;

(4) Satisfaction in the order of priority of any subordinate claim of record; and

(5) Remittance of any excess to the unit's owner.

Sec. 6. NRS 116.31166 is hereby amended to read as follows:

116.31166 1. *Every sale of a unit pursuant to NRS 116.31162 to 116.31168, inclusive, vests in the purchaser the title of the unit's owner subject to the right of redemption provided by this section. If the holder of the security interest described in paragraph (b) of subsection 2 of NRS 116.3116 satisfies the amount of the association's lien that is prior to its security interest not later than ~~{10}~~ 5 days before the date of sale, ~~and a record of such payment is recorded in the office of the county recorder of the county in which the unit is located not later than 5 days before the date of sale,~~ the sale of the unit does not extinguish that security interest to any extent.*

2. *After the sale conducted pursuant to NRS 116.31164, the person conducting the sale shall:*

*(a) Give to the purchaser a certificate of the sale containing:*

*(1) A particular description of the unit sold;*

*(2) The price bid for the unit;*

*(3) The whole price paid; and*

*(4) A statement that the unit is subject to redemption; and*

*(b) Record a copy of the certificate in the office of the county recorder of the county in which the unit or part of it is located.*

3. *A unit sold pursuant to NRS 116.31162 to 116.31168, inclusive, may be redeemed by the unit's owner whose interest in the unit was extinguished by the sale, or his or her successor in interest, or any holder of a recorded security interest that is subordinate to the lien on which the unit was sold, or that holder's successor in interest. The unit's owner whose interest in the unit was extinguished, the holder of the recorded security interest on the unit or a successor in interest of those persons may redeem the property at any time within 60 days after the sale by paying ~~{the}~~ :*

*(a) The purchaser the amount of his or her purchase price, with interest at the rate of 1 percent per month thereon in addition, to the time of redemption, plus:*

~~{(a)}~~ *(1) The amount of any assessment, taxes or payments toward liens which were created before the purchase and which the purchaser may have paid thereon after the purchase, and interest on such amount;*

~~{(b)}~~ *(2) If the purchaser is also a creditor having a prior lien to that of the redemptioner, other than the association's lien under which the purchase was made, the amount of such lien, and interest on such amount; and*

~~{(c) The}~~

(3) Any reasonable amount expended by the purchaser which is reasonably necessary to ~~+~~

~~— (1) Maintain] maintain and [improve] repair the unit in accordance with the standards set forth in the governing documents, including, without limitation, any provisions governing maintenance, standing water or snow removal ~~+~~ and~~

~~— (2) Remove or abate a public nuisance of the unit, including, without limitation, a public nuisance which:~~

~~— (I) Is visible from any common area of the community or public streets;~~

~~— (II) Threatens the health or safety of the residents of the common interest community; or~~

~~— (III) Results in blighting or deterioration of the unit or surrounding area.~~

~~— 4. If a unit is redeemed by a holder of a recorded security interest on the unit, the holder of another recorded security interest on the unit that is subordinate to the lien under which the unit was sold, or that holder's successor in interest, may, within 30 days after the last redemption, again redeem it from the last redemptioner on paying the sum paid on the last redemption, and interest at the rate of 2 percent per month thereon in addition, and the amount of any assessment or taxes which the last redemptioner may have paid thereon after the redemption by him or her, and interest on that amount, and, in addition, ~~+~~; and~~

(b) If the redemptioner is the holder of a recorded security interest on the unit or the holder's successor in interest, the amount of any lien ~~held by the last redemptioner]~~ before his or her own lien, with interest, but the association's lien under which the unit was sold is not required to be so paid as a lien.

~~{5. The unit's owner whose interest in the unit was extinguished by the sale may redeem the unit from the purchaser or from any redemptioner by payment of the amount required to redeem the unit pursuant to subsection 3 or 4, as applicable, at any time within 60 days after the date of the sale or 30 days after the last redemption by a holder of security interest, whichever is later.~~

~~— 6. The payment of a redemption amount must be made to the purchaser or to the holder of a security interest who last redeemed the unit.~~

~~— 7.] 4. Notice of redemption must be served by the person redeeming the unit on the person who conducted the sale and on the person from whom the unit is redeemed, together with:~~

(a) If the person redeeming the unit is the unit's owner whose interest in the unit was extinguished by the sale or his or her successor in interest, a certified copy of the deed to the unit and, if the person redeeming the unit is the successor of that unit's owner, a copy of any document necessary to establish that the person is the successor of the unit's owner.

(b) If the person redeeming the unit is the holder of a recorded security interest on the unit or the holder's successor in interest:

(1) An original or certified copy of the deed of trust securing the unit or a certified copy of any other recorded security interest of the holder.

(2) A copy of any assignment necessary to establish the claim of the person redeeming the unit, verified by the affidavit of that person, or that person's agent, or of a subscribing witness thereto.

(3) An affidavit by the person redeeming the unit, or that person's agent, showing the amount then actually due on the lien.

~~§ 8.~~ 5. If the unit's owner whose interest in the unit was extinguished by the sale redeems the property as provided in this section:

(a) The effect of the sale is terminated, and the unit's owner is restored to his or her interest in the unit ~~and~~, subject to any security interest on the unit that existed at the time of sale; and

(b) The person to whom the redemption amount was paid must execute and deliver to the unit's owner a certificate of redemption, acknowledged or approved before a person authorized to take acknowledgements of conveyances of real property, and the certificate must be recorded in the office of the recorder of the county in which the unit or part of the unit is situated.

~~§ 9.~~ 6. If the holder of a recorded security interest redeems the unit as provided in this section and the period for a ~~(successive)~~ redemption ~~pursuant to~~ set forth in subsection ~~4 or 5~~ 3 has expired, the person conducting the sale shall:

(a) Make, execute and, if the amount required to redeem the unit is paid to the person from whom the unit is redeemed, deliver to the person who redeemed the unit or his or her successor or assign, a deed without warranty which conveys to the person who redeemed the unit all title of the unit's owner to the unit; and

(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the person who redeemed the unit, or his or her successor or assign.

~~§ 10.~~ 7. If no redemption is made within 60 days after the date of sale, the person conducting the sale shall:

(a) Make, execute and, if payment is made, deliver to the purchaser, or his or her successor or assign, a deed without warranty which conveys to the purchaser all title of the unit's owner to the unit; and

(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the purchaser, or his or her successor or assign.

~~§ 11.~~ 8. The recitals in a deed made pursuant to ~~[NRS 116.31164]~~ subsection ~~9~~ 6 or ~~10~~ 7 of:

(a) Default, the mailing of the notice of delinquent assessment, and the mailing and recording of the notice of default and election to sell;

(b) The elapsing of the ~~90 days; and~~ 90-day period set forth in paragraph (c) of subsection 1 of NRS 116.31162;

(c) The ~~[giving]~~ recording, mailing, publishing and posting of the notice of sale ~~[ ]~~;

(d) The failure to pay the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116 before the expiration of the period described in paragraph (d) of subsection 1 of NRS 116.31162; and

(e) The recording of the affidavit required to be recorded pursuant to paragraph (e) of subsection 1 of NRS 116.31162,

➔ are conclusive proof of the matters recited.

~~[2.—Such a]~~

~~[12.] 9.~~ A deed containing ~~[those]~~ the recitals set forth in subsection ~~[111] 8~~ is conclusive against the unit's former owner, his or her heirs and assigns, and all other persons. The receipt for the purchase money contained in such a deed is sufficient to discharge the purchaser from obligation to see to the proper application of the purchase money.

~~[3.—The sale of a unit pursuant to NRS 116.31162, 116.31163 and 116.31164 vests in the purchaser the title of the unit's owner without equity or right of redemption.~~

~~[13.] 10.~~ Upon the expiration of the redemption period ~~[provided]~~ set forth in ~~[this section.]~~ subsection 3, any failure to comply with the provisions of NRS 116.3116 to 116.31168, inclusive, does not affect the rights of a bona fide purchaser or bona fide encumbrancer for value.

Sec. 7. NRS 116.31168 is hereby amended to read as follows:

116.31168 1. ~~[The provisions of NRS 107.090 apply to the foreclosure of an association's lien as if a deed of trust were being foreclosed. The request must identify the lien by stating the names of the unit's owner and the common interest community.~~

~~—2.—An association may, after recording a notice of default and election to sell, waive the default and withdraw the notice or any proceeding to foreclose. The association is thereupon restored to its former position and has the same rights as though the notice had not been recorded.] A person with an interest or any other person who is or may be held liable for any amounts which are the subject of the association's lien pursuant to NRS 116.3116 or the servicer of a loan secured by a deed of trust or mortgage on real property which is subject to such lien desiring a copy of a notice of default and election to sell or notice of sale under the association's lien may record in the office of the county recorder of the county in which any part of the real property is situated an acknowledged request for a copy of the notice of default and election to sell or the notice of sale. The request must:~~

(a) State the name and address of the person requesting copies of the notices;

(b) ~~[Identify the recorded instrument by stating the names of the parties thereto, the date of recordation and the recording information where it is recorded.] State a legal description of the unit in which the person has an interest or the assessor's parcel number of that unit; and~~

(c) The names of the unit's owner and the common-interest community.

2. The association or other person authorized to record the notice of default and election to sell shall, within 10 days after the notice is recorded and mailed pursuant to NRS 116.31162, cause to be deposited in the United States mail an envelope, registered or certified, return receipt requested and with postage prepaid, containing a copy of the notice, addressed to each person who has recorded a request for a copy of the notice.

3. The association or other person authorized to make the sale shall, at least 20 days before the date of sale, cause to be deposited in the United States mail an envelope, registered or certified, return receipt requested and with postage prepaid, containing a copy of the notice of time and place of sale, addressed to each person described in subsection 2.

4. As used in this section ~~+~~

~~(a) "Person", "person with an interest" means any person who has or claims any right, title or interest in, or lien or charge upon, a unit being foreclosed pursuant to NRS 116.31162 to 116.31168, inclusive.~~

~~(b) "Recorded instrument" means:~~

~~(1) A mortgage, deed of trust, trust deed, security deed, contract for deed, land sales contract, lease intended as security, assignment of lease or rents intended as security, pledge of an ownership interest in an association and any other consensual lien or contract for retention of title intended as security for an obligation or otherwise constituting a security interest on a unit; or~~

~~(2) A lease or other agreement providing for the occupancy of a unit, which instrument or some memorandum thereof has been recorded in the office of the county recorder of the county in which any part of the unit is located.~~

Sec. 8. NRS 107.086 is hereby amended to read as follows:

107.086 1. Except as otherwise provided in this subsection, in addition to the requirements of NRS 107.085, the exercise of the power of sale pursuant to NRS 107.080 with respect to any trust agreement which concerns owner-occupied housing is subject to the provisions of this section. The provisions of this section do not apply to the exercise of the power of sale if the notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 includes an affidavit and a certification indicating that, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless the trustee:

(a) Includes with the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080:

(1) Contact information which the grantor or the person who holds the title of record may use to reach a person with authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust;

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

(3) A notice provided by the Mediation Administrator indicating that the grantor or the person who holds the title of record will be enrolled to participate in mediation pursuant to this section if he or she pays to the Mediation Administrator his or her share of the fee established pursuant to subsection 11; and

(4) A form upon which the grantor or the person who holds the title of record may indicate an election to waive mediation pursuant to this section and one envelope addressed to the trustee and one envelope addressed to the Mediation Administrator, which the grantor or the person who holds the title of record may use to comply with the provisions of subsection 3;

(b) In addition to including the information described in paragraph (a) with the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080, provides to the grantor or the person who holds the title of record the information described in paragraph (a) concurrently with, but separately from, the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080;

(c) Serves a copy of the notice upon the Mediation Administrator; ~~and~~

(d) *If the owner-occupied housing is located within a common-interest community, notifies the unit-owners' association of the common-interest community, not later than 10 days after mailing the copy of the notice of default and election to sell as required by subsection 3 of NRS 107.080, that the exercise of the power of sale is subject to the provisions of this section; and*

(e) Causes to be recorded in the office of the recorder of the county in which the trust property, or some part thereof, is situated:

(1) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection 4 or 7 which provides that no mediation is required in the matter; or

(2) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection 8 which provides that mediation has been completed in the matter.

3. If the grantor or the person who holds the title of record elects to waive mediation, he or she shall, not later than 30 days after service of the notice in the manner required by NRS 107.080, complete the form required by subparagraph (4) of paragraph (a) of subsection 2 and return the form to the trustee and the Mediation Administrator by certified mail, return receipt requested. If the grantor or the person who holds the title of record does not



elect to waive mediation, he or she shall, not later than 30 days after the service of the notice in the manner required by NRS 107.080, pay to the Mediation Administrator his or her share of the fee established pursuant to subsection 11. Upon receipt of the share of the fee established pursuant to subsection 11 owed by the grantor or the person who holds title of record, the Mediation Administrator shall notify the trustee, by certified mail, return receipt requested, of the enrollment of the grantor or person who holds the title of record to participate in mediation pursuant to this section and shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. The trustee shall notify the beneficiary of the deed of trust and every other person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the enrollment of the grantor or the person who holds the title of record to participate in mediation. If the grantor or person who holds the title of record is enrolled to participate in mediation pursuant to this section, no further action may be taken to exercise the power of sale until the completion of the mediation.

4. If the grantor or the person who holds the title of record indicates on the form described in subparagraph (4) of paragraph (a) of subsection 2 an election to waive mediation or fails to pay to the Mediation Administrator his or her share of the fee established pursuant to subsection 11, as required by subsection 3, the Mediation Administrator shall, not later than 60 days after the Mediation Administrator receives the form indicating an election to waive mediation or 90 days after the service of the notice in the manner required by NRS 107.080, whichever is earlier, provide to the trustee a certificate which provides that no mediation is required in the matter.

5. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection 11. The beneficiary of the deed of trust or a representative shall attend the mediation. The grantor or his or her representative, or the person who holds the title of record or his or her representative, shall attend the mediation. The beneficiary of the deed of trust shall bring to the mediation the original or a certified copy of the deed of trust, the mortgage note and each assignment of the deed of trust or mortgage note. If the beneficiary of the deed of trust is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust or have access at all times during the mediation to a person with such authority.

6. If the beneficiary of the deed of trust or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not bring to the mediation each document required by subsection 5 or does not have the authority or access to a person with the authority required by subsection 5, the mediator shall prepare and submit to the Mediation Administrator a petition and recommendation concerning the imposition of sanctions against the beneficiary of the deed of trust or the representative. The court may issue an order imposing such sanctions against the beneficiary

of the deed of trust or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

7. If the grantor or the person who holds the title of record is enrolled to participate in mediation pursuant to this section but fails to attend the mediation, the Mediation Administrator shall, not later than 30 days after the scheduled mediation, provide to the trustee a certificate which states that no mediation is required in the matter.

8. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the Mediation Administrator a recommendation that the matter be terminated. The Mediation Administrator shall, not later than 30 days after submittal of the mediator's recommendation that the matter be terminated, provide to the trustee a certificate which provides that the mediation required by this section has been completed in the matter.

9. Upon receipt of the certificate provided to the trustee by the Mediation Administrator pursuant to subsection 4, 7 or 8, if the property is located within a common-interest community, the trustee shall, *not later than 10 days after receipt of the certificate*, notify the ~~{unit-owners}~~ unit-owners' association ~~{organized under NRS 116.3101}~~ of the existence of the certificate.

10. During the pendency of any mediation pursuant to this section, a unit's owner must continue to pay any obligation, other than any past due obligation.

11. The Supreme Court shall adopt rules necessary to carry out the provisions of this section. The rules must, without limitation, include provisions:

(a) Designating an entity to serve as the Mediation Administrator pursuant to this section. The entities that may be so designated include, without limitation, the Administrative Office of the Courts, the district court of the county in which the property is situated or any other judicial entity.

(b) Ensuring that mediations occur in an orderly and timely manner.

(c) Requiring each party to a mediation to provide such information as the mediator determines necessary.

(d) Establishing procedures to protect the mediation process from abuse and to ensure that each party to the mediation acts in good faith.

(e) Establishing a total fee of not more than \$400 that may be charged and collected by the Mediation Administrator for mediation services pursuant to this section and providing that the responsibility for payment of the fee must be shared equally by the parties to the mediation.

12. Except as otherwise provided in subsection 14, the provisions of this section do not apply if:

(a) The grantor or the person who holds the title of record has surrendered the property, as evidenced by a letter confirming the surrender or delivery of

the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the grantor or the person who holds the title of record under chapter 7, 11, 12 or 13 of Title 11 of the United States Code and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

13. A noncommercial lender is not excluded from the application of this section.

14. The Mediation Administrator and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

15. As used in this section:

(a) "Common-interest community" has the meaning ascribed to it in NRS 116.021.

(b) "Mediation Administrator" means the entity so designated pursuant to subsection 11.

(c) "Noncommercial lender" means a lender which makes a loan secured by a deed of trust on owner-occupied housing and which is not a bank, financial institution or other entity regulated pursuant to title 55 or 56 of NRS.

(d) "Obligation" has the meaning ascribed to it in NRS 116.310313.

(e) "Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

(f) "Unit-owners' association" has the meaning ascribed to it in NRS 116.011.

(g) "Unit's owner" has the meaning ascribed to it in NRS 116.095.

Sec. 8.5. Chapter 657 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A bank, credit union, savings bank, savings and loan association, thrift company or other financial institution which is licensed, registered or otherwise authorized to do business in this State and which is the mortgagee or beneficiary of a deed of trust under a residential mortgage loan shall provide to the Division of Financial Institutions the name, street address and any other contact information of a person to whom:

(a) A borrower or a representative of a borrower must send any document, record or notification necessary to facilitate a mediation conducted pursuant to NRS 40.437 or 107.086.

(b) A unit-owners' association must send any notice required to be given pursuant to NRS 116.3116 to 116.31168, inclusive.

2. The Division of Financial Institutions shall maintain on its Internet website the information provided to the Division pursuant to subsection 1

and provide a prominent display of, or a link to, the information described in subsection 1, on the home page of its Internet website.

3. As used in this section:

(a) "Borrower" means a person who is a mortgagor or grantor of a deed of trust under a residential mortgage loan.

(b) "Residential mortgage loan" means a loan which is primarily for personal, family or household use and which is secured by a mortgage or deed of trust on owner-occupied housing as defined in NRS 107.086.

Sec. 9. 1. Subsections 1 to 6, inclusive, of NRS 116.31162 and NRS 116.31163, as amended by sections 2 and 3 of this act, respectively, apply only to a notice of default and election to sell that is recorded pursuant to paragraph (b) of subsection 1 of NRS 116.31162, as amended by section 2 of this act, on or after October 1, 2015.

2. Subsection 7 of NRS 116.31162 and NRS 107.086, as amended by sections 2 and 8 of this act, respectively, apply if a notice of default and election to sell is recorded pursuant to NRS 107.080, on or after October 1, 2015.

3. NRS 116.311635 and 116.31164, as amended by sections 4 and 5 of this act, respectively, apply only if a notice of sale is recorded pursuant to NRS 116.311635, as amended by section 4 of this act, on or after October 1, 2015.

4. NRS 116.31166, as amended by section 6 of this act, applies only to a sale of a unit pursuant to NRS 116.31162 to 116.31168, inclusive, as amended by sections 2 to 7, inclusive, of this act, respectively, which occurs on or after October 1, 2015.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

First, Amendment No. 442 provides that if a foreclosure sale is postponed by oral proclamation, the sale must be moved to a later date at the same location and time as the original sale was to have occurred. If a sale is postponed by oral proclamation three times, any new sale information must be provided via a certain notice of sale.

Second, a person conducting a foreclosure sale must announce at the sale whether or not a super-priority lien on the property has been satisfied.

Third, Amendment No. 442 also changes—from ten days to five days prior to a sale—the deadline by which the holder of the first security interest may pay the amount of a super-priority lien so that the lien will not extinguish the first security interest.

Fourth, a lender must provide to the Nevada Real Estate Division the name, address and any other pertinent contact information, for the entity to which a borrower or borrower's representative must send by registered mail any notification deemed necessary to facilitate the foreclosure mediation process.

Fifth, the Nevada Real Estate Division must make this information publicly available on its website and is required to include a prominent display of the location of lender contact information on the Division's home page.

Finally, Amendment No. 442 provides that borrowers entering mediation must be provided—on a single, stand-alone form printed in at least 14 point, bold font—notice that they must pay any HOA assessments due during the course of the mediation or is subject to foreclosure.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 330.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 496.

SUMMARY—Revises provisions relating to education. (BDR 34-724)

AN ACT relating to education; authorizing a pupil or school to appeal a final decision or order of the Executive Director of the Nevada Interscholastic Activities Association to the Director of the Department of Administration; requiring the Director, upon receiving an appeal, to appoint an independent hearing officer to review and conduct a hearing on the appeal; ~~prescribing the eligibility of a pupil to participate and practice in a sanctioned sport upon the pupil's transfer from one high school to another high school;~~ requiring that certain rules and regulations adopted by the Association must apply equally to public schools and private schools that are members of the Association; authorizing a pupil who enrolls in a private school or public school to be immediately eligible to participate and practice in a sanctioned sport under certain circumstances; ~~prohibiting the Commission on Professional Standards in Education from conditioning the endorsement of a license to serve as a school nurse on the completion of any course or examination on certain subjects;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Interscholastic Activities Association for the purpose of controlling, supervising and regulating interscholastic athletic events in public schools and further authorizes the Association to adopt rules and regulations for that purpose. (NRS 386.420-386.470) Section 5 of this bill authorizes a pupil or school that is aggrieved by a decision or order of the Executive Director of the Association to appeal the decision or order to the Director of the Department of Administration. Section 5 requires the Director, upon receiving an appeal, to appoint an independent hearing officer to review and conduct a hearing on the appeal. Section 5 establishes certain procedural requirements regarding the appointment of the hearing officer and the hearing on the appeal.

Section 6 of this bill ~~authorizes a pupil to transfer once from one high school to another high school without losing his or her eligibility to participate or practice in a sanctioned sport at the high school to which the pupil transfers.~~ provides that any rules and regulations adopted by the Association governing the eligibility of a pupil who transfers from one high school to another high school to participate or practice in a sanctioned sport must apply equally to public schools and private schools that are members of the Association. Section ~~6 also~~ 6.5 of this bill provides that a pupil who enrolls in the 9th grade at: (1) a public school is immediately eligible to

participate and practice in a sanctioned sport at the school if the pupil resides within the zone of attendance of the school at the time of enrollment, regardless of whether the pupil resided in a different zone of attendance or attended a school other than a public school before enrollment in the 9th grade; and (2) a private school is immediately eligible to participate and practice in a sanctioned sport at the school, regardless of whether the pupil attended a school other than a private school before enrollment in the 9th grade.

~~[ Existing law requires the Commission on Professional Standards in Education to adopt regulations relating to the endorsement of a license to serve as a school nurse. (NRS 391.019, 391.021, 391.207) Section 9 of this bill prohibits the Commission from conditioning the endorsement of a license for the purpose of employment as a school nurse on the completion of any course or examination that the nurse is not otherwise required to complete for the purpose of obtaining a license to practice as a nurse, including any other course or examination relating to reading, writing or mathematics. ]~~

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[6,]~~ 6.5, inclusive, of this act.

Sec. 2. *As used in NRS 386.420 to 386.470, inclusive, and sections 2 to ~~[6,]~~ 6.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 3.5 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Pupil" means a student of a school or a child that receives instruction at home and is excused from compulsory attendance pursuant to NRS 392.070.*

Sec. 3.5. *"Sanctioned sport" means any athletic competition that is approved by the Nevada Interscholastic Activities Association.*

Sec. 4. *"School" means any school that is affiliated with or is a member of the Nevada Interscholastic Activities Association.*

Sec. 5. 1. *Any pupil or school that is aggrieved by a final decision or order of the Executive Director may, not later than 10 days after the issuance of the decision or order, file a written appeal with the Director of the Department of Administration. The Director shall, not later than 10 days after receiving a written appeal, appoint an independent hearing officer to review the decision or order of the Executive Director that is the subject of the appeal.*

2. *A hearing officer appointed pursuant to subsection 1 shall conduct a hearing not later than 30 days after his or her appointment. The hearing officer shall, not less than 10 days before the date of the hearing, provide written notice to each interested party of the date and location of the hearing. A hearing held pursuant to this section must be held in the school district in which the party that filed the appeal resides or is located. The hearing officer shall issue a decision or order not later than 10 days after the*

completion of the hearing. A decision or order issued by a hearing officer pursuant to this subsection must be in writing and is final for the purposes of judicial review.

3. As used in this section, "Executive Director" means the Executive Director of the Nevada Interscholastic Activities Association.

Sec. 6. ~~1. A pupil who is otherwise eligible to participate or practice in a sanctioned sport and who transfers from one school to another school during the period in which the pupil is enrolled in grade 9, 10, 11 or 12:~~

~~(a) For the first transfer, is immediately eligible to participate and practice in a sanctioned sport at the school to which the pupil transfers.~~

~~(b) For any subsequent transfer, is subject to any eligibility requirements prescribed by regulation of the Nevada Interscholastic Activities Association.] Any rules and regulations adopted by the Nevada Interscholastic Activities Association governing the eligibility of a pupil who transfers from one school to another school to participate or practice in a sanctioned sport during the period in which the pupil is enrolled in grade 9, 10, 11 or 12 must apply equally to public schools and to private schools that are members of the Association.~~

Sec. 6.5. ~~2.] 1.~~ A pupil who enrolls in grade 9 at:

(a) A public school and who resides within the zone of attendance of the public school at the time of enrollment is immediately eligible to participate and practice in a sanctioned sport at the public school, regardless of whether the pupil:

(1) Resided in a different zone of attendance before the pupil's enrollment in grade 9; or

(2) Attended a school other than a public school before the pupil's enrollment in grade 9.

(b) A private school is immediately eligible to participate and practice in a sanctioned sport at the private school, regardless of whether the pupil attended a school other than a private school before the pupil's enrollment in grade 9.

~~3.] 2.~~ As used in this section ~~1.~~

~~(a) "Sanctioned sport" means any athletic competition that is approved by the Nevada Interscholastic Activities Association.~~

~~(b) "Zone]" , "zone of attendance" means the region established by the board of trustees of a school district or governing board of a charter school for the attendance of a pupil enrolled in the school.~~

Sec. 7. NRS 386.430 is hereby amended to read as follows:

386.430 1. The Nevada Interscholastic Activities Association shall adopt rules and regulations in the manner provided for state agencies by chapter 233B of NRS as may be necessary to carry out the provisions of NRS 386.420 to 386.470, inclusive ~~1.] , and sections 2 to 6.] 6.5, inclusive,~~ of this act. The regulations must include provisions governing the eligibility and participation of homeschooled children in interscholastic activities and events. In addition to the regulations governing eligibility, a homeschooled

child who wishes to participate must have on file with the school district in which the child resides a current notice of intent of a homeschooled child to participate in programs and activities pursuant to NRS 392.705.

2. The Nevada Interscholastic Activities Association shall adopt regulations setting forth:

(a) The standards of safety for each event, competition or other activity engaged in by a spirit squad of a school that is a member of the Nevada Interscholastic Activities Association, which must substantially comply with the spirit rules of the National Federation of State High School Associations, or its successor organization; and

(b) The qualifications required for a person to become a coach of a spirit squad.

3. If the Nevada Interscholastic Activities Association intends to adopt, repeal or amend a policy, rule or regulation concerning or affecting homeschooled children, the Association shall consult with the Northern Nevada Homeschool Advisory Council and the Southern Nevada Homeschool Advisory Council, or their successor organizations, to provide those Councils with a reasonable opportunity to submit data, opinions or arguments, orally or in writing, concerning the proposal or change. The Association shall consider all written and oral submissions respecting the proposal or change before taking final action.

4. As used in this section, "spirit squad" means any team or other group of persons that is formed for the purpose of:

(a) Leading cheers or rallies to encourage support for a team that participates in a sport that is sanctioned by the Nevada Interscholastic Activities Association; or

(b) Participating in a competition against another team or other group of persons to determine the ability of each team or group of persons to engage in an activity specified in paragraph (a).

Sec. 8. NRS 386.462 is hereby amended to read as follows:

386.462 1. A homeschooled child must be allowed to participate in interscholastic activities and events in accordance with the regulations adopted by the Nevada Interscholastic Activities Association pursuant to NRS 386.430 if a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 392.705.

2. The provisions of NRS 386.420 to 386.470, inclusive, *and sections 2 to ~~6.7~~ 6.5, inclusive, of this act* and the regulations adopted pursuant thereto that apply to pupils enrolled in public schools who participate in interscholastic activities and events apply in the same manner to homeschooled children who participate in interscholastic activities and events, including, without limitation, provisions governing:

(a) Eligibility and qualifications for participation;

(b) Fees for participation;

(c) Insurance;



- (d) Transportation;
- (e) Requirements of physical examination;
- (f) Responsibilities of participants;
- (g) Schedules of events;
- (h) Safety and welfare of participants;
- (i) Eligibility for awards, trophies and medals;
- (j) Conduct of behavior and performance of participants; and
- (k) Disciplinary procedures.

Sec. 9. ~~[NRS 391.207 is hereby amended to read as follows:~~

~~391.207 1. The provision of nursing services in a school district by school nurses and other qualified personnel must be under the direction and supervision of a chief nurse who is a registered nurse as provided in NRS 632.240 and who:~~

- ~~(a) Holds an endorsement to serve as a school nurse issued pursuant to regulations adopted by the Commission; or~~
- ~~(b) Is employed by a state, county, city or district health department and provides nursing services to the school district in the course of that employment.~~

~~2. A school district shall not employ a person to serve as a school nurse unless the person holds an endorsement to serve as a school nurse issued pursuant to regulations adopted by the Commission. The Commission shall not condition the endorsement of a license for the purpose of employment as a school nurse on the completion of any course or examination that the nurse is not otherwise required to complete for the purpose of obtaining a license pursuant to chapter 632 of NRS, including, without limitation, any other course or examination relating to reading, writing or mathematics.~~

~~3. The chief nurse shall ensure that each school nurse:~~

- ~~(a) Coordinates with the principal of each school to designate employees of the school who are authorized to administer auto-injectable epinephrine; and~~
- ~~(b) Provides the employees so designated with training concerning the proper storage and administration of auto-injectable epinephrine.] (Deleted by amendment.)~~

Sec. 10. ~~[This act becomes]~~

1. This section and section 6 of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, and sections 6.5, 7 and 8 of this act become effective:

~~[1.]~~ (a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

~~[2.]~~ (b) On January 1, 2016, for all other purposes.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 496 strikes language granting a free first transfer; adds a provision requiring NIAA rules and regulations that govern eligibility and transfers to apply equally to all member schools; removes provisions related to school nurses; and revises the effective date.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 331.

Bill read second time.

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

Amendment No. 526.

SUMMARY—Revises provisions relating to elections. (BDR 24-969)

AN ACT relating to elections; establishing procedures by which the Department of Motor Vehicles may transmit certain information electronically to register a person to vote or update a person's voter registration; revising the hours and days for early voting; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law designates the Department of Motor Vehicles as a voter registration agency which is required to offer applications to register to vote to persons who apply for or receive services from the agency, to assist applicants in completing the applications and to forward the applications to the county clerk. (NRS 293.504) Sections 2-7 of this bill establish procedures by which, with the consent of a person applying for or receiving certain services from the Department, information may be transmitted electronically to the appropriate county clerk for the purpose of registering the person to vote or updating his or her voter registration information. Sections ~~[8-16]~~ 8, 9, 10-14, 15 and 16 of this bill make conforming changes.

Existing law establishes various days and hours of operation for a permanent polling place for early voting. (NRS 293.3568, 293C.3568) In particular, a permanent polling place must remain open from 8 a.m. to 6 p.m. on Monday through Friday during the first week of early voting, but during the second week of early voting, the hours of operation on those weekdays may be extended until 8 p.m. if the county or city clerk so requires. Additionally, if a federal holiday falls on one of those weekdays, the county or city clerk may require a permanent polling place to remain open on that federal holiday.

Existing law provides that on Saturdays during the period of early voting, a permanent polling place must remain open for at least 4 hours between 10 a.m. and 6 p.m., but the hours of operation on Saturdays may be extended until 8 p.m. if the county or city clerk so requires. Existing law also provides that the county or city clerk may additionally require a permanent polling place to remain open on a Sunday during the period of early voting, with such hours of operation as the county or city clerk may establish.

Sections 9.5 and 14.5 of this bill eliminate these existing provisions and provide that a permanent polling place for early voting must remain open on each day that falls within the period for early voting, including all Saturdays, Sundays and federal holidays, and must have the same hours of operation on each day from 7 a.m. until 8 p.m. which may not be extended beyond those times.

Existing law provides that a temporary polling place may be open during the period of early voting on the days and during the hours determined by the county or city clerk. (NRS 293.3572, 293C.3572) Sections 9.6 and 14.6 of this bill provide that a temporary polling place may not be open before 7 a.m. or remain open after 8 p.m. during the period of early voting.

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 the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. 1. *The Secretary of State, the Department of Motor Vehicles and each county clerk shall cooperatively establish a system by which voter registration information that is collected pursuant to section 4 of this act by the Department from a person who submits an application for the issuance or renewal of any type of driver's license or identification card issued by the Department or change of address may be transmitted electronically to the Secretary of State and the county clerks for the purpose of registering the person to vote or updating the person's voter registration information for purposes of correcting the statewide voter registration list pursuant to NRS 293.530.*

2. *The system established pursuant to subsection 1 must:*

(a) *Ensure the secure electronic storage of information collected pursuant to section 4 of this act, the secure transmission of such information to the Secretary of State and county clerks and the secure electronic storage of such information by the Secretary of State and county clerks;*

(b) *Provide for the destruction of records by the Department as required by subsection 2 of section 5 of this act; and*

(c) *Enable the county clerks to receive, view and collate the information into individual electronic documents pursuant to paragraph (c) of subsection 1 of section 6 of this act.*

Sec. 3. 1. *The Department of Motor Vehicles shall follow the procedures described in this section and sections 4 and 5 of this act if a person applies to the Department for the issuance or renewal of any type of driver's license or identification card issued by the Department.*

2. *Before concluding the person's transaction with the Department, the Department shall notify each person described in subsection 1:*

(a) *Of the qualifications to vote in this State, as provided by NRS 293.485;*

(b) *That, if the person consents, the Department will transmit to the county clerk of the county in which the person resides all information required to register the person to vote pursuant to this chapter or to update*

*the voter registration information of the person for the purpose of correcting the statewide voter registration list pursuant to NRS 293.530;*

*(c) That providing information to be used to register to vote or to update the voter registration information of the person is voluntary;*

*(d) That:*

*(1) Indicating a political party affiliation or indicating that the person is not affiliated with a political party is voluntary;*

*(2) The person may indicate a political party affiliation on a paper or electronic form provided by the Department; and*

*(3) A person who consents to the transmission of information and who does not indicate a major political party affiliation will not be able to vote at a primary election or primary city election for candidates for partisan office of a major political party unless the person updates his or her voter registration information to indicate a major political party affiliation; and*

*(e) Of the provisions of subsections 2 and 3 of section 7 of this act.*

Sec. 4. 1. After notifying a person pursuant to subsection 2 of section 3 of this act, the Department of Motor Vehicles shall ask the person if he or she consents to the transmission of information required to register the person to vote or to update his or her voter registration information.

2. If a person consents to the transmission of information required to register to vote or update his or her voter registration information, the Department shall collect from the person:

*(a) A signed paper or electronic affirmation that the person is eligible to vote;*

*(b) An electronic facsimile of the signature of the person, if the Department is capable of recording, storing and transmitting to the county clerk an electronic facsimile of the signature of the person;*

*(c) Any personal information which the person has not already provided to the Department and which is required for the person to register to vote or to update the voter registration information of the person, including:*

*(1) The first or given name and the surname of the person;*

*(2) The address at which the voter actually resides as set forth in NRS 293.486 and, if different, the address at which the person may receive mail, including, without limitation, a post office box or general delivery;*

*(3) The date of birth of the person;*

*(4) Subject to the provisions of subsection 3, one of the following:*

*(I) The number indicated on the person's current and valid driver's license or identification card issued by the Department, if the person has such a driver's license or identification card; or*

*(II) The last four digits of the person's social security number, if the person does not have a driver's license or identification card issued by the Department and has a social security number; and*

*(5) The political party affiliation, if any, indicated by the person; and*

*(d) The paper or electronic form, if any, completed by the person and indicating his or her political party affiliation.*

3. If the person does not have the identification described in subparagraph (4) of paragraph (c) of subsection 2, the person must sign an affidavit stating that he or she does not have a current and valid driver's license or identification card issued by the Department or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the person which must be the same number as the unique identifier assigned to the person for purposes of the statewide voter registration list.

Sec. 5. 1. The Department of Motor Vehicles shall, except as otherwise provided in this subsection, electronically transmit to the appropriate county clerk the information and any electronic documents collected from a person pursuant to section 4 of this act:

(a) Except as otherwise provided in paragraph (b), not later than 5 days after collecting the information; and

(b) During the 2 weeks immediately preceding the fifth Sunday preceding an election, not later than 1 day after collecting the information.

2. The Department shall destroy any record containing information collected pursuant to section 4 of this act that is not otherwise collected by the Department in the normal course of business immediately after transmitting the information to the county clerk pursuant to subsection 1.

3. The Department shall forward the following paper documents on a weekly basis to the county clerk, or daily during the 2 weeks immediately preceding the fifth Sunday preceding an election:

(a) Each affirmation signed pursuant to paragraph (a) of subsection 2 of section 4 of this act;

(b) Any completed form indicating a political party affiliation collected pursuant to paragraph (d) of subsection 2 of section 4 of this act; and

(c) Any affidavit signed pursuant to subsection 3 of section 4 of this act.

Sec. 6. 1. If a person consents pursuant to section 4 of this act to the transmission of information required to register the person to vote or to update his or her voter registration information:

(a) The person shall be deemed an applicant to register to vote.

(b) Any act by the person pursuant to section 4 of this act shall be deemed an act of applying to register to vote.

(c) Upon receipt of the information collected from the person and transmitted by the Department of Motor Vehicles, the county clerk shall collate the information into an individual electronic document, which shall be deemed an application to register to vote.

(d) Unless the applicant is already registered to vote, the date on which the person applies to register to vote pursuant to section 4 of this act shall be deemed the date on which the applicant registered to vote.

2. If the county clerk determines that the application is complete and that the applicant is eligible to vote pursuant to NRS 293.485, the name of the applicant must appear on the statewide voter registration list and the appropriate election board register, and the person must be provided all

*sample ballots and any other voter information provided to registered voters. If the county clerk determines that the application is not complete, he or she shall notify the applicant that additional information is required in accordance with the provisions of subsection ~~5~~ 4 of NRS 293.524.*

*3. For each applicant who applies to register to vote pursuant to section 4 of this act:*

*(a) The electronic facsimile of the signature of the applicant shall be deemed to be the facsimile of the signature to be used for the comparison purposes of NRS 293.277 if:*

*(1) An electronic facsimile of the signature has been collected and transmitted to the county clerk of the county in which the applicant resides pursuant to sections 4 and 5 of this act, respectively; and*

*(2) The county clerk is capable of receiving, storing and using the facsimile of the signature for that purpose; and*

*(b) If the conditions described in paragraph (a) are not met, the signature of the applicant on the affirmation signed pursuant to paragraph (a) of subsection 2 of section 4 of this act shall be deemed to be the signature on the person's original application to vote for the purposes of making a facsimile thereof to be used for the comparison purposes of NRS 293.277.*

*4. If an applicant is already registered to vote, the county clerk shall use the voter registration information of the applicant received pursuant to this section to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.*

*Sec. 7. 1. A person who does not consent to the electronic transmission of information pursuant to section 4 of this act may apply to register to vote at the Department of Motor Vehicles pursuant to NRS 293.524.*

*2. Whether a person registers to vote pursuant to section 4 of this act must not affect the provision of services or assistance to the person by the Department, and the fact of a person registering to vote pursuant to section 4 of this act or declining to do so must not be disclosed to the public.*

*3. Any information collected pursuant to sections 2 to 7, inclusive, of this act must not be used for any purpose other than voter registration.*

*4. The Secretary of State shall adopt regulations necessary to carry out the provisions of sections 2 to 7, inclusive, of this act.*

*Sec. 8. NRS 293.1277 is hereby amended to read as follows:*

*293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. Within 9 days, excluding Saturdays, Sundays and holidays, after notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for*

each petition district contained or fully contained within the county clerk's county. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsection 3, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater. If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in subsection 5, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

5. If:

(a) Pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer; ~~or~~

(b) A person registers to vote pursuant to NRS 293D.230 and signs his or her application to register to vote using a digital signature or an electronic signature ~~or~~; *or*

(c) *A person applies to register to vote pursuant to section 4 of this act,*  
→ the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.

6. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

7. Except as otherwise provided in subsection 9, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

8. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

9. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

10. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 9. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers to vote by mail or computer ~~to vote~~ in this State *or applies to register to vote pursuant to section 4 of this act*, and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; and



(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person, which shows his or her physical address; or

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

➔ If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.

2. The provisions of subsection 1 do not apply to a person who:

(a) Registers to vote by mail and submits with an application to register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517;

(b) Except as otherwise provided in subsection 3, registers to vote by mail or computer and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) *Registers to vote pursuant to section 4 of this act and, at the time the person applies to the Department of Motor Vehicles for the issuance or renewal of a driver's license or identification card, presents to the Department:*

*(1) A copy of a current and valid photo identification;*

*(2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; or*

*(3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;*

(d) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. 20301 et seq.;

~~[(d)]~~ (e) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. 20101 et seq.; or

~~[(e)]~~ (f) Is entitled to vote otherwise than in person under any other federal law.

3. The provisions of subsection 1 apply to a person described in paragraph (b) of subsection 2 if the voter registration card issued to the person pursuant to subsection 6 of NRS 293.517 is mailed by the county clerk to the person and returned to the county clerk by the United States Postal Service.

*Sec. 9.5. NRS 293.3568 is hereby amended to read as follows:*

293.3568 1. The period for early voting ~~[by personal appearance]~~ begins the third Saturday preceding a primary or general election and extends through the Friday before election day, and the period for early voting must include all Saturdays, Sundays and federal holidays [excepted].

~~2. The county clerk may:~~

~~(a) Include any Sunday or federal holiday that falls] that fall within the period for early voting. [by personal appearance.~~

~~(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.~~

~~3. A]~~

2. During the period for early voting, each permanent polling place for early voting [must remain] :

(a) Must be open [;

~~(a) On Monday through Friday;~~

~~(1) During the first week of early voting,] on each day that falls within the period for early voting, including all Saturdays, Sundays and federal holidays; and~~

~~(b) Must have the same hours of operation on each day from [8] 7 a.m. until [6] 8 p.m.~~

~~[(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the county clerk so requires.~~

~~(b) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.~~

~~(c) If the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as the county clerk may establish.] which may not be extended beyond those times.~~

*Sec. 9.6. NRS 293.3572 is hereby amended to read as follows:*

293.3572 1. In addition to permanent polling places for early voting, the county clerk may establish temporary ~~[branch]~~ polling places for early voting which may include, without limitation, the clerk's office pursuant to NRS 293.3561.

2. The provisions of subsection ~~[3] 2~~ of NRS 293.3568 do not apply to a temporary polling place. Voting at a temporary ~~[branch]~~ polling place may be conducted on any one or more days and during any hours within the period for early voting ~~[by personal appearance,]~~ as determined by the county clerk ~~[.]~~, except that a temporary polling place may not open before 7 a.m. or remain open after 8 p.m.

3. The schedules for conducting voting are not required to be uniform among the temporary ~~[branch]~~ polling places.

4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary ~~branch~~ polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 10. NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

(a) Such offices that provide public assistance as are designated by the Secretary of State;

(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks;

(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable;

(f) Recruitment offices of the United States Armed Forces; and

(g) Such other offices as the Secretary of State deems appropriate.

2. Each voter registration agency shall:

(a) Post in a conspicuous place, in at least 12-point type, instructions for registering to vote;

(b) Except as otherwise provided in subsection 3 ~~and sections 2 to 7, inclusive, of this act~~, distribute applications to register to vote which may be returned by mail with any application for services or assistance from the agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;

(c) Provide the same amount of assistance to an applicant in completing an application to register to vote as the agency provides to a person completing any other forms for the agency; and

(d) Accept completed applications to register to vote.

3. A voter registration agency is not required to provide an application to register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person declines to register to vote and submits to the agency a written form that meets the requirements of ~~[42] 52 U.S.C. [1973gg-5(a)(6). No information]~~ 20506(a)(6). Information related to the declination to register to vote may *not* be used for any purpose other than voter registration.

4. Except as otherwise provided in this subsection and NRS 293.524, any application to register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election. The county clerk shall accept any application to register to vote which is obtained from a voter registration agency pursuant to this section and completed by the fifth

Sunday preceding an election if the county clerk receives the application not later than 5 days after that date.

5. The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to register to vote at recruitment offices of the United States Armed Forces.

Sec. 11. ~~[NRS 293.510 is hereby amended to read as follows:~~  
~~293.510 1. [In counties where computers are not used to register voters,~~  
~~the] Each county clerk shall:~~  
~~—(a) Segregate the applications to register to vote received by the county~~  
~~clerk from the applications transmitted by the Department of Motor Vehicles~~  
~~pursuant to section 5 of this act in a computer file according to the precinct~~  
~~or district in which the registered voters reside and arrange the applications~~  
~~in each precinct or district in alphabetical order.~~  
~~—(b) Segregate all other original applications to register to vote according~~  
~~to the precinct in which the registered voters reside and arrange the~~  
~~applications in each precinct or district in alphabetical order.~~  
~~2. The applications for each precinct or district must be kept in a separate~~  
~~binder or file which is marked with the number of the precinct or district.~~  
~~This binder constitutes the election board register.~~  
~~—[(b) Arrange]~~  
~~3. The county clerk shall arrange the duplicate applications of~~  
~~registration in alphabetical order for the entire county and keep them in~~  
~~binders or a suitable file which constitutes the registrar of voters' register.~~  
~~—[2.] 4. In any county where a computer is used to register voters, the~~  
~~county clerk shall:~~  
~~—(a) Arrange the original applications to register to vote for the entire~~  
~~county in a manner in which an original application may be quickly located.~~  
~~These original applications constitute the registrar of voters' register.~~  
~~—(b) Segregate the applications to register to vote in a computer file~~  
~~according to the precinct or district in which the registered voters reside, and~~  
~~for each precinct or district have printed a computer listing which contains~~  
~~the applications to register to vote in alphabetical order. These listings of~~  
~~applications to register to vote must be placed in separate binders which are~~  
~~marked with the number of the precinct or district. These binders constitute~~  
~~the election board registers.] (Deleted by amendment.)~~

Sec. 12. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any elector residing within the county may register to vote:

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to register to vote, giving true and satisfactory answers to all questions relevant to his or her identity and right to vote, and providing proof of residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.524 or chapter 293D of NRS ~~4~~ or *section 4 of this act*;

(d) At his or her residence with the assistance of a field registrar pursuant to NRS 293.5237; or

(e) By submitting an application to register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

➡ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before registering the person. If the applicant registers to vote pursuant to this subsection and fails to provide proof of residence and identity, the applicant must provide proof of residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083. For the purposes of this subsection, a voter registration card issued pursuant to subsection 6 does not provide proof of the residence or identity of a person.

2. ~~The~~ *Except as otherwise provided in sections 2 to 7, inclusive, of this act, the application to register to vote must be signed and verified under penalty of perjury by the elector registering.*

3. Each elector who is or has been married must be registered under his or her own given or first name, and not under the given or first name or initials of his or her spouse.

4. An elector who is registered and changes his or her name must complete a new application to register to vote. The elector may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to register to vote;

(d) At any voter registration agency; or

(e) By submitting an application to register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

➡ If the elector fails to register under his or her new name, the elector may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. *Except as otherwise provided in subsection 7 ~~4~~ and section 6 of this act, an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of an application to register to vote.*

6. After the county clerk determines that the application to register to vote of a person is complete and that, except as otherwise provided in NRS 293D.210, the person is eligible to vote pursuant to NRS 293.485, the county clerk shall issue a voter registration card to the voter which contains:

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of issuance; and

(c) The signature of the county clerk.

7. If an elector submits an application to register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application to register to vote if the county clerk believes that because of such handwritten additions, erasures or interlineations, the application to register to vote of the elector is incomplete or that, except as otherwise provided in NRS 293D.210, the elector is not eligible to vote pursuant to NRS 293.485. If the county clerk objects pursuant to this subsection, he or she shall immediately notify the elector and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:

(a) The application to register to vote of the elector is complete and, except as otherwise provided in NRS 293D.210, the elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application to register to vote.

➡ If the District Attorney advises the county clerk to process the application to register to vote, the county clerk shall immediately issue a voter registration card to the applicant pursuant to subsection 6.

Sec. 13. NRS 293.524 is hereby amended to read as follows:

293.524 1. ~~[The Except as otherwise provided in this section,]~~ When required by federal law, the Department of Motor Vehicles shall provide [an] a paper application to register to vote to each person who [applies] :

(a) *Applies* for the issuance or renewal of any type of driver's license or identification card issued by the Department ~~[ ]~~ ; and

(b) *Does not register to vote pursuant to section 4 of this act.*

➡ The Department is not required to provide a paper application to a person who declines to register to vote and submits to the Department a written form that meets the requirements of 52 U.S.C. 20506(a)(6). Information related to the declination to register to vote must not be used for any purpose other than voter registration.

2. The county clerk shall use the *paper* applications to register to vote which are signed and completed pursuant to subsection 1 to register applicants to vote or to correct information in the registrar of voters' register. ~~[An]~~ A *paper* application that is not signed must not be used to register or correct the registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of ~~[an]~~ a *paper* application. The authorized employee shall check the *paper* application for completeness and verify the information required by the

*paper* application. Each *paper* application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each *paper* application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The *paper* applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election.

4. ~~[[The Department is not required to provide a paper application to register to vote pursuant to subsection 1 to a person who declines to register to vote pursuant to this section and submits to the Department a written form that meets the requirements of 52 U.S.C. 20506(a)(6). Information related to the declination to register to vote must not be used for any purpose other than voter registration.~~

~~5.]~~ The county clerk shall accept any *paper* application to register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the application not later than 5 days after that date. Upon receipt of ~~an~~ a *paper* application, the county clerk or field registrar of voters shall determine whether the *paper* application is complete. If the county clerk or field registrar of voters determines that the *paper* application is complete, he or she shall notify the applicant and the applicant shall be deemed to be registered as of the date of the submission of the *paper* application. If the county clerk or field registrar of voters determines that the *paper* application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be registered as of the date of the initial submission of the *paper* application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete *paper* application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the *paper* application is complete.

5. ~~6.]~~ The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to register to vote.

6. ~~7.]~~ Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the registrar of voters' register. If the person is a registered voter, the county clerk shall correct the information to reflect any changes indicated on the form. After making any

changes, the county clerk shall notify the person by mail that the records have been corrected.

7 ~~8.7~~ The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of registration from the Department to the appropriate county clerk for inclusion in the election board registers and registrar of voters' register.

Sec. 14. NRS 293.530 is hereby amended to read as follows:

293.530 Except as otherwise provided in NRS 293.541:

1. County clerks may use any reliable and reasonable means available to correct the portions of the statewide voter registration list which are relevant to the county clerks and to determine whether a registered voter's current residence is other than that indicated on the voter's application to register to vote.

2. A county clerk may, with the consent of the board of county commissioners, make investigations of registration in the county by census, by house-to-house canvass or by any other method.

3. A county clerk shall cancel the registration of a voter pursuant to this section if:

(a) The county clerk mails a written notice to the voter which the United States Postal Service is required to forward;

(b) The county clerk mails a return postcard with the notice which has a place for the voter to write his or her new address, is addressed to the county clerk and has postage guaranteed;

(c) The voter does not respond; and

(d) The voter does not appear to vote in an election before the polls have closed in the second general election following the date of the notice.

4. For the purposes of this section, the date of the notice is deemed to be 3 days after it is mailed.

5. The county clerk shall maintain records of:

(a) Any notice mailed pursuant to subsection 3;

(b) Any response to such notice; and

(c) Whether a person to whom a notice is mailed appears to vote in an election,

↪ for not less than 2 years after creation.

6. The county clerk shall use any postcards which are returned to correct the portions of the statewide voter registration list which are relevant to the county clerk.

7. If a voter fails to return the postcard mailed pursuant to subsection 3 within 30 days, the county clerk shall designate the voter as inactive on the voter's application to register to vote.



8. The Secretary of State shall adopt regulations to prescribe the method for maintaining a list of voters who have been designated as inactive pursuant to subsection 7.

9. *If:*

(a) *The name of a voter is added to the statewide voter registration list pursuant to section 6 of this act; or*

(b) *The registration information of a voter whose name is on the statewide voter registration list is updated after the voter applies to register to vote pursuant to section 6 of this act,*

*the county clerk shall provide written notice of the addition or change to the voter not later than 2 business days after the addition or change is made. Except as otherwise provided in this subsection, the notice must be mailed to the current residence of the voter. The county clerk may send the notice by electronic mail if the voter confirms the validity of the electronic mail address to which the notice will be sent by responding to a confirmation inquiry sent to that electronic mail address. Such a confirmation inquiry must be sent for each notice sent pursuant to this subsection.*

*Sec. 14.5. NRS 293C.3568 is hereby amended to read as follows:*

~~293C.3568 1. The period for early voting ~~[by personal appearance]~~ begins the third Saturday preceding a primary city election or general city election ~~[,]~~ and extends through the Friday before election day, and the period for early voting must include all Saturdays, Sundays and federal holidays ~~[excepted].~~~~

~~2. The city clerk may:~~

~~(a) Include any Sunday or federal holiday that falls that fall within the period for early voting. ~~[by personal appearance].~~~~

~~(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.~~

~~3. A:~~

~~2. During the period for early voting, each permanent polling place for early voting ~~[must remain]~~ :~~

~~(a) Must be open ~~[,]~~~~

~~(a) On Monday through Friday:~~

~~(1) During the first week of early voting, on each day that falls within the period for early voting, including all Saturdays, Sundays and federal holidays; and~~

~~(b) Must have the same hours of operation on each day from ~~[8]~~ 7 a.m. until ~~[6]~~ 8 p.m.~~

~~[(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the city clerk so requires.~~

~~(b) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.~~

~~(c) If the city clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as the city clerk may establish, which may not be extended beyond those times.~~

*Sec. 14.6. NRS 293C.3572 is hereby amended to read as follows:*

293C.3572 1. In addition to permanent polling places for early voting, the city clerk may establish temporary ~~[branch]~~ polling places for early voting pursuant to NRS 293C.3561.

2. The provisions of subsection ~~[3]~~ 2 of NRS 293C.3568 do not apply to a temporary polling place. Voting at a temporary ~~[branch]~~ polling place may be conducted on any one or more days and during any hours within the period for early voting ~~[by personal appearance]~~ as determined by the city clerk ~~[ ]~~, except that a temporary polling place may not open before 7 a.m. or remain open after 8 p.m.

3. The schedules for conducting voting are not required to be uniform among the temporary ~~[branch]~~ polling places.

4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary ~~[branch]~~ polling place for early voting, except to the extent necessary to conduct early voting at that location.

*Sec. 15. NRS 483.290 is hereby amended to read as follows:*

483.290 1. An application for an instruction permit or for a driver's license must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence, of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her full legal name and age by displaying:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511.

3. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 2.

4. At the time of applying for a driver's license, an applicant may, if eligible, register to vote pursuant to NRS 293.524 ~~[ ]~~ *or section 4 of this act.*

5. Every applicant who has been assigned a social security number must furnish proof of his or her social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

6. The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.

7. With respect to any document presented by a person who was born outside of the United States to prove his or her full legal name and age, the Department:

(a) May, if the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) Shall issue to the person presenting the document a driver's license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.

8. The Administrator shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of any state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 16. NRS 483.850 is hereby amended to read as follows:

483.850 1. Every application for an identification card must be made upon a form provided by the Department and include, without limitation:

(a) The applicant's:

(1) Full legal name.

(2) Date of birth.

(3) State of legal residence.

(4) Current address of principal residence and mailing address, if different from his or her address of principal residence, in this State, unless the applicant is on active duty in the military service of the United States.

(b) A statement from:

(1) A resident stating that he or she does not hold a valid driver's license or identification card from any state or jurisdiction; or

(2) A seasonal resident stating that he or she does not hold a valid Nevada driver's license.

2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.

3. An applicant who has been issued a social security number must provide to the Department for inspection:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department bearing the social security number of the applicant, including, without limitation, records of employment or federal income tax returns.

4. At the time of applying for an identification card, an applicant may, if eligible, register to vote pursuant to NRS 293.524 ~~[-]~~ or *section 4 of this act*.

5. A person who possesses a driver's license or identification card issued by another state or jurisdiction who wishes to apply for an identification card pursuant to this section shall surrender to the Department the driver's license or identification card issued by the other state or jurisdiction at the time the person applies for an identification card pursuant to this section.

Sec. 17. This act becomes effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act, and on July 1, 2015, for all other purposes.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Amendment No. 526 deletes section 11 of the bill, which requires each county clerk to segregate the applications to register to vote in a computer file according to the precinct or district in which the voters reside.

Second, Amendment No. 526 clarifies that the DMV is not required to provide a paper application to register to vote to a person who declines to register to vote at the DMV as set forth in the bill.

Third, it includes new language relating to early voting to specifically, require early voting at permanent early voting locations be open on each day of the early voting period, including Saturdays, Sundays and federal holidays.

Fourth, Amendment No. 526 provides that the hours for early voting must be from 7 a.m. to 8 p.m. on each day of early voting and may not be extended.

Finally, Amendment No. 526 sets these same hours—7 a.m. to 8 p.m.—for temporary early voting locations.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 334.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 435.

SUMMARY—Proposes to exempt sales of certain durable medical equipment mobility-enhancing equipment, hearing aids, hearing aid accessories, and ophthalmic or ocular devices or appliances from sales and use taxes and analogous taxes. (BDR 32-262)

AN ACT relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for certain durable medical equipment and mobility-enhancing equipment; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for hearing aids and hearing aid accessories; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for certain ophthalmic or ocular devices or appliances; providing for the exemptions from certain analogous taxes if the voters approve these amendments to the Sales and Use Tax Act of 1955; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Sales and Use Tax Act of 1955 (part of chapter 372 of NRS) was approved by the voters by a referendum and therefore may not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. (Nev. Const. Art. 19, 1)

Sections 2-9 of this bill require the submission of a question to the voters at the 2016 General Election of whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption for durable medical equipment and mobility-enhancing equipment prescribed by a licensed provider of health care. Section 26 of this bill construes the terms used in the exemption. Sections 28 and 31 of this bill amend the Local School Support Tax Law (chapter 374 of NRS) to provide an identical exemption. These tax exemptions become effective on January 1, 2017, and expire by limitation on December 31, 2026, only if the voters approve the amendment to the Sales and Use Tax Act of 1955 at the General Election in 2016.

Sections 10-17 of this bill require the submission of a question to the voters at the 2016 General Election of whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption for hearing aids and hearing aid accessories. Section 27 of this bill construes the terms used in the exemption. Sections 29 and 32 of this bill amend the Local School Support Tax Law to provide an identical exemption. These tax exemptions become effective on January 1, 2017, and expire by limitation on December 31, 2026, only if the voters approve the amendment to the Sales and Use Tax Act of 1955 at the General Election in 2016.

Sections 18-25 of this bill require the submission of a question to the voters at the 2016 General Election of whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption for ophthalmic or ocular devices or appliances prescribed by a physician or optometrist. Sections 30 and 33 of this bill amend the Local School Support Tax Law to provide an

identical exemption. These tax exemptions become effective on January 1, 2017, and expire by limitation on December 31, 2026, only if the voters approve the amendment to the Sales and Use Tax Act of 1955 at the General Election in 2016.

Any amendment to the Local School Support Tax Law also applies to other sales and use taxes imposed under existing law. (NRS 354.705, 374A.020, 376A.060, 377.040, 377A.030, 377B.110 and 543.600 and various special and local acts)

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

Section 1. The Legislature hereby finds that each exemption provided by this act from any excise tax on the sale, storage, use or consumption of tangible personal property sold at retail:

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 2. At the General Election on November 8, 2016, a proposal must be submitted to the registered voters of this State to amend the Sales and Use Tax Act, which was enacted by the 47th Session of the Legislature of the State of Nevada and approved by the Governor in 1955, and subsequently approved by the people of this State at the General Election held on November 6, 1956.

Sec. 3. At the time and in the manner provided by law, the Secretary of State shall transmit the proposed act to the several county clerks, and the county clerks shall cause it to be published and posted as provided by law.

Sec. 4. The proclamation and notice to the voters given by the county clerks pursuant to law must be in substantially the following form:

Notice is hereby given that at the General Election on November 8, 2016, a question will appear on the ballot for the adoption or rejection by the registered voters of the State of the following proposed act:

AN ACT to amend an Act entitled "An Act to provide revenue for the State of Nevada; providing for sales and use taxes; providing for the manner of collection; defining certain terms; providing penalties for violation, and other matters properly relating thereto." approved March 29, 1955, as amended.

THE PEOPLE OF THE STATE OF NEVADA  
DO ENACT AS FOLLOWS:

Section 1. Section 56.1 of the above-entitled Act, being chapter 397, Statutes of Nevada 1955, as added by chapter 306,

Statutes of Nevada 1969, at page 532, and amended by chapter 627, Statutes of Nevada 1985, at page 2028, and amended by chapter 404, Statutes of Nevada 1995, at page 1007, is hereby amended to read as follows:

Sec. 56.1. 1. There are exempted from the taxes imposed by this act the gross receipts from sales and the storage, use or other consumption of:

(a) Prosthetic devices, orthotic appliances and ambulatory casts for human use, and other supports and casts if prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

(b) Appliances and supplies relating to an ostomy.

(c) Products for hemodialysis ~~and durable~~

*(d) Durable medical equipment if prescribed by a licensed provider of health care acting within his or her scope of practice.*

~~[(d)]~~ *(e) Canes, crutches, manual or motorized wheelchairs or scooters that enhance the ability of a person to move, and other mobility-enhancing equipment if prescribed by a licensed provider of health care acting within his or her scope of practice.*

~~[(e)]~~ *(f) Medicines:*

(1) Prescribed for the treatment of a human being by a person authorized to prescribe medicines, and dispensed on a prescription filled by a registered pharmacist in accordance with law;

(2) Furnished by a licensed physician, dentist or podiatric physician to his own patient for the treatment of the patient;

(3) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician, dentist or podiatric physician; or

(4) Sold to a licensed physician, dentist, podiatric physician or hospital for the treatment of a human being.

2. As used in this section:

(a) "Medicine" means any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease or affliction of the human body and which is commonly recognized as a substance or preparation intended for such use. The term includes splints, bandages, pads, compresses and dressings.

(b) "Medicine" does not include:

(1) Any auditory, ophthalmic or ocular device or appliance.

(2) Articles which are in the nature of instruments, crutches, canes, devices or other mechanical, electronic, optical or physical equipment.

(3) Any alcoholic beverage, except where the alcohol merely provides a solution in the ordinary preparation of a medicine.

(4) Braces or supports, other than those prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

3. Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on a prescription within the meaning of this section.

Sec. 2. This act becomes effective on January 1, 2017, and expires by limitation on December 31, 2026.

Sec. 5. The ballot page assemblies and the paper ballots to be used in voting on the question must present the question in substantially the following form:

Shall the Sales and Use Tax Act of 1955 be amended to provide an exemption from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of durable medical equipment and mobility-enhancing equipment prescribed by a licensed provider of health care?

Yes ☐ No ☐

Sec. 6. The explanation of the question which must appear on each paper ballot and sample ballot and in every publication and posting of notice of the question must be in substantially the following form:

(Explanation of Question)

The proposed amendment to the Sales and Use Tax Act of 1955 would exempt from the taxes imposed by this Act the gross receipts from the sale and storage, use or other consumption of durable medical equipment and mobility-enhancing equipment prescribed by a licensed provider of health care. If this proposal is adopted, the Legislature has provided that the Local School Support Tax Law and certain analogous taxes on retail sales will be amended to provide the same exemption.

Sec. 7. If a majority of the votes cast on the question is yes, the amendment to the Sales and Use Tax Act of 1955 becomes effective on January 1, 2017, and expires by limitation on December 31, 2026. If less than a majority of votes cast on the question is yes, the question fails and the amendment to the Sales and Use Tax Act of 1955 does not become effective.

Sec. 8. All general election laws not inconsistent with this act are applicable.

Sec. 9. Any informalities, omissions or defects in the content or making of the publications, proclamations or notices provided for in this act and by the general election laws under which this election is held must be so construed as not to invalidate the adoption of the act by a majority of the registered voters voting on the question if it can be ascertained with reasonable certainty from the official returns transmitted to the Office of the



Secretary of State whether the proposed amendment was adopted by a majority of those registered voters.

Sec. 10. At the General Election on November 8, 2016, a proposal must be submitted to the registered voters of this State to amend the Sales and Use Tax Act, which was enacted by the 47th Session of the Legislature of the State of Nevada and approved by the Governor in 1955, and subsequently approved by the people of this State at the General Election held on November 6, 1956.

Sec. 11. At the time and in the manner provided by law, the Secretary of State shall transmit the proposed act to the several county clerks, and the county clerks shall cause it to be published and posted as provided by law.

Sec. 12. The proclamation and notice to the voters given by the county clerks pursuant to law must be in substantially the following form:

Notice is hereby given that at the General Election on November 8, 2016, a question will appear on the ballot for the adoption or rejection by the registered voters of the State of the following proposed act:

AN ACT to amend an Act entitled "An Act to provide revenue for the State of Nevada; providing for sales and use taxes; providing for the manner of collection; defining certain terms; providing penalties for violation, and other matters properly relating thereto." approved March 29, 1955, as amended.

THE PEOPLE OF THE STATE OF NEVADA

DO ENACT AS FOLLOWS:

Section 1. Section 56.1 of the above-entitled Act, being chapter 397, Statutes of Nevada 1955, as added by chapter 306, Statutes of Nevada 1969, at page 532, and amended by chapter 627, Statutes of Nevada 1985, at page 2028, and amended by chapter 404, Statutes of Nevada 1995, at page 1007, is hereby amended to read as follows:

Sec. 56.1. 1. There are exempted from the taxes imposed by this act the gross receipts from sales and the storage, use or other consumption of:

(a) Prosthetic devices, orthotic appliances and ambulatory casts for human use, and other supports and casts if prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

(b) Appliances and supplies relating to an ostomy.

(c) Products for hemodialysis.

(d) Medicines:

(1) Prescribed for the treatment of a human being by a person authorized to prescribe medicines, and dispensed on a prescription filled by a registered pharmacist in accordance with law;

(2) Furnished by a licensed physician, dentist or podiatric physician to his own patient for the treatment of the patient;

(3) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician, dentist or podiatric physician; or

(4) Sold to a licensed physician, dentist, podiatric physician or hospital for the treatment of a human being.

(e) *Hearing aids and hearing aid accessories.*

2. As used in this section:

(a) "Medicine" means any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease or affliction of the human body and which is commonly recognized as a substance or preparation intended for such use. The term includes splints, bandages, pads, compresses and dressings.

(b) "Medicine" does not include:

(1) Any auditory, ophthalmic or ocular device or appliance.

(2) Articles which are in the nature of instruments, crutches, canes, devices or other mechanical, electronic, optical or physical equipment.

(3) Any alcoholic beverage, except where the alcohol merely provides a solution in the ordinary preparation of a medicine.

(4) Braces or supports, other than those prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

3. Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on a prescription within the meaning of this section.

Sec. 2. This act becomes effective on January 1, 2017, and expires by limitation on December 31, 2026.

Sec. 13. The ballot page assemblies and the paper ballots to be used in voting on the question must present the question in substantially the following form:

Shall the Sales and Use Tax Act of 1955 be amended to provide an exemption from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of hearing aids and hearing aid accessories?

Yes ☐ No ☐

Sec. 14. The explanation of the question which must appear on each paper ballot and sample ballot and in every publication and posting of notice of the question must be in substantially the following form:

(Explanation of Question)

The proposed amendment to the Sales and Use Tax Act of 1955 would exempt from the taxes imposed by this Act the gross receipts from the sale and storage, use or other consumption of hearing aids and hearing aid accessories. If this proposal is adopted, the Legislature has

provided that the Local School Support Tax Law and certain analogous taxes on retail sales will be amended to provide the same exemption.

Sec. 15. If a majority of the votes cast on the question is yes, the amendment to the Sales and Use Tax Act of 1955 becomes effective on January 1, 2017, and expires by limitation on December 31, 2026. If less than a majority of votes cast on the question is yes, the question fails and the amendment to the Sales and Use Tax Act of 1955 does not become effective.

Sec. 16. All general election laws not inconsistent with this act are applicable.

Sec. 17. Any informalities, omissions or defects in the content or making of the publications, proclamations or notices provided for in this act and by the general election laws under which this election is held must be so construed as not to invalidate the adoption of the act by a majority of the registered voters voting on the question if it can be ascertained with reasonable certainty from the official returns transmitted to the Office of the Secretary of State whether the proposed amendment was adopted by a majority of those registered voters.

Sec. 18. At the General Election on November 8, 2016, a proposal must be submitted to the registered voters of this State to amend the Sales and Use Tax Act, which was enacted by the 47th Session of the Legislature of the State of Nevada and approved by the Governor in 1955, and subsequently approved by the people of this State at the General Election held on November 6, 1956.

Sec. 19. At the time and in the manner provided by law, the Secretary of State shall transmit the proposed act to the several county clerks, and the county clerks shall cause it to be published and posted as provided by law.

Sec. 20. The proclamation and notice to the voters given by the county clerks pursuant to law must be in substantially the following form:

Notice is hereby given that at the General Election on November 8, 2016, a question will appear on the ballot for the adoption or rejection by the registered voters of the State of the following proposed act:

AN ACT to amend an Act entitled "An Act to provide revenue for the State of Nevada; providing for sales and use taxes; providing for the manner of collection; defining certain terms; providing penalties for violation, and other matters properly relating thereto." approved March 29, 1955, as amended.

THE PEOPLE OF THE STATE OF NEVADA

DO ENACT AS FOLLOWS:

Section 1. Section 15 of the above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 765, is hereby amended to read as follows:

Sec. 15. 1. "Retailer" includes:

(a) Every seller who makes any retail sale or sales of tangible personal property, and every person engaged in the business of

making retail sales at auction of tangible personal property owned by the person or others.

(b) Every person engaged in the business of making sales for storage, use or other consumption or in the business of making sales at auction of tangible personal property owned by the person or others for storage, use or other consumption.

(c) Every person making more than two retail sales of tangible personal property during any 12-month period, including sales made in the capacity of assignee for the benefit of creditors, or receiver or trustee in bankruptcy.

2. When the Tax Commission determines that it is necessary for the efficient administration of this chapter to regard any salesmen, representatives, peddlers or canvassers as the agents of the dealers, distributors, supervisors or employers under whom they operate or from whom they obtain the tangible personal property sold by them, irrespective of whether they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors or employers, the Tax Commission may so regard them and may regard the dealers, distributors, supervisors or employers as retailers for purposes of this chapter.

~~[3. A licensed optometrist or physician and surgeon is a consumer of, and shall not be considered, a retailer within the provisions of this chapter, with respect to the ophthalmic materials used or furnished by him in the performance of his professional services in the diagnosis, treatment or correction of conditions of the human eye, including the adaptation of lenses or frames for the aid thereof.]~~

Sec. 2. Section 56.1 of the above-entitled Act, being chapter 397, Statutes of Nevada 1955, as added by chapter 306, Statutes of Nevada 1969, at page 532, and amended by chapter 627, Statutes of Nevada 1985, at page 2028, and amended by chapter 404, Statutes of Nevada 1995, at page 1007, is hereby amended to read as follows:

Sec. 56.1. 1. There are exempted from the taxes imposed by this act the gross receipts from sales and the storage, use or other consumption of:

(a) Prosthetic devices, orthotic appliances and ambulatory casts for human use, and other supports and casts if prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

(b) Appliances and supplies relating to an ostomy.

(c) Products for hemodialysis.

(d) *Any ophthalmic or ocular device or appliance prescribed by a physician or optometrist.*

(e) Medicines:

(1) Prescribed for the treatment of a human being by a person authorized to prescribe medicines, and dispensed on a prescription filled by a registered pharmacist in accordance with law;

(2) Furnished by a licensed physician, dentist or podiatric physician to his own patient for the treatment of the patient;

(3) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician, dentist or podiatric physician; or

(4) Sold to a licensed physician, dentist, podiatric physician or hospital for the treatment of a human being.

2. As used in this section:

(a) "Medicine" means any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease or affliction of the human body and which is commonly recognized as a substance or preparation intended for such use. The term includes splints, bandages, pads, compresses and dressings.

(b) "Medicine" does not include:

(1) Any auditory, ophthalmic or ocular device or appliance.

(2) Articles which are in the nature of instruments, crutches, canes, devices or other mechanical, electronic, optical or physical equipment.

(3) Any alcoholic beverage, except where the alcohol merely provides a solution in the ordinary preparation of a medicine.

(4) Braces or supports, other than those prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

3. Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on a prescription within the meaning of this section.

Sec. 3. This act becomes effective on January 1, 2017, and expires by limitation on December 31, 2026.

Sec. 21. The ballot page assemblies and the paper ballots to be used in voting on the question must present the question in substantially the following form:

Shall the Sales and Use Tax Act of 1955 be amended to provide an exemption from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of ophthalmic or ocular devices or appliances prescribed by a physician or optometrist?

Yes ☐ No ☐

Sec. 22. The explanation of the question which must appear on each paper ballot and sample ballot and in every publication and posting of notice of the question must be in substantially the following form:

(Explanation of Question)

The proposed amendment to the Sales and Use Tax Act of 1955 would exempt from the taxes imposed by this Act the gross receipts from the sale and storage, use or other consumption of ophthalmic or ocular devices or appliances prescribed by a physician or optometrist. If this proposal is adopted, the Legislature has provided that the Local School Support Tax Law and certain analogous taxes on retail sales will be amended to provide the same exemption.

Sec. 23. If a majority of the votes cast on the question is yes, the amendment to the Sales and Use Tax Act of 1955 becomes effective on January 1, 2017, and expires by limitation on December 31, 2026. If less than a majority of votes cast on the question is yes, the question fails and the amendment to the Sales and Use Tax Act of 1955 does not become effective.

Sec. 24. All general election laws not inconsistent with this act are applicable.

Sec. 25. Any informalities, omissions or defects in the content or making of the publications, proclamations or notices provided for in this act and by the general election laws under which this election is held must be so construed as not to invalidate the adoption of the act by a majority of the registered voters voting on the question if it can be ascertained with reasonable certainty from the official returns transmitted to the Office of the Secretary of State whether the proposed amendment was adopted by a majority of those registered voters.

Sec. 26. Chapter 372 of NRS is hereby amended by adding thereto a new section to read as follows:

*In administering the provisions of section 56.1 of chapter 397, Statutes of Nevada 1955, which is included in NRS as NRS 372.283, the Department shall construe the term:*

1. *"Durable medical equipment" to mean equipment, including any repair and replacement parts therefor and components or attachments used in conjunction therewith, which:*

- (a) Can withstand repeated use;*
  - (b) Is primarily and customarily used to serve a medical purpose;*
  - (c) Generally is not useful to a person in the absence of illness or injury;*
- and*

*(d) Is not worn in or on the body.*

2. *"Mobility-enhancing equipment" to mean equipment, including any repair and replacement parts therefor, which:*

- (a) Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle;*

*(b) Is not generally used by persons with normal mobility; and*

*(c) Does not include any motor vehicle or equipment on a motor vehicle normally provided by a manufacturer of motor vehicles.*

Sec. 27. Chapter 372 of NRS is hereby amended by adding thereto a new section to read as follows:

*In administering the provisions of section 56.1 of chapter 397, Statutes of Nevada 1955, which is included in NRS as NRS 372.283, the Department shall construe the term:*

1. *"Hearing aid" to:*

*(a) Mean:*

*(1) An instrument or device with an electronic component designed to improve human hearing, which is worn in or affixed behind the ear;*

*(2) A device that is surgically implanted into the cochlea to improve human hearing; or*

*(3) A device for the amplification of a telephone which is designed for use by a person; and*

*(b) Exclude:*

*(1) Any instrument or device designed to be worn on any part of the body other than in or on the ear; and*

*(2) Any device or system designed to be used simultaneously by more than one person.*

2. *"Hearing aid accessory" to:*

*(a) Mean a component of or an attachment or accessory for a hearing aid, including any neck loop, cord, mold, tubing, ear hook and remote control for a hearing aid; and*

*(b) Exclude any battery for a hearing aid and any accessory designed to be used only with an item that does not constitute a hearing aid.*

Sec. 28. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

*In administering the provisions of NRS 374.287, the Department shall construe the term:*

1. *"Durable medical equipment" to mean equipment, including any repair and replacement parts therefor and components or attachments used in conjunction therewith, which:*

*(a) Can withstand repeated use;*

*(b) Is primarily and customarily used to serve a medical purpose;*

*(c) Generally is not useful to a person in the absence of illness or injury; and*

*(d) Is not worn in or on the body.*

2. *"Mobility-enhancing equipment" to mean equipment, including any repair and replacement parts therefor, which:*

*(a) Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle;*

*(b) Is not generally used by persons with normal mobility; and*

(c) *Does not include any motor vehicle or equipment on a motor vehicle normally provided by a manufacturer of motor vehicles.*

Sec. 29. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

*In administering the provisions of NRS 374.287, the Department shall construe the term:*

1. *"Hearing aid" to:*

(a) *Mean:*

(1) *An instrument or device with an electronic component designed to improve human hearing, which is worn in or affixed behind the ear;*

(2) *A device that is surgically implanted into the cochlea to improve human hearing; or*

(3) *A device for the amplification of a telephone which is designed for use by a person; and*

(b) *Exclude:*

(1) *Any instrument or device designed to be worn on any part of the body other than in or on the ear; and*

(2) *Any device or system designed to be used simultaneously by more than one person.*

2. *"Hearing aid accessory" to:*

(a) *Mean a component of or an attachment or accessory for a hearing aid, including any neck loop, cord, mold, tubing, ear hook and remote control for a hearing aid; and*

(b) *Exclude any battery for a hearing aid and any accessory designed to be used only with an item that does not constitute a hearing aid.*

Sec. 30. NRS 374.060 is hereby amended to read as follows:

374.060 1. "Retailer" includes:

(a) Every seller who makes any retail sale or sales of tangible personal property, and every person engaged in the business of making retail sales at auction of tangible personal property owned by the person or others.

(b) Every person engaged in the business of making sales for storage, use or other consumption or in the business of making sales at auction of tangible personal property owned by the person or others for storage, use or other consumption.

(c) Every person making more than two retail sales of tangible personal property during any 12-month period, including sales made in the capacity of assignee for the benefit of creditors, or receiver or trustee in bankruptcy.

2. When the Department determines that it is necessary for the efficient administration of this chapter to regard any salespersons, representatives, peddlers or canvassers as the agents of the dealers, distributors, supervisors or employers under whom they operate or from whom they obtain the tangible personal property sold by them, irrespective of whether they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors or employers, the Department may so regard them and may



regard the dealers, distributors, supervisors or employers as retailers for purposes of this chapter.

~~[3. A licensed optometrist or physician is a consumer of, and shall not be considered, a retailer within the provisions of this chapter, with respect to the ophthalmic materials used or furnished by him or her in the performance of his or her professional services in the diagnosis, treatment or correction of conditions of the human eye, including the adaptation of lenses or frames for the aid thereof.]~~

Sec. 31. NRS 374.287 is hereby amended to read as follows:

374.287 1. There are exempted from the taxes imposed by this chapter the gross receipts from sales and the storage, use or other consumption of:

(a) Prosthetic devices, orthotic appliances and ambulatory casts for human use, and other supports and casts if prescribed or applied by a licensed provider of health care, within his or her scope of practice, for human use.

(b) Appliances and supplies relating to an ostomy.

(c) Products for hemodialysis ~~and durable~~

~~(d) Durable medical equipment if prescribed by a licensed provider of health care acting within his or her scope of practice.~~

~~((d))~~ (e) Canes, crutches, manual or motorized wheelchairs or scooters that enhance the ability of a person to move, and other mobility-enhancing equipment if prescribed by a licensed provider of health care acting within his or her scope of practice.

~~((e))~~ (f) Medicines:

(1) Prescribed for the treatment of a human being by a person authorized to prescribe medicines, and dispensed on a prescription filled by a registered pharmacist in accordance with law;

(2) Furnished by a licensed physician, dentist or podiatric physician to his or her own patient for the treatment of the patient;

(3) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician, dentist or podiatric physician; or

(4) Sold to a licensed physician, dentist, podiatric physician or hospital for the treatment of a human being.

2. As used in this section:

(a) "Medicine" means any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease or affliction of the human body and which is commonly recognized as a substance or preparation intended for such use. The term includes splints, bandages, pads, compresses and dressings.

(b) "Medicine" does not include:

(1) Any auditory, ophthalmic or ocular device or appliance.

(2) Articles which are in the nature of instruments, crutches, canes, devices or other mechanical, electronic, optical or physical equipment.

(3) Any alcoholic beverage, except where the alcohol merely provides a solution in the ordinary preparation of a medicine.

(4) Braces or supports, other than those prescribed or applied by a licensed provider of health care, within his or her scope of practice, for human use.

3. Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on a prescription within the meaning of this section.

Sec. 32. NRS 374.287 is hereby amended to read as follows:

374.287 1. There are exempted from the taxes imposed by this chapter the gross receipts from sales and the storage, use or other consumption of:

(a) Prosthetic devices, orthotic appliances and ambulatory casts for human use, and other supports and casts if prescribed or applied by a licensed provider of health care, within his or her scope of practice, for human use.

(b) Appliances and supplies relating to an ostomy.

(c) Products for hemodialysis.

(d) Medicines:

(1) Prescribed for the treatment of a human being by a person authorized to prescribe medicines, and dispensed on a prescription filled by a registered pharmacist in accordance with law;

(2) Furnished by a licensed physician, dentist or podiatric physician to his or her own patient for the treatment of the patient;

(3) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician, dentist or podiatric physician; or

(4) Sold to a licensed physician, dentist, podiatric physician or hospital for the treatment of a human being.

(e) *Hearing aids and hearing aid accessories.*

2. As used in this section:

(a) "Medicine" means any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease or affliction of the human body and which is commonly recognized as a substance or preparation intended for such use. The term includes splints, bandages, pads, compresses and dressings.

(b) "Medicine" does not include:

(1) Any auditory, ophthalmic or ocular device or appliance.

(2) Articles which are in the nature of instruments, crutches, canes, devices or other mechanical, electronic, optical or physical equipment.

(3) Any alcoholic beverage, except where the alcohol merely provides a solution in the ordinary preparation of a medicine.

(4) Braces or supports other than those prescribed or applied by a licensed provider of health care, within his or her scope of practice, for human use.

3. Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on a prescription within the meaning of this section.

Sec. 33. NRS 374.287 is hereby amended to read as follows:

374.287 1. There are exempted from the taxes imposed by this chapter the gross receipts from sales and the storage, use or other consumption of:

(a) Prosthetic devices, orthotic appliances and ambulatory casts for human use, and other supports and casts if prescribed or applied by a licensed provider of health care, within his or her scope of practice, for human use.

(b) Appliances and supplies relating to an ostomy.

(c) Products for hemodialysis.

(d) *Any ophthalmic or ocular device or appliance prescribed by a physician or optometrist.*

(e) Medicines:

(1) Prescribed for the treatment of a human being by a person authorized to prescribe medicines, and dispensed on a prescription filled by a registered pharmacist in accordance with law;

(2) Furnished by a licensed physician, dentist or podiatric physician to his or her own patient for the treatment of the patient;

(3) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician, dentist or podiatric physician; or

(4) Sold to a licensed physician, dentist, podiatric physician or hospital for the treatment of a human being.

2. As used in this section:

(a) "Medicine" means any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease or affliction of the human body and which is commonly recognized as a substance or preparation intended for such use. The term includes splints, bandages, pads, compresses and dressings.

(b) "Medicine" does not include:

(1) Any auditory, ophthalmic or ocular device or appliance.

(2) Articles which are in the nature of instruments, crutches, canes, devices or other mechanical, electronic, optical or physical equipment.

(3) Any alcoholic beverage, except where the alcohol merely provides a solution in the ordinary preparation of a medicine.

(4) Braces or supports, other than those prescribed or applied by a licensed provider of health care, within his or her scope of practice, for human use.

3. Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on a prescription within the meaning of this section.

Sec. 34. 1. This section and sections 1 to 25, inclusive, of this act become effective on October 1, 2015.

2. Sections 26, 28 and 31 of this act become effective on January 1, 2017, and expire by limitation on December 31, 2026, only if the proposal submitted pursuant to sections 2 to 9, inclusive, of this act is approved by the voters at the General Election on November 8, 2016.

3. Sections 27, 29 and 32 of this act become effective on January 1, 2017, and expire by limitation on December 31, 2026, only if the proposal submitted pursuant to sections 10 to 17, inclusive, of this act is approved by the voters at the General Election on November 8, 2016.

4. Sections 30 and 33 of this act become effective on January 1, 2017, and expire by limitation on December 31, 2026, only if the proposal submitted pursuant to sections 18 to 25, inclusive, of this act is approved by the voters at the General Election on November 8, 2016.

Senator Roberson moved the adoption of the amendment.

Remarks by Senator Roberson.

Amendment No. 435 to Senate Bill No. 334 clarifies that the provisions of the bill do not affect the sales tax exemption provided under current law for products for hemodialysis.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 399.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 495.

SUMMARY—Creates the Nevada Boost Grant Program. (BDR 34-890)

AN ACT relating to higher education; creating the Nevada Boost Grant Program to provide scholarships to certain students enrolling in community colleges of the Nevada System of Higher Education; requiring the Board of Regents of the University of Nevada to establish certain criteria and procedures for the Nevada Boost Grant Program; requiring the Board of Regents to submit to the Legislature a biennial report on the Program; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Nevada Boost Grant Program. Under the Program, the Board of Regents of the University of Nevada is required to award grants to eligible students who are enrolled in community colleges that are part of the Nevada System of Higher Education to pay a portion of the cost of the first two semesters of education at such institutions. Section 3 of this bill sets forth the criteria for eligibility for such a grant. Section 4 of this bill requires the Board of Regents or a designee of the Board to: (1) calculate the maximum amount of the grant which a student is eligible to receive, up to a limit of \$2,000 per semester; (2) determine the actual amount of the grant each eligible student will receive; and (3) award grants to all eligible students. Section 4 also provides that any money awarded under the Program must be used only to pay the cost of education of a student and not for any other purpose. Section 5 of this bill requires the Board of Regents to adopt regulations prescribing the procedures and standards for determining eligibility and the methodology for calculating the financial need of a student. Section 6 of this bill authorizes the Board of Regents to accept gifts,

grants, bequests and donations to fund grants awarded under the Program. Section 7 of this bill requires the Board of Regents to submit a biennial report on the Program to the Legislature. The report must include information regarding: (1) the number of grants awarded under the Program; (2) the average amount of each grant; and (3) the percentage of students awarded grants who remained in school and who eventually earned a degree or certificate. Finally, section 8 of this bill includes appropriations from the State General Fund to the Board of Regents for the award of grants in the amount of \$2,000,000 per year for Fiscal Years 2015-2016 and 2016-2017.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *As used in sections 2 to 7, inclusive, of this act, "Program" means the Nevada Boost Grant Program created by section 3 of this act.*

Sec. 3. 1. *The Nevada Boost Grant Program is hereby created for the purpose of awarding grants to eligible students to pay for a portion of the cost of education at a community college within the System.*

2. *The Board of Regents shall administer the Program.*

3. *In administering the Program, the Board of Regents, subject to the limits of money available for this purpose, shall award grants of not more than \$2,000 to each eligible student to pay for a portion of the cost of ~~each of the student's first~~ two semesters of education at a community college within the System.*

4. *To be eligible for ~~an~~ an initial grant awarded under the Program for ~~this or her first~~ a semester, a student must:*

(a) *Be a bona fide resident of this State;*

(b) *Except as otherwise provided in subsection 5, be a graduate from a public or private high school in ~~Nevada,~~ this State;*

(c) ~~Have never previously enrolled in any public or private college or university;~~

~~(d)~~ *Be enrolled, or accepted to be enrolled, during a semester in at least 12 credit hours at a community college within the System;*

~~(e)~~ *(d) Be enrolled in a program of study leading to a recognized degree or certificate;*

~~(f)~~ *(e) Demonstrate proficiency in English and mathematics sufficient for placement into college-level English and mathematics courses pursuant to regulations adopted by the Board of Regents for such placement; and*

~~(g)~~ *(f) Complete:*

(1) *The Free Application for Federal Student Aid provided for by 20 U.S.C. 1090, if eligible; or*

(2) *A form prescribed by the Board of Regents to determine the amount of the student contribution and family contribution to the cost of education of the student.*

5. A person who graduated from high school in another state may be eligible for a grant awarded under the Program if the person:

(a) ~~Has been a bona fide resident of Nevada this State for two years or more at the time of application for a grant;~~ at least 12 months before the first day of the semester for which the grant is to be awarded; and

(b) Meets all other requirements of subsection 4.

6. To be eligible for a subsequent grant awarded under the Program for ~~this or her~~ a second semester, a student must:

(a) ~~Have been awarded a grant for his or her first semester pursuant to subsection 4 or 5;~~

~~(b)~~ Have made satisfactory academic progress as determined by the Board of Regents ; ~~during that first semester;~~ and

~~(c)~~ (b) Be enrolled in at least 12 credit hours at a community college within the System.

7. As used in this section, ~~the~~ "bona fide resident" ~~has the meaning ascribed to it in NRS 361.040;~~ shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification "bona fide" is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.

Sec. 4. 1. For each eligible student, the Board of Regents or a designee thereof shall:

(a) Calculate the maximum amount of the grant which the student is eligible to receive, up to a limit of \$2,000 per semester. The maximum amount of such a grant must not exceed the amount equal to the cost of education of the student minus the amounts determined for the student contribution, family contribution and federal contribution to the cost of education of the student.

(b) Determine the actual amount of the grant which will be awarded to each student, which amount must not exceed the maximum amount calculated pursuant to paragraph (a), but which may be a lesser amount if the Board of Regents or a designee thereof, as applicable, determines that the amount of money available for all grants for any semester is insufficient to award to all eligible students the maximum amount of the grant which each student is eligible to receive.

(c) Award to each eligible student a grant in the amount determined pursuant to paragraph (b).

2. Money received from a grant awarded under the Program must be used by a student only to pay for the cost of education of the student at a community college within the System and not for any other purpose.

Sec. 5. 1. The Board of Regents:

(a) Shall adopt regulations prescribing the procedures and standards for determining the eligibility of a student for a grant from the Program.

(b) Shall adopt regulations prescribing the methodology by which the Board of Regents or a designee thereof will calculate:

(1) *The cost of education of a student at each community college within the System, which must be consistent with the provisions of 20 U.S.C. 1087ll.*

(2) *For each student, the amounts of the student contribution, family contribution and federal contribution, if any, to the cost of education of the student.*

(3) *The maximum amount, not to exceed \$2,000 for a semester, of the grant for which a student is eligible.*

(c) *May adopt any other regulations necessary to carry out the Program.*

2. *The regulations prescribed pursuant to this section must provide that:*

(a) *In determining the student contribution to the cost of education, the student contribution must not exceed the amount that the Board of Regents determines the student reasonably could be expected to earn from employment during the time the student is enrolled at a community college within the System, including, without limitation, during breaks between semesters. This paragraph and any regulations adopted pursuant to this section must not be construed to require a student to seek or obtain employment as a condition of eligibility for a grant under the Program.*

(b) *Determination of the family contribution to the cost of education must be based on the family resources reported by the student pursuant to paragraph ~~(c)~~ (f) of subsection 4 of section 3 of this act.*

(c) *Determination of the federal contribution to the cost of education must be equal to the total amount that the student and his or her family are expected to receive from the Federal Government as grants, if any.*

Sec. 6. *In addition to any direct legislative appropriation from the State General Fund, the Board of Regents may accept gifts, grants, bequests and donations to fund grants awarded under the Program.*

Sec. 7. *On or before February 1 of each odd-numbered year, the Board of Regents shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report on the Program which must include, without limitation, information regarding:*

1. *The number of students during the immediately preceding school year who were awarded grants under the Program.*

2. *The average amount of each grant awarded under the Program for the immediately preceding school year.*

3. *The success of the Program, including, without limitation, information regarding the percentage of students awarded grants since the creation of the Program who have remained enrolled at a community college within the System and the percentage of students awarded grants since the creation of the Program who have been awarded a degree or certificate.*

Sec. 8. *There is hereby appropriated from the State General Fund to the Board of Regents of the University of Nevada for the award of scholarships pursuant to the Nevada Boost Grant Program created by section 3 of this act:*

For the Fiscal Year 2015-2016.....\$2,000,000

For the Fiscal Year 2016-2017.....\$2,000,000

Sec. 9. Any balance of the sums appropriated by section 8 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the Board of Regents of the University of Nevada or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2016, and September 15, 2017, respectively, by either the Board of Regents of the University of Nevada or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2016, and September 15, 2017, respectively.

Sec. 10. 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. 11. 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 July 1, 2015, for all other purposes.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 495 expands the Nevada Boost Grant Program to include returning students; revises the residency requirements to be consistent with existing policy; and clarifies that a student who is not awarded a grant in his or her first semester, may be eligible for a grant during subsequent semesters if satisfactory academic progress is maintained.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senator Roberson moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 11:23 a.m.

#### SENATE IN SESSION

At 11:24 a.m.

President Hutchison presiding.

Quorum present.

Senate Bill No. 411.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 512.

SUMMARY—Allows the imposition of additional statutory taxes in a county to fund capital projects of the school district based on the



recommendations of a Public Schools Overcrowding and Repair Needs Committee and voter approval. (BDR S-140)

AN ACT relating to taxation; authorizing the board of trustees of a school district to adopt a resolution establishing the formation of a Public Schools Overcrowding and Repair Needs Committee to recommend the imposition of one or more statutory taxes to fund the capital projects of the school district; providing that if such a Committee is formed and submits its recommendations to the board of county commissioners within the time prescribed, the board of county commissioners is required to submit a question to the voters at the 2016 General Election asking whether the statutory tax or taxes should be imposed in the county; requiring the board of county commissioners to adopt an ordinance imposing any such statutory tax or taxes that are approved by the voters; providing for the prospective expiration of the authority of a board of trustees to establish such a Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill authorizes the board of trustees of a school district to establish by resolution a Public Schools Overcrowding and Repair Needs Committee to recommend the imposition of one or more statutory taxes for consideration by the voters at the 2016 General Election to fund the capital projects of the school district. This bill further requires that if such a Committee is established and submits its recommendations to the board of county commissioners by April 2, 2016, the board of county commissioners is required to submit a question to the voters at the November 8, 2016, General Election asking whether any of the statutory tax or taxes recommended by the Committee should be imposed in the county. If a majority of the voters approve the question, the board of county commissioners is required to adopt an ordinance imposing the approved statutory tax or taxes and the proceeds resulting from the imposition of such a tax or taxes must be deposited in the fund for capital projects of the school district. The provisions of this bill authorizing the board of trustees of a school district to establish such a Public Schools Overcrowding and Repair Needs Committee expire by limitation on April 2, 2016.

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

Section 1. 1. The board of trustees of a school district may, by resolution, establish a Public Schools Overcrowding and Repair Needs Committee to recommend the imposition of a statutory tax or taxes for consideration by the voters at the 2016 General Election to fund the capital projects of the school district. If such a resolution is adopted, the Committee must be appointed consisting of:

(a) The superintendent of schools of the school district, who serves ex officio, or his or her designee.

(b) One Senator whose legislative district includes all or part the school district. If the legislative district of more than one Senator includes the school district, those Senators shall jointly appoint the member to serve.

(c) One member of the Assembly whose legislative district includes all or part of the school district. If the legislative district of more than one member of the Assembly includes the school district, those members of the Assembly shall jointly appoint the member to serve.

(d) One member who is a representative of the Nevada Association of Realtors, appointed by that Association.

(e) One member who is a representative of the Retail Association of Nevada, appointed by that Association.

(f) One member appointed by the board of county commissioners.

(g) If the county includes one or more cities, the mayor of each such city shall appoint a member to serve.

(h) If applicable to the county, one member of the oversight panel for school facilities established pursuant to NRS 393.092 or 393.096, appointed by the chair of the panel.

(i) One member who is a representative of a labor organization, appointed by the State of Nevada AFL-CIO.

(j) One member who is a representative of the largest organization of licensed educators in the county, appointed by that organization.

(k) One member of the general public, appointed by the parent-teacher association with the largest membership in the county.

(l) ~~Any of the following members appointed by the board of trustees:~~

~~(1) One member who represents economic development in the county~~  
~~(2) , appointed by the regional development authority, as defined in NRS 231.009, for that county.~~

~~(m) One member who represents gaming~~  
~~(3) , appointed by the gaming association with the largest membership in the county or, if there are no members of a gaming association in the county, the board of trustees.~~

~~(n) One member who represents business or commercial interests, other than gaming~~

~~(4) , appointed by the local chamber of commerce with the largest membership in the county or, if there is no local chamber of commerce in the county, the board of trustees.~~

~~(o) One member who represents homebuilders in the county~~  
~~(4) , appointed by the association of homebuilders with the largest membership in the county or, if there are no members of an association of homebuilders in the county, the board of trustees.~~

2. The members appointed pursuant to paragraphs (d) to ~~(4)~~ (o), inclusive, of subsection 1 must be residents of the county.

3. Any vacancy occurring in the appointed membership of a Committee established pursuant to subsection 1 must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

4. If a Committee is established pursuant to subsection 1, the Committee shall hold its first meeting upon the call of the superintendent of schools of the school district as soon as practicable after the appointments are made pursuant to subsection 1. At the first meeting of the Committee, the members of the Committee shall elect a chair.

5. A majority of a Committee established pursuant to subsection 1 constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Committee.

6. If a Committee is established pursuant to subsection 1, the superintendent of schools of the school district shall provide administrative support to the Committee.

Sec. 2. 1. If a Public Schools Overcrowding and Repair Needs Committee is established pursuant to subsection 1 of section 1 of this act, such a Committee shall, on or before April 2, 2016:

(a) Prepare recommendations for the imposition of one or more statutory taxes in the county to provide funding for the school district for the purposes set forth in subsection 1 of NRS 387.335; and

(b) Submit the recommendations to the board of county commissioners.

2. Upon the receipt of recommendations pursuant to subsection 1, the board of county commissioners shall:

(a) At the General Election on November 8, 2016, submit a question to the voters of the county asking whether any of the recommended statutory tax or taxes should be imposed in the county; and

(b) If a majority of the voters voting on the question vote affirmatively on the question, adopt an ordinance imposing the recommended statutory tax or taxes. The ordinance must provide the same procedures for the administration and enforcement of the statutory tax or taxes as set forth in the statutory provisions governing that tax or taxes. The statutory tax or taxes may be imposed notwithstanding the provisions of any specific statute to the contrary.

Sec. 3. The proceeds of any statutory tax or taxes imposed under an ordinance adopted pursuant to section 2 of this act:

1. Must be deposited in the school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund; and

2. May not be used:

(a) To settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations; or

(b) To adjust the district-wide schedule of salaries and benefits of the employees of a school district.

Sec. 4. 1. This act becomes effective upon passage and approval.

2. Section 1 of this act expires by limitation on April 2, 2016.

Senator Roberson moved the adoption of the amendment.

Remarks by Senator Roberson.

Amendment No. 512 to Senate Bill No. 411 revises the process by which appointments are made to the Public Schools Overcrowding and Repair Needs Committee in each county with respect to the four members representing economic development, the gaming industry, business or commercial interests other than gaming, and homebuilders.

Instead of these four appointments being made exclusively by the board of trustees, the amendment provides that one member representing economic development would be appointed by the regional development authority designated by the Office of Economic Development under current law.

The other three members representing gaming, businesses other than gaming and homebuilders would each be appointed by their respective business association that is recognized as having the largest membership within the county. If such a business association does not exist, the appointment would then be made by the board of trustees.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 460.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 351.

SUMMARY—Revises provisions related to the statewide system of accountability for public schools. (BDR 34-1108)

AN ACT relating to education; providing an alternative performance framework to evaluate certain schools which serve certain populations; providing the manner in which a school may apply to be rated using the alternative performance framework; revising provisions relating to the revocation or termination of written charters or charter contracts; authorizing the restart of certain charter schools under a new charter contract in certain circumstances; prohibiting the Department of Education from considering a school's annual rating pursuant to the statewide system of accountability based upon the performance of a school for the 2014-2015 school year when imposing consequences on public schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal No Child Left Behind Act of 2001 requires each state to have a single, statewide system of accountability applicable to all pupils. (20 U.S.C. 6301 et seq.) In 2011, the United States Department of Education made it possible for states to apply to the Department for a waiver of some of the provisions of the Act. In August 2012, the Nevada Department of Education received approval from the United States Department of Education to implement an accountability system for public schools that allows for a waiver from some of the specific provisions of the Act. This approval is conditioned on the Nevada Department of Education tracking the performance of pupils in public schools, including measuring, reporting and supporting the achievement of pupils. Since the approval of the waiver, the Nevada Department of Education has developed the Nevada School

Performance Framework for the statewide system of accountability for public schools. (NRS 385.347)

Existing law requires the statewide system of accountability to: (1) include a method to rate each public school; (2) include a method to implement consequences, rewards and supports for public schools based upon the ratings; and (3) establish annual measurable objectives and performance targets for public schools. (NRS 385.3594) Section 2 of this bill requires the State Board of Education to adopt regulations that prescribe: (1) an alternative performance framework to evaluate certain schools which serve certain populations; and (2) the manner in which such schools will be included in the statewide system of accountability.

Section 3 of this bill requires a public school, including, without limitation, a charter school, that wishes to be rated using the alternative performance framework prescribed by the State Board to request the board of trustees of the school district or sponsor of the charter school, as applicable, to apply to the State Board on behalf of the school for approval to be rated using the alternative performance framework. If approved, section 3 provides that the board of trustees of the school district or the sponsor of a charter school, as applicable, must apply to the State Board on behalf of the school to be rated using the alternative performance framework. Section 3 also prescribes eligibility requirements for a school to be rated using the alternative performance framework.

Existing law requires the sponsor of a charter school to revoke the written charter or terminate the charter contract of a charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department of Education pursuant to the statewide system of accountability for public schools. (NRS 386.5351) Section 4 of this bill instead requires the sponsor of a charter school to revoke the written charter or terminate ~~for not renew~~ the charter contract of a charter school or restart the charter school under a new charter contract if the charter school receives an annual rating established as the lowest possible rating indicating underperformance for any 3 out of 5 years. ~~for the 6 year term of a charter contract unless the sponsor of a charter school determines to take other action. Section 4 authorizes the sponsor of a charter school to determine not to revoke the written charter or terminate the charter contract of a charter school if the charter school has demonstrated continued improvement in meeting annual performance goals. If the sponsor of a charter school makes such a determination, section 4 authorizes the sponsor to take certain actions.~~ Section 4 ~~also: (1) authorizes~~ requires the Department to adopt regulations governing procedures for the restart of a charter school ~~that receives an annual rating established as the lowest rating possible indicating the underperformance of a public school to request assistance from the sponsor of the~~ under a new charter ~~school in improving performance reported in the annual rating; and (2) requires the sponsor of a charter school~~

~~to provide assistance to improve performance at the school upon receipt of such a request.] contract.~~

Section ~~[5 of this bill]~~ 4 also prohibits the Department from considering a school's annual rating pursuant to the statewide system of accountability based upon the performance of a school for the 2014-2015 school year.

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The State Board shall adopt regulations that prescribe an alternative performance framework to evaluate public schools that are approved pursuant to section 3 of this act. Such regulations must include, without limitation, an alternative manner in which to evaluate such a school and the manner in which the school will be included within the statewide system of accountability set forth in NRS 385.3455 to 385.3891, inclusive.*

2. *The regulations adopted pursuant to subsection 1 must also set forth the manner in which:*

*(a) The progress of pupils enrolled in a public school for which an alternative performance framework has been approved pursuant to section 3 of this act will be accounted for within the statewide system of accountability; and*

*(b) To report the results of pupils enrolled in such a public school on the examinations administered pursuant to NRS 389.550 and, if applicable for the grade levels of the pupils enrolled, the examinations administered pursuant to NRS 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807.*

Sec. 3. 1. *A public school, including, without limitation, a charter school, that wishes to be rated using the alternative performance framework prescribed by the State Board pursuant to section 2 of this act must request the board of trustees of the school district or sponsor of the charter school, as applicable, to apply to the State Board on behalf of the school for approval to be rated using the alternative performance framework.*

2. *The board of trustees of a school district or the sponsor of a charter school, as applicable, may apply to the State Board on behalf of a school for the school to be rated using the alternative performance framework by submitting a form prescribed by the Department.*

3. *A school is eligible to be rated using the alternative performance framework if ~~not~~:*

*(a) The school specifies that the mission of the school is to serve pupils who:*

*(1) Have been expelled or suspended from a public school, including, without limitation, a charter school;*

*(2) Have been deemed to be a habitual disciplinary problem pursuant to NRS 392.4655;*

*(3) Are academically disadvantaged;*

~~(4) Have been adjudicated delinquent;~~  
~~(5) Have been adjudicated to be in need of supervision for a reason set forth in NRS 62B.320; or~~  
~~(6) Have an individualized education program; and~~  
~~(b) At least 75 percent of the pupils enrolled at the school ~~+~~~~  
~~— (a) Have been expelled or suspended from a public school, including without limitation a charter school;~~  
~~— (b) Have been deemed to be a habitual disciplinary problem pursuant to NRS 392.4655;~~  
~~— (c) Have a record of behavioral issues;~~  
~~— (d) Are academically disadvantaged;~~  
~~— (e) Have been adjudicated delinquent; or~~  
~~— (f) Have been adjudicated to be in need of supervision for a reason set forth in NRS 62B.320.] fall within one or more of the categories listed in paragraph (a).~~

~~4. [A public school that does not meet the requirements of subsection 3 may seek to be rated using the alternative performance framework by demonstrating a legitimate reason to support using the alternative performance framework which may be granted in the discretion of the Department.~~

~~— 5.7 As used in this section, "academically disadvantaged" includes, without limitation, being retained in the same grade level two or more times or having a deficiency in the credits required to graduate on time.~~

Sec. 3.5. NRS 386.515 is hereby amended to read as follows:

386.515 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 386.525. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.

4. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 386.525;

(b) Approving applications to form charter schools that the sponsor determines are high quality, meet the identified educational needs of pupils and will serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 386.525;

(d) Negotiating and executing charter contracts pursuant to NRS 386.527;

(e) Monitoring, in accordance with NRS 386.490 to 386.649, inclusive, and in accordance with the terms and conditions of the applicable charter contract, the performance and compliance of each charter school sponsored by the entity; and

(f) Determining whether the charter contract of a charter school that the entity sponsors merits renewal or whether the renewal of the charter contract should be denied or whether the written charter should be revoked or the charter contract terminated ~~and~~ or restarted, as applicable, in accordance with NRS 386.530, 386.535 or 386.5351, as applicable.

5. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;

(b) The procedure and criteria for evaluating charter school applications in accordance with NRS 386.525 and for the renewal of charter contracts pursuant to NRS 386.530;

(c) A description of how the sponsor will maintain oversight of the charter schools it sponsors; and

(d) A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 386.610.

6. Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

Sec. 4. NRS 386.5351 is hereby amended to read as follows:

386.5351 1. ~~The~~ ~~Except as otherwise provided in subsection 2, the~~ sponsor of a charter school shall revoke the written charter or terminate ~~for~~ ~~not renew~~ the charter contract of the charter school or restart the charter school under a new charter contract if the charter school receives three ~~consecutive~~ ~~year~~ annual ratings ~~rating~~ established as the lowest rating



possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools ~~[ ]~~, for any 3 out of 5 years. ~~for the 6 year term of a charter contract.~~ A charter school's annual rating pursuant to the statewide system of accountability based upon the performance of the charter school ~~[for any]~~ must not be included in the count of annual ratings for the purposes of this subsection for:

(a) Any school year before the 2013-2014 ~~[2014-2015]~~ school year ~~[must not be included in the count of consecutive annual ratings for the purposes of this subsection.]~~; and

(b) The 2014-2015 school year.

2. ~~[Following a public hearing, the sponsor of a charter school may determine not to take any of the actions in subsection 1 if the charter school has demonstrated continued improvement in meeting the annual performance goals established pursuant to NRS 386.528. If the sponsor makes such a determination, the sponsor may take any of the following actions:~~

~~— (a) Extend the period for determining the performance of the charter school;~~

~~— (b) Establish or continue, as applicable, a plan to improve pupil achievement and school performance which includes reviewing and revising the existing governing structure of the school as necessary to carry out the plan; or~~

~~— (c) Make any changes to the charter contract as needed to ensure measurable performance.~~

3. ~~If a charter school receives an annual rating established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools, the charter school may request assistance from the sponsor of the charter school. Upon receipt of such a request, the sponsor of the charter school shall take actions to provide assistance to the charter school to improve performance at the school.~~

~~4.]~~ If a written charter is revoked or a charter contract is terminated pursuant to subsection 1, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination or restart of the charter school not later than 10 days after revoking the written charter or terminating the charter contract ~~[ ]~~ or restarting the charter school.

3. ~~[5.]~~ The provisions of NRS 386.535 do not apply to the revocation of a written charter or termination of a charter contract or restart of the charter school pursuant to this section.

4. The Department shall adopt regulations governing procedures to restart a charter school under a new charter contract pursuant to subsection 1. Such regulations must include, without limitation, requiring a charter school that is restarted to enroll a pupil who was enrolled in the

*charter school before the school was restarted before any other eligible pupil is enrolled.*

Sec. 5. ~~[The Department shall not consider a school's annual rating pursuant to the statewide system of accountability based upon the performance of a school for the 2014-2015 school year. The Department may consider a school's annual rating pursuant to the statewide system of accountability based on the performance of a school for any school year before the 2014-2015 school year and any school year after the 2014-2015 school year.] (Deleted by amendment.)~~

Sec. 6. This act becomes effective on July 1, 2015.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 351 to Senate Bill No. 460 requires that schools eligible for the alternative framework have a stated mission to serve targeted populations; and clarifies that this targeted population includes at-risk students, as well as special education students.

The amendment also strikes language giving the Department of Education discretion in school eligibility; adds school restart as an alternative to the automatic closure of an underperforming charter school, changes the terms requiring automatic closure, and removes School Year 2014–2015 from such consideration.

Finally, Amendment No. 351 strikes language related to sponsor discretion in charter school closure and required sponsor assistance to an underperforming school; and requires the Department to adopt regulations related to the restart of a charter school.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 484.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 325.

SUMMARY—Revises provisions concerning personal financial administration. (BDR 3-1087)

AN ACT relating to personal financial administration; revising provisions relating to the distribution and administration of the estate of a deceased person; revising provisions governing certain nonprobate transfers; revising provisions relating to the creation and administration of trusts; providing for the creation and administration of public benefit trusts; revising the powers that may be exercised by a trustee; revising provisions relating to directed trusts; revising provisions relating to the jurisdiction of a court in cases concerning the administration of the estate of a deceased person and the administration of trusts; and providing other matters properly relating thereto. Legislative Counsel's Digest:

Sections 1 and 2 of this bill provide methods for recording the termination of a life estate in a manner similar to existing law for terminating a joint tenancy.

Section 3 of this bill establishes the effective date for the existing law concerning the effect of divorce on certain instruments.

Existing law provides that, with one exception, a domestic partner has the identical rights and responsibilities as those granted to or imposed upon a spouse. (NRS 122A.200) Sections 5, 7 and 10 of this bill clarify that any reference to a spouse in title 12 of NRS is equally a reference to a domestic partner. Sections 35.3-35.7 of this bill provide that same clarification with respect to title 13 of NRS.

Existing law defines the term "interested person" for the purpose of determining who is entitled to receive notice of, and participate in, a proceeding relating to the estate of a deceased person. (NRS 132.185) Sections 9 and 11 of this bill amend this definition to include all persons whose interest in an estate or trust will be materially affected by a decision of a fiduciary or a decision of the court and that a person's status as an interested person is determined according to the particular purposes of, and the matter involved in, each proceeding.

Existing law provides that if a decedent executed a will before his or her marriage, the will is revoked as to the surviving spouse of the decedent unless the spouse is provided for in the will or is mentioned in the will in such a way that indicates an intent not to make a provision for the spouse. (NRS 133.110) Section 12 of this bill revises this provision so that such a will is not revoked if the will refers to a future spouse by name.

Section 13 of this bill provides that if a declaratory judgment establishing the validity of a will is entered during the lifetime of the person executing the will, the validity of the will cannot be challenged after the death of the person executing the will. Section 13 does not prohibit an action to establish that the will was revoked or that the decedent executed a valid later will.

Existing law establishes the qualifications for a person to serve as executor or administrator of a decedent's estate. (NRS 138.020, 139.010) Sections 14 and 16 of this bill authorize a court to disqualify a person from acting as the executor or administrator of a decedent's estate upon proof of any compelling reason.

Existing law establishes the authority of administrators with the will annexed and the order of appointment for such administrators. (NRS 138.090) Section 15 of this bill provides certain discretionary powers to administrators with the will annexed. Section 15 also provides that a person who is expressly excluded as a beneficiary or as a fiduciary in a will is ineligible to serve as an administrator with the will annexed and that the court has discretion to disregard the order of priority for the appointment of an administrator under existing law to favor the appointment of certain beneficiaries of the will as administrators with the will annexed.

Section 17 of this bill provides a technical correction to NRS 143.380 concerning the sale of property held in an estate after the personal representative is granted full authority under the Independent Administration of Estates Act.

Existing law requires an appraisal of certain property of the estate of a deceased person and an inventory of all estate property. (NRS 144.010,

144.020, 144.040) Sections 18 and 19 of this bill authorize the waiver of such an appraisal or inventory in certain circumstances.

Existing law provides that if a person dies leaving an estate the gross value of which, after deducting encumbrances, is \$100,000 or less, the estate must not be administered and must be assigned and set apart, after directing such payments as the court deems just, for the support of the surviving spouse or any minor children of the decedent. (NRS 146.070) Section 20 of this bill authorizes the court to reduce the amount assigned and set apart for the surviving spouse or any minor children of the decedent by the amount of certain nonprobate transfers to those persons.

Sections 25 and 63 of this bill enact provisions governing personal jurisdiction over certain persons in proceedings related to the estate of a deceased person and the administration of a trust and governing the law to be applied in certain proceedings related to trusts.

Existing law creates a presumption that certain transfers at death are void due to fraud, undue influence or coercion. (NRS 155.097, 155.0975) Sections 33 and 34 of this bill create the same presumption for certain transfers that occur during the lifetime of the transferor and further define the applicability of when the presumption of undue influence arises. Existing law authorizes the court to impose certain sanctions on a person whom the court finds to be a vexatious litigant in a proceeding related to the administration of the estate of a deceased person or a trust. (NRS 155.165) Section 35 of this bill includes a trustee or a personal representative as a person who may be a vexatious litigant.

Existing law enumerates the powers of a trustee. (Chapter 163 of NRS) Sections 40 and 41 of this bill add to the powers of a trustee the power to combine or divide trusts and the power to change the name of a trust in certain circumstances. Section 46.5 of this bill authorizes certain trustees to terminate certain trusts that have a value less than \$100,000 or are uneconomical to administer if the trustee concludes that the value of the property held by the trust is insufficient to justify the cost of administering the trust. Existing law governs the administration of directed trusts, which are trusts under which someone other than the trustee has the authority to direct the trustee to take certain actions. (NRS 163.553-163.556) Sections 42, 43, 55 and 56 of this bill amend provisions governing directed trusts. Section 55 provides that a trustee of a directed trust is not liable individually or as a fiduciary for a loss resulting from the trustee's compliance with certain directions or failure to take any proposed action that required an approval which was not given or was contingent upon a condition that was not satisfied. Section 44 of this bill provides for the creation and administering of public benefit trusts, which are trusts without identifiable beneficiaries that are not charitable trusts and are established to further one or more specifically declared religious, scientific, literary, educational, community development, personal improvement or philanthropic purpose that is not illegal or against public policy. Existing law provides that a trust may be

created by a declaration by the owner of property that he or she holds the property as trustee. (NRS 163.002, 163.004, 163.006) Section 48 of this bill provides that regardless of the formal title to the property, in the absence of a contrary declaration by the owner or a transfer of the property to a third party: (1) property declared to be trust property and all the income and reinvestment thereof remains trust property; and (2) any additions or contributions to accounts or certain other property declared to be trust property are also trust property. Section 49 of this bill clarifies the powers a settlor has in creating terms of a trust and establishes a default position that a trust is irrevocable unless and to the extent a settlor specifically reserves the right to amend such trust.

Section 45 of this bill provides for the appointment of a successor trustee where a trust contains no provision for such appointment. Section 46 of this bill authorizes a fiduciary to classify gains from the sale or exchange of trust assets as income for tax purposes. Section 53 of this bill provides that a beneficiary holding a discretionary interest in a trust has no enforceable right to a distribution. Section 50 of this bill provides for the creation of charitable and public benefit trusts. Sections 55 and 56 of this bill further extend the provisions establishing the situations in which a directed fiduciary is not liable for actions taken on behalf of the trust. Existing law permits a trustee with discretion or authority to distribute trust income or principal to decant such income or principal to a second trust. (NRS 163.556) Section 59 of this bill provides choice of law provisions applicable to the construction and administration of trusts. Section 60 of this bill allows a settlor to include language in the trust requiring that disputes arising thereunder are subject to arbitration and provides a method for such arbitration. Under existing law, in order for a court to assume jurisdiction over a case involving a trust, a petition to confirm a trustee must be filed. (NRS 164.010) Sections 61 and 62 of this bill provide for the creation and enforcement of nonjudicial settlement agreements between all indispensable parties to a trust. Section 63 of this bill provides for a petition requesting the court to assume jurisdiction without confirming the trustee.

Section 64 of this bill provides a court with exclusive jurisdiction to determine whether property not formally titled in the name of the trust constitutes trust property and where a person contests the validity of the trust in a declaratory judgment action. Section 64 further defines the circumstances and situations in which a trustee may decant a trust to a second trust in light of federal taxation laws. Section 66 of this bill authorizes a trustee presenting a certification of trust to include a declaration of a trust's domicile and governing law. Under the Uniform Prudent Investor Act, as adopted by this State, a trustee is authorized to take certain action without court approval if all interested persons consent or acquiesce in such action. (NRS 164.725) Section 67 of this bill authorizes a trustee, trust protector or trust advisor to use that same procedure for any aspect of trust administration. Existing law provides that a trustee who invests and manages

trust property owes a duty to the beneficiaries to comply with the prudent investor rule set forth in existing law, but that a trustee is not liable to a beneficiary to the extent the trustee acted in reasonable reliance on the terms of the trust. (NRS 164.740) Section 68 of this bill provides that such a trustee is not liable to a beneficiary if the trustee determined in good faith not to diversify the investments of the trust in accordance with existing law.

Existing law governs the duty of a trustee to inform and account to a trust's beneficiaries. (Chapter 165 of NRS) Sections 70-85 of this bill revise chapter 165 of NRS to restructure the trust accounting rules applicable to testamentary and nontestamentary trusts. Nevada's current law provides different requirements for accountings applicable to testamentary trusts and nontestamentary trusts; these revisions establish one set of accounting rules for both types of trusts.

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

Section 1. NRS 40.515 is hereby amended to read as follows:

40.515 1. If any person has died, or shall hereafter die, who at the time of the person's death was the owner of a life estate which terminates by reason of the person's death, any person interested in the property, or in the title thereto, in which such life estate was held, may file in the district court of the county in which the property is situated, the person's verified petition, setting forth such facts, and thereupon and after such notice by publication or otherwise, as the court or judge may order, the court or judge shall hear such petition and the evidence offered in support thereof, and if upon such hearing it shall appear that such life estate of such deceased person absolutely terminated by reason of the person's death, the court or judge shall make an order to that effect, and thereupon a certified copy of such order may be recorded in the office of the county recorder.

2. *As an alternative method of terminating the interest of any person who has died, or will hereafter die, and who at the time of the person's death was the owner of a life estate which terminates by reason of the person's death, any person who has knowledge of the facts may record in the office of the county recorder in the county where the property is situated an affidavit meeting the requirements of NRS 111.365, accompanied by a certified copy of the death certificate of the deceased person.*

Sec. 2. NRS 111.365 is hereby amended to read as follows:

111.365 1. In the case of real property owned by two or more persons as joint tenants or as community property with right of survivorship, it is presumed that all title or interest in and to that real property of each of one or more deceased joint tenants or the deceased spouse has terminated, and vested solely in the surviving joint tenant or spouse or vested jointly in the surviving joint tenants, if there has been recorded in the office of the recorder of the county or counties in which the real property is ~~situate~~ *situated* an affidavit, subscribed and sworn to by a person who has knowledge of the facts required in this subsection, which *is accompanied by a certified copy of*

*the death certificate of each deceased joint tenant or deceased spouse and sets forth the following:*

- (a) The family relationship, if any, of the affiant to each deceased joint tenant or the deceased spouse;
- (b) A description of the instrument or conveyance by which the joint tenancy or right of survivorship was created;
- (c) A description of the property subject to the joint tenancy or right of survivorship; and
- (d) The date and place of death of each deceased joint tenant or the deceased spouse.

2. *In the case of real property owned by a person as a life tenant, with the ownership of the real property passing to the owner of the remainder interest upon the death of the life tenant, it is presumed that all title or interest in and to that real property of the life tenant has terminated, and vested solely in the owner of the remainder interest, if there has been recorded in the office of the recorder of the county or counties in which the real property is situated, an affidavit, subscribed and sworn to by a person who has knowledge of the facts required in this subsection, which is accompanied by a certified copy of the death certificate of the deceased life tenant and which sets forth the following:*

- (a) *The relationship of the affiant to each deceased life tenant;*
- (b) *A description of the instrument or conveyance by which the life estate was created;*
- (c) *A description of the property subject to the life estate; and*
- (d) *The date and place of death of each deceased life tenant.*

3. Each month, a county recorder shall send all the information contained in each affidavit received by the county recorder pursuant to subsection 1 or 2 during the immediately preceding month to the Department of Health and Human Services in any format and by any medium approved by the Department.

Sec. 3. NRS 111.781 is hereby amended to read as follows:

111.781 1. Except as otherwise provided by the express terms of a governing instrument, a court order or a contract relating to the division of the marital estate made between the divorced persons before or after the marriage, divorce or annulment, the divorce or annulment of a marriage:

- (a) Revokes any revocable:
  - (1) Disposition or appointment of property made by a divorced person to his or her former spouse in a governing instrument and any disposition or appointment created by law or in a governing instrument to a relative of the divorced person's former spouse;
  - (2) Provision in a governing instrument conferring a general or nongeneral power of appointment on the divorced person's former spouse or on a relative of the divorced person's former spouse; and
  - (3) Nomination in a governing instrument that nominates a divorced person's former spouse or a relative of the divorced person's former spouse to

serve in any fiduciary or representative capacity, including a personal representative capacity, including a personal representative, executor, trustee, conservator, agent or guardian; and

(b) Severs the interest of the former spouses in property held by them at the time of the divorce or annulment as joint tenants with the right of survivorship or as community property with a right of survivorship and transforms the interests of the former spouses into equal tenancies in common.

2. A severance under paragraph (b) of subsection 1 does not affect any third-party interest in property acquired for value and in good faith reliance on an apparent title by survivorship in the survivor of the former spouses unless a writing declaring the severance has been noted, registered, filed or recorded in records appropriate to the kind and location of the property which records are relied upon, in the ordinary course of transactions involving such property, as evidence of ownership.

3. The provisions of a governing instrument are given effect as if the former spouse and relatives of the former spouse disclaimed all provisions revoked by this section or, in the case of a revoked nomination in a fiduciary or representative capacity, as if the former spouse and relatives of the former spouse died immediately before the divorce or annulment.

4. Any provisions revoked solely by this section are revived by the divorced person's remarriage to the former spouse or by a nullification of the divorce or annulment.

5. Unless a court in an action commenced pursuant to chapter 125 of NRS specifically orders otherwise, a restraining order entered pursuant to NRS 125.050 does not preclude a party to such an action from making or changing beneficiary designations that specify who will receive the party's assets upon the party's death.

6. A payor or other third party is not liable for having made a payment or transferred an item of property or any other benefit to a beneficiary designated in a governing instrument affected by the provisions of this section or for having taken any other action in good faith reliance on the validity of the governing instrument before the payor or other third party received written or actual notice of any event affecting a beneficiary designation. A payor or other third party is liable for a payment made or other action taken after the payor or other third party received written or actual notice of a claimed forfeiture or revocation under this section.

7. Written notice of the divorce, annulment or remarriage or written notice of a complaint or petition for divorce or annulment must be mailed to the payor's or other third party's main office or home by registered or certified mail, return receipt requested, or served upon the payor or other third party in the same manner as a summons in a civil action. Upon receipt of written notice of the divorce, annulment or remarriage, a payor or other third party may pay any amount owed or transfer or deposit any item of property held by it to or with the court having jurisdiction of the probate



proceedings relating to the decedent's estate or, if no proceedings have been commenced, to or with the court having jurisdiction of probate proceedings relating to decedents' estates located in the county of the decedent's residence. The court shall hold the funds or item of property and, upon its determination under this section, shall order disbursement or transfer in accordance with the determination. Payments, transfers or deposits made to or with the court discharge the payor or other third party from all claims for the value of amounts paid to or items of property transferred to or deposited with the court.

8. A person who purchases property from a former spouse, relative of a former spouse or any other person for value and without notice, or who receives from a former spouse, relative of a former spouse or any other person a payment or other item of property in partial or full satisfaction of a legally enforceable obligation, is neither obligated under this section to return the payment, item of property or benefit nor is liable under this section for the amount of the payment or the value of the item of property or benefit. A former spouse, relative of a former spouse or other person who, not for value, received a payment, item of property or any other benefit to which that person is not entitled under this section is obligated to return the payment, item of property or benefit or is personally liable for the amount of the payment or the value of the item of property or benefit to the person who is entitled to it under this section.

9. If this section or any part of this section is preempted by federal law with respect to a payment, an item of property or any other benefit covered by this section, a former spouse, relative of the former spouse or any other person who, not for value, received a payment, item of property or any other benefit to which that person is not entitled under this section is obligated to return that payment, item of property or benefit or is personally liable for the amount of the payment or the value of the item of property or benefit to the person who would have been entitled to it were this section or part of this section not preempted.

10. *This section applies only to nonprobate transfers which become effective because of the death of a person on or after October 1, ~~2015~~ 2011, regardless of when the divorce or annulment occurred.*

11. As used in this section:

(a) "Disposition or appointment of property" includes a transfer of an item of property or any other benefit to a beneficiary designated in a governing instrument.

(b) "Divorce or annulment" means any divorce or annulment or any dissolution or declaration of invalidity of a marriage. A decree of separation that does not terminate the status of husband and wife is not a divorce for purposes of this section.

(c) "Divorced person" includes a person whose marriage has been annulled.

(d) "Governing instrument" means a governing instrument executed by a divorced person before the divorce or annulment of the person's marriage to the person's former spouse.

(e) "Relative of the divorced person's former spouse" means a person who is related to the divorced person's former spouse by blood, adoption or affinity and who, after the divorce or annulment, is not related to the divorced person by blood, adoption or affinity.

(f) "Revocable," with respect to a disposition, appointment, provision or nomination, means one under which the divorced person, at the time of the divorce or annulment, was alone empowered, by law or under the governing instrument, to cancel the designation in favor of the person's former spouse or former spouse's relative, whether or not the divorced person was then empowered to designate himself or herself in place of his or her former spouse or in place of his or her former spouse's relative and whether or not the divorced person then had the capacity to exercise the power.

Sec. 4. Chapter 132 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 9, inclusive, of this act.

Sec. 5. *"Domestic partners" has the meaning ascribed to it in NRS 122A.030.*

Sec. 6. *"Foreign jurisdiction" means any jurisdiction other than this State.*

Sec. 7. *"Spouse" includes a domestic partner ~~+~~ as set forth in NRS 122A.200.*

Sec. 8. *"Testamentary trust" means a trust created by the terms of the will of a person.*

Sec. 9. 1. *For the purposes of this title, a person is an interested person with respect to:*

*(a) A judicial proceeding, a notice of a proposed action or a nonjudicial settlement, if the person has or claims to have an enforceable right or interest that may be materially affected by the outcome of that proceeding, proposed action or nonjudicial settlement. While living, a settlor or a testator shall be deemed to have an enforceable right with respect to any trust or will that he or she created. For the purposes of this paragraph, a person may not claim to have a right or interest under an estate or trust after the entry of an order of the court declaring the right or interest invalid.*

*(b) An estate of a decedent, if the person:*

*(1) Is an heir, devisee, child, spouse, creditor, settlor or beneficiary;*

*(2) Has a property right in or claim against the estate of a decedent, including, without limitation, the Director of the Department of Health and Human Services in any case in which money is owed to the Department of Health and Human Services as a result of the payment of benefits for Medicaid;*

*(3) Has priority for appointment as a personal representative; or*

*(4) Is any other fiduciary representing an interested person.*

*(c) A trust, if the person:*

*(1) Is a living settlor or, if a court has appointed a guardian of the estate of the settlor, the guardian of the estate appointed by the court;*

*(2) Is the trustee, including, without limitation, each acting cotrustee;*

*(3) Holds the presently exercisable right to remove or replace the trustee or a cotrustee;*

*(4) Asserts the right to serve as the trustee or as a cotrustee;*

*(5) Is a current beneficiary or a remainder beneficiary of that trust;*

*(6) Holds a presently exercisable power of appointment that permits the holder to designate or change the designation of a current beneficiary or a remainder beneficiary of that trust;*

*(7) Holds a presently exercisable power that permits the holder to designate, remove or otherwise change the designation of a person who, pursuant to this paragraph, would be an interested person;*

*(8) Is a creditor of the settlor who has a claim which has been accepted by the trustee or who has asserted the trustee's liability therefor in a probate proceeding or in a civil action under subsection 8 or 9 of NRS 111.779; or*

*(9) Is a creditor of the trust who has given the trustee written notice of its claim.*

*(d) A revocable trust that is the subject of a petition under NRS 164.015 relating to the validity of the trust or any trust-related document, if the person, after the death of the settlor, under the terms of any version of the trust documents in dispute, would be:*

*(1) A current beneficiary or a remainder beneficiary of that trust; or*

*(2) A trustee or a successor trustee, including, without limitation, a cotrustee.*

*(e) A will that, while the testator is still living, is the subject of a petition under subsection 2 of NRS 30.040, if the person, after the death of the testator, would be:*

*(1) A beneficiary of that will; or*

*(2) A fiduciary designated in or pursuant to the terms of that will.*

*2. For the purposes of this title, the following persons are not interested persons:*

*(a) With respect to a motion, petition or proceeding, any person holding or claiming an interest or right that is not affected by the motion, petition or proceeding.*

*(b) The Director of the Department of Health and Human Services after any money owed to the Department has been paid in full or with respect to the estate or trust of a decedent who did not receive any benefits from Medicaid.*

*(c) A vexatious litigant with regard to a motion, petition or proceeding for which the vexatious litigant has been denied standing pursuant to NRS 155.165.*

*(d) As to the estate of a decedent:*

(1) *After a will has been admitted to probate, an heir, child or spouse who is not a beneficiary of the will, except for the purposes of NRS 133.110, 133.160 and 137.080.*

(2) *A creditor whose claim has not been accepted by the personal representative, if the enforcement of the claim of the creditor is barred under the provisions of chapter 11 or 147 of NRS or any other applicable statute of limitations.*

(e) *As to a trust:*

(1) *The guardian of the person of an interested person, unless the guardian is expressly permitted to act for the interested person under the terms of the trust instrument;*

(2) *A beneficiary or creditor whose right or claim is barred by any applicable statute of limitations, including, without limitation, the statute of limitations found in chapter 11 of NRS or NRS 164.021, 164.025 or 166.170;*

(3) *Any beneficiary of a revocable trust, except as expressly provided in paragraph (d) of subsection 1; or*

(4) *Any disclaimant as to a disclaimed interest, except with respect to the enforcement of the disclaimer.*

3. *As used in this section:*

(a) *"Current beneficiary" has the meaning ascribed to it in NRS 165.128.*

(b) *"Remainder beneficiary" has the meaning ascribed to it in NRS 165.132.*

Sec. 10. NRS 132.025 is hereby amended to read as follows:

132.025 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 132.030 to 132.370, inclusive, and sections 5 to 8, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 11. NRS 132.185 is hereby amended to read as follows:

132.185 ~~{1.} "Interested person" [includes, without limitation, an heir, devisee, child, spouse, creditor, settlor, beneficiary and any other person having a property right in or claim against a trust estate or the estate of a decedent, including, without limitation, the Director of the Department of Health and Human Services in any case in which money is owed to the Department of Health and Human Services as a result of the payment of benefits for Medicaid. The term includes a person having priority for appointment as a personal representative and other fiduciaries representing interested persons. The meaning as it relates to particular persons must be determined]~~ means a person whose right or interest under an estate or trust may be materially affected by a decision of a fiduciary or a decision of the court. The fiduciary or court shall determine who is an interested person according to the particular purposes of, and matter involved in, a proceeding.

~~{2.} The term does not include:~~

~~—(a) After a will has been admitted to probate, an heir, child or spouse who is not a beneficiary of the will, except for purposes of NRS 133.110, 133.160 and 137.080.~~

~~—(b) A person with regard to a motion, petition or proceeding that does not affect an interest of that person.~~

~~—(c) A creditor whose claim has not been accepted by the personal representative if the enforcement of the claim of the creditor is barred under the provisions of chapter 11 or 147 of NRS or any other applicable statute of limitation.]~~

Sec. 12. NRS 133.110 is hereby amended to read as follows:

133.110 1. If a person marries after making a will and the spouse survives the maker, the will is revoked as to the spouse, unless:

- (a) Provision has been made for the spouse by marriage contract;
- (b) The spouse is provided for in the will, or in such a way mentioned therein as to show an intention not to make such provision ~~[-]~~ , *including, without limitation, by a reference in the will to a future spouse by name;* or
- (c) The spouse is provided for by a transfer of property outside of the will and it appears that the maker intended the transfer to be in lieu of a testamentary provision.

2. When a will is revoked as to the spouse pursuant to subsection 1:

- (a) The spouse is entitled to the same share in the estate of the deceased spouse as if the deceased spouse had died intestate; and
- (b) The remaining provisions of the will remain intact to the extent those provisions are not inconsistent with paragraph (a), including, without limitation, any provision concerning the appointment of a personal representative.

Sec. 13. Chapter 136 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this section, if a declaratory judgment is entered under subsection 2 of NRS 30.040 during the lifetime of a decedent, declaring a document to be the valid will of the decedent, the validity of that will is not subject to challenge after the death of the decedent.*

2. *Nothing in this section shall be construed to:*

- (a) *Prevent the appeal of a declaratory judgment entered pursuant to subsection 1; or*
- (b) *Prohibit evidence that the will has been revoked or that the decedent executed a valid later will.*

Sec. 14. NRS 138.020 is hereby amended to read as follows:

138.020 1. No person is qualified to serve as an executor who, at the time the will is probated:

- (a) Is under the age of majority;
- (b) Has been convicted of a felony, unless the court determines that such a conviction should not disqualify the person from serving in the position of an executor;
- (c) Upon proof, is adjudged by the court disqualified to execute the duties of executor by reason of conflict of interest, drunkenness, improvidence , ~~[-or]~~ lack of integrity or understanding ~~[-]~~ or *other compelling reason; or*

(d) Is a bank not authorized to do business in the State of Nevada, unless it associates as coexecutor a bank authorized to do business in this State. An out-of-state bank is qualified to appoint a substitute executor, pursuant to NRS 138.045, without forming such an association, but any natural person so appointed must be a resident of this State.

2. If a disqualified person is named as the sole executor in a will, or if all persons so named are disqualified or renounce their right to act, or fail to appear and qualify, letters of administration with the will annexed must issue.

Sec. 15. NRS 138.090 is hereby amended to read as follows:

138.090 1. ~~[Administrators]~~ *Except as otherwise provided in this section, administrators* with the will annexed have the same authority as the executor named in the will would have had if the executor had qualified, and their acts are as effectual for every purpose. ~~[, but if the]~~ *If a power or authority conferred upon the executor is discretionary, and is not* ~~[conferred by law,]~~ *expressly excluded by the will, it is* ~~[not]~~ *conferred upon an administrator with the will annexed.*

2. *Except to the extent expressly provided for by the will, a provision of the will waiving the bond of a personal representative does not apply to an administrator with the will annexed.*

3. Persons and their nominees and appointees are entitled to appointment as administrators with the will annexed in the same order of priority as in the appointment of administrators, except that ~~[, as to foreign letters, an interested person has priority over one who is not.]~~ :

(a) *An heir who has been eliminated as a beneficiary or as a fiduciary under the terms of the will is not qualified to serve as an administrator with the will annexed; and*

(b) *The court has the discretion to disregard the order of priority set forth in subsection 1 of NRS 139.040 to favor the appointment of a beneficiary of the will who is given a larger share of the estate over a beneficiary, or his or her nominee, who is given a lesser share, and the court may exercise this discretion to appoint two or more beneficiaries, or their nominees, who have similar interests in the estate of the decedent as coadministrators with the will annexed.*

Sec. 16. NRS 139.010 is hereby amended to read as follows:

139.010 No person is entitled to letters of administration if the person:

1. Is under the age of majority;

2. Has been convicted of a felony, unless the court determines that such a conviction should not disqualify the person from serving in the position of an administrator;

3. Upon proof, is adjudged by the court disqualified by reason of conflict of interest, drunkenness, improvidence, ~~[or]~~ lack of integrity or understanding ~~[,]~~ *or other compelling reason;*

4. Is not a resident of the State of Nevada, unless the person:

(a) Associates as coadministrator a resident of the State of Nevada or a banking corporation authorized to do business in this State; or

(b) Is named as personal representative in the will if the will is the subject of a pending petition for probate, and the court in its discretion believes it would be appropriate to make such an appointment; or

5. Is a banking corporation that is not authorized to do business in this State, unless the banking corporation:

(a) Associates as coadministrator a resident of the State of Nevada or a banking corporation authorized to do business in this State; or

(b) Is named as personal representative in the will if the will is the subject of a pending petition for probate, and the court in its discretion believes it would be appropriate to make such an appointment.

Sec. 17. NRS 143.380 is hereby amended to read as follows:

143.380 1. Subject to the limitations and requirements of NRS ~~[143.300 to 143.815, inclusive,]~~ 143.370, when the personal representative exercises the authority to sell property of the estate *after being granted full authority* pursuant to NRS 143.300 to 143.815, inclusive, the personal representative may sell the property at public auction or private sale, and with or without notice, for cash or on credit, for such price and upon such terms and conditions as the personal representative may determine.

2. The requirements applicable to court confirmation of sales of real property referenced in subsection 1 include, without limitation:

(a) Publication of the notice of sale;

(b) Court approval of agents' and brokers' commissions;

(c) The sale being not less than 90 percent of appraised value of the real property;

(d) An examination by the court into the necessity for the sale of the real property, including, without limitation, any advantage to the estate and benefit to interested persons; and

(e) The efforts of the personal representative to obtain the highest and best price for the property reasonably attainable.

3. The requirements applicable to court confirmation of sales of real property and sales of personal property do not apply to a sale pursuant to this section.

Sec. 18. NRS 144.010 is hereby amended to read as follows:

144.010 1. ~~[Every]~~ *Except as otherwise provided in this subsection, every* personal representative shall make and file with the clerk, within 60 days after appointment, unless the court extends the time, a true inventory and appraisal or record of value of all the estate of the decedent that has come to the possession or knowledge of the personal representative. *The requirement of filing an inventory or the requirement of filing an appraisal or verified record of value, or both, may be waived by the unanimous written consent of all interested persons.*

2. The personal representative, within 10 days after filing the inventory with the clerk, shall mail a copy to all the interested heirs of an intestate estate, or to the devisees of a testate estate, or to both interested heirs and

devisees, if a contest of the will of the decedent is pending. Proof of the mailing of the copies must be made and filed in the proceeding.

Sec. 19. NRS 144.020 is hereby amended to read as follows:

144.020 1. A personal representative may engage a qualified and disinterested appraiser to ascertain the fair market value, as of the decedent's death, of any asset the value of which is subject to reasonable doubt. Different persons may be engaged to appraise different kinds of assets included in the estate.

2. Any such appraiser is entitled to a reasonable compensation for the appraisal and may be paid the compensation by the personal representative out of the estate at any time after completion of the appraisal.

3. ~~{H}~~ *Except as otherwise provided in NRS 144.010, if there is no reasonable doubt as to the value of assets, such as money, deposits in banks or credit unions, bonds, policies of life insurance, or securities for money or evidence of indebtedness, and the asset is equal in value to cash, the personal representative shall file a verified record of value in lieu of the appraisal.*

4. If it appears beyond reasonable doubt that there will be no need to sell assets of the estate to pay the debts of the estate or expenses of administration, or to divide assets for distribution in kind to the devisees or heirs, the personal representative may petition the court for an order allowing a verified record of value to be filed in lieu of the appraisal ~~{-}~~ *or, if no interested person is prejudiced thereby, an order waiving the requirement for filing an appraisal or verified record of value, and the court may enter such an order with or without notice.*

Sec. 20. NRS 146.070 is hereby amended to read as follows:

146.070 1. ~~If [a person dies leaving an estate the gross value of which, after deducting any encumbrances, does not exceed \$100,000, and there is a surviving spouse or minor child or minor children of the decedent, the estate must not be administered upon, but the whole estate, after directing such payments as may be deemed just, must be, by an order for that purpose, assigned and set apart for the support of the surviving spouse or minor child or minor children, or for the support of the minor child or minor children, if there is no surviving spouse. Even if there is a surviving spouse, the court may, after directing such payments, set aside the whole of the estate to the minor child or minor children, if it is in their best interests.~~

~~— 2. If there is no surviving spouse or minor child of the decedent and the gross} the value of a decedent's estate {-, after deducting any encumbrances,} does not exceed \$100,000, {upon good cause shown, the court shall order that the estate not be administered upon, but the} the estate may be set aside without administration by the order of the court.~~

2. *Except as otherwise provided in subsection 3, the whole estate must be assigned and set apart in the following order:*

(a) *To the payment of the petitioner's attorney's fees and costs incurred relative to the proceeding under this section;*



(b) To the payment of funeral expenses, expenses of last illness, money owed to the Department of Health and Human Services as a result of payment of benefits for Medicaid and creditors, if there are any; ~~and~~

~~—(b)—~~ (c) To the payment of other creditors, if any; and

(d) Any balance remaining to the claimant or claimants entitled thereto pursuant to a valid will of the decedent, and if there is no valid will, pursuant to intestate succession ~~—~~ in accordance with chapter 134 of NRS.

3. If the decedent is survived by a spouse or one or more minor children, the court must set aside the estate for the benefit of the surviving spouse or the minor child or minor children of the decedent, subject to any reduction made pursuant to subsection 4 or 5. The court may allocate the entire estate to the surviving spouse, the entire amount to the minor child or minor children, or may divide the estate among the surviving spouse and minor child or minor children.

4. As to any amount set aside to or for the benefit of the surviving spouse or minor child or minor children of the decedent pursuant to subsection 3, the court must set aside the estate without the payment of creditors except as the court finds necessary to prevent a manifest injustice.

5. To prevent an injustice to creditors when there are nonprobate transfers that already benefit the surviving spouse or minor child or minor children of the decedent, the court has the discretion to reduce the amount set aside under subsection 3 to the extent that the value of the estate, when combined with the value of nonprobate transfers, as defined in NRS 111.721, from the decedent to or for the benefit of the surviving spouse or minor child or minor children of the decedent exceeds \$100,000.

6. In exercising the discretion granted in this section, the court shall consider the needs and resources of the surviving spouse and minor child or minor children, including any assets received by or for the benefit of the surviving spouse or minor child or minor children from the decedent by nonprobate transfers.

7. For the purpose of this section, a nonprobate transfer from the decedent to one or more trusts or custodial accounts for the benefit of the surviving spouse or minor child or minor children shall be considered a transfer for the benefit of such spouse or minor child or minor children.

8. Proceedings taken under this section ~~—, whether or not the decedent left a valid will,—~~ must not begin until at least 30 days after the death of the decedent and must be originated by a petition containing:

(a) A specific description of all property in the decedent's ~~property—~~ estate;

(b) A list of all ~~the~~ known liens and ~~mortgages of record~~ encumbrances against estate property at the date of the decedent's death ~~—~~, with a description of any that the petitioner believes may be unenforceable;

(c) An estimate of the value of the property ~~—~~, together with an explanation of how the estimated value was determined;

(d) A statement of the debts of the decedent so far as known to the petitioner ; ~~{-}~~

(e) The names and residences of the heirs and devisees of the decedent and the age of any who is a minor and the relationship of the heirs and devisees to the decedent, so far as known to the petitioner ~~{-~~

~~-4.-}~~ ; and

(f) *If the decedent left a will, a statement concerning all evidence known to the petitioner that tends to prove that the will is valid.*

9. *If the petition seeks to have the estate set aside for the benefit of the decedent's surviving spouse or minor child or minor children without payment to creditors, the petition must also contain:*

(a) *A specific description and estimated value of property passing by one more nonprobate transfers from the decedent to the surviving spouse or minor child or minor children; or*

(b) *An allegation that the estimated value of the property sought to be set aside, combined with the value of all nonprobate transfers from the decedent to the surviving spouse or minor child or minor children who are seeking to receive property pursuant to this section is less than \$100,000.*

10. *When property is distributed pursuant to an order granted under this section, the court may allocate the property on a pro rata basis or a non-pro rata basis.*

11. The clerk shall set the petition for hearing and the petitioner shall give notice of the petition and hearing in the manner provided in NRS 155.010 to the decedent's heirs and devisees and to the Director of the Department of Health and Human Services. If a complete copy of the petition is not enclosed with the notice, the notice must include a statement setting forth to whom the estate is being set aside.

~~{5.-}~~ 12. No court or clerk's fees may be charged for the filing of any petition in, or order of court thereon, or for any certified copy of the petition or order in an estate not exceeding \$2,500 in value.

~~{6.—If the court finds that the gross value of the estate, less encumbrances, does not exceed the sum of \$100,000, the court may direct that the estate be distributed to the father or mother of a minor heir or devisee, with or without the filing of any bond, or to a custodian under chapter 167 of NRS, or may require that a general guardian be appointed and that the estate be distributed to the guardian, with or without bond, as in the discretion of the court is deemed to be in the best interests of the minor. The court may direct the manner in which the money may be used for the benefit of the minor.}~~

13. *At the hearing on a petition under this section, the court may require such additional evidence as the court deems necessary to make the findings required under subsection 14.*

14. *The order granting the petition shall include:*

(a) *The court's finding as to the validity of any will presented;*

*(b) The court's finding as to the value of the estate and, if relevant for the purposes of subsection 5, the value of any property subject to nonprobate transfers;*

*(c) The court's determination of any property set aside under subsection 2;*

*(d) The court's determination of any property set aside under subsection 3, including, without limitation, the court's determination as to any reduction made pursuant to subsection 4 or 5; and*

*(e) The name of each distributee and the property to be distributed to the distributee.*

15. *As to the distribution of the share of a minor child set aside pursuant to this section, the court may direct the manner in which the money may be used for the benefit of the minor child as is deemed in the court's discretion to be in the best interests of the minor child, and the distribution of the minor child's share shall be made as permitted for the minor child's share under the terms of the decedent's will or to one or more of the following:*

*(a) A parent of such minor child, with or without the filing of any bond;*

*(b) A custodian under chapter 167 of NRS; or*

*(c) A court-appointed guardian of the estate, with or without bond.*

16. *For the purposes of this section, the value of property must be the fair market value of that property, reduced by the value of all enforceable liens and encumbrances. Property values and the values of liens and encumbrances must be determined as of the date of the decedent's death.*

Sec. 21. NRS 153.031 is hereby amended to read as follows:

153.031 1. A trustee or beneficiary may petition the court regarding any aspect of the affairs of the trust, including:

(a) Determining the existence of the trust;

(b) Determining the construction of the trust instrument;

(c) Determining the existence of an immunity, power, privilege, right or duty;

(d) Determining the validity of a provision of the trust;

(e) Ascertaining beneficiaries and determining to whom property is to pass or be delivered upon final or partial termination of the trust, to the extent not provided in the trust instrument;

(f) Settling the accounts and reviewing the acts of the trustee, including the exercise of discretionary powers;

(g) Instructing the trustee;

(h) Compelling the trustee to report information about the trust or account, to the beneficiary;

(i) Granting powers to the trustee;

(j) Fixing or allowing payment of the trustee's compensation, or reviewing the reasonableness of the trustee's compensation;

(k) Appointing or removing a trustee;

(l) Accepting the resignation of a trustee;

(m) Compelling redress of a breach of the trust;

- (n) Approving or directing the modification or termination of the trust;
- (o) Approving or directing the combination or division of trusts;
- (p) Amending or conforming the trust instrument in the manner required to qualify the estate of a decedent for the charitable estate tax deduction under federal law, including the addition of mandatory requirements for a charitable-remainder trust;
- (q) Compelling compliance with the terms of the trust or other applicable law; and
- (r) Permitting the division or allocation of the aggregate value of community property assets in a manner other than on a pro rata basis.

2. A petition under this section must state the grounds of the petition and the name and address of each interested person, including the Attorney General if the petition relates to a charitable trust, and the relief sought by the petition. Except as otherwise provided in this chapter, the clerk shall set the petition for hearing and the petitioner shall give notice for the period and in the manner provided in NRS 155.010. The court may order such further notice to be given as may be proper.

3. If the court grants any relief to the petitioner, the court may, in its discretion, order any or all of the following additional relief if the court determines that such additional relief is appropriate to redress or avoid an injustice:

- (a) Order a reduction in the trustee's compensation.
- (b) Order the trustee to pay to the petitioner or any other party all reasonable costs incurred by the party to adjudicate the affairs of the trust pursuant to this section, including, without limitation, reasonable attorney's fees. ~~[Except as otherwise provided in NRS 165.139, the]~~ The trustee may not be held personally liable for the payment of such costs unless the court determines that the trustee was negligent in the performance of or breached his or her fiduciary duties.

Sec. 22. Chapter 155 of NRS is hereby amended by adding thereto the provisions set forth as sections 23, 24 and 25 of this act.

Sec. 23. *"Dependent adult" means a person who at the time of executing a transfer instrument pursuant to this chapter is 18 years of age or older and:*

- 1. *Is unable, without assistance, to provide properly for his or her personal needs for physical health, food, clothing or shelter; or*
- 2. *Has difficulty managing his or her own financial resources without assistance or resisting fraud or undue influence.*

Sec. 24. *"Health and social services" means services provided to a dependent adult because of his or her dependent condition, including, without limitation, the administration of medicine, medical testing, wound care, assistance with hygiene, companionship, housekeeping, shopping, cooking or assistance with finances.*

Sec. 25. 1. *In a proceeding involving the estate of a decedent or a testamentary trust, the court has jurisdiction over the assets of the estate or trust as a proceeding in rem.*

2. *In addition to any other basis for claiming jurisdiction over a person, the court has personal jurisdiction over each person:*

- (a) Who is appointed as a personal representative by the court;*
- (b) Whose appointment as a trustee is confirmed by the court;*
- (c) Who files with the court a petition, a motion, other than a motion for dismissal for lack of jurisdiction, an objection or a joinder to a petition or motion;*
- (d) Who makes an appearance at a hearing of a proceeding involving the estate of a decedent or a testamentary trust, unless the appearance is made solely for the purpose of objecting to the jurisdiction of the court; or*
- (e) Who is a party to a proceeding commenced by a petition filed pursuant to NRS 153.031 if notice is given pursuant to NRS 155.010.*

3. *Sanctions against a person that are imposed by the court pursuant to any provision of law or the terms of a will or testamentary trust are limited to that person's interest in the estate or trust unless the court has personal jurisdiction over that person.*

Sec. 26. NRS 155.010 is hereby amended to read as follows:

155.010 1. Except as otherwise provided in *this section* or a specific statute relating to the kind of notice required or otherwise ordered by the court in a particular instance, a petitioner shall cause notice of the time and place of the hearing of a petition to be given to each interested person and to every other person entitled to notice pursuant to this title or his or her attorney if the person has appeared by attorney or requested that notice be sent to his or her attorney. Notice must be given:

(a) By mailing a copy thereof at least 10 days before the time set for the hearing by certified, registered or ordinary first-class mail addressed to the person being notified at the post office address given in the person's demand for notice, if any, or at his or her office or place of residence, if known, or by personally delivering a copy thereof to the person being notified at least 10 days before the time set for the hearing; or

(b) If the address or identity of the person is not known and cannot be ascertained with reasonable diligence, by publishing at least once a week for 3 consecutive weeks a copy thereof in a newspaper having general circulation in the county where the hearing is to be held, the last publication of which must be at least 10 days before the date set for the hearing.

2. *A person who, for the purposes of the matter to be considered at a hearing, is not an interested person is not entitled to notice of that hearing.*

3. The court, for good cause shown, may provide for a different method or time of giving notice for any hearing, or may dispense with the notice otherwise required to be given to a person under this title.

~~{3-}~~ 4. Proof of the giving of notice must be made on or before the hearing and filed in the proceeding.

~~[4-]~~ 5. A person entitled to notice may, in writing, waive notice of the hearing of a petition.

Sec. 27. NRS 155.093 is hereby amended to read as follows:

155.093 As used in NRS 155.093 to 155.098, inclusive, *and sections 23, 24 and 25 of this act*, unless the context otherwise requires, the words and terms defined in NRS 155.0935 to 155.0965, inclusive, *and sections 23 and 24 of this act* have the meanings ascribed to them in those sections.

Sec. 28. NRS 155.0935 is hereby amended to read as follows:

155.0935 "Caregiver" means ~~any~~ a person who ~~has provided significant assistance or services to or for a person, regardless of whether the person is incompetent, incapacitated or of limited capacity and regardless of whether the person is being compensated for the assistance or services provided.~~ provides health or social services to a dependent adult for remuneration other than a donative transfer pursuant to this chapter or the reimbursement of expenses.

Sec. 29. NRS 155.094 is hereby amended to read as follows:

155.094 "Independent attorney" means an attorney, other than an attorney who:

1. Is a transferee described in subsection 2 of NRS 155.097; or
2. ~~Has served~~ Served as an attorney for a person who is described in subsection 2 of NRS 155.097 ~~at the time of the execution of the transfer instrument.~~

Sec. 30. NRS 155.0945 is hereby amended to read as follows:

155.0945 "Related to, affiliated with or subordinate to any person" includes, without limitation:

1. The person's spouse;
2. A relative of the person within the third degree of consanguinity ; ~~or the spouse of such a relative;~~
3. A co-owner of a business with the person;
4. An employee of a business if the person:
  - (a) Has an ownership interest in the business; or
  - (b) Holds a supervisory position with the business;
5. An attorney or employee of a law firm for which the person is or was a client; ~~and~~
6. *The spouse of any person described in subsections 2 to 5, inclusive; and*
7. Any entity owned or controlled by a person described in subsections 1 to ~~5,~~ 6, inclusive.

Sec. 31. NRS 155.0955 is hereby amended to read as follows:

155.0955 "Transfer instrument" means ~~the~~ a legal document intended to effectuate a transfer of property for less than fair market value, whether such transfer becomes effective during the life of the transferor or on or after the transferor's death and includes, without limitation ~~the~~ :

1. A will ~~the~~ ;
2. A trust ~~the~~ ;

3. A deed ~~[;]~~; and

4. Any form, ~~[designated as payable on death,]~~ contract or other ~~[beneficiary designation form.]~~ document which:

- (a) Creates, conveys or transfers any interest in property;
- (b) Creates any type of joint ownership;
- (c) Establishes a right of survivorship;
- (d) Designates a beneficiary;
- (e) Adds an authorized signer on any bank or brokerage account;
- (f) Creates or attempts to effectuate a nonprobate transfer to be effective upon the death of the transferor; or
- (g) Is intended to amend, modify, eliminate, supersede or revoke any other transfer instrument.

Sec. 32. NRS 155.096 is hereby amended to read as follows:

155.096 "Transferee" means a devisee, a beneficiary of trust, a grantee of a deed, including a grantee of a deed pursuant to NRS 111.655 to 111.699, inclusive, and any other person designated in a transfer instrument to receive a nonprobate transfer ~~[;]~~ or other interest in property for less than fair market value.

Sec. 33. NRS 155.097 is hereby amended to read as follows:

155.097 1. ~~[To]~~ Regardless of when a transfer instrument is made, to the extent the court finds that a transfer was the product of fraud, duress or undue influence, the transfer is void and each transferee who is found responsible for the fraud, duress or undue influence shall bear the costs of the proceedings, including, without limitation, reasonable attorney's fees.

2. Except as otherwise provided in subsection 4 and NRS 155.0975, a transfer is presumed to be void if the transfer is ~~[effective on or after a transferor's death and the transfer is]~~ to a transferee who is:

- (a) The person who drafted the transfer instrument;
- (b) A caregiver of the transferor ~~[;]~~ who is a dependent adult;
- (c) A person who ~~[arranged for]~~ materially participated in formulating the dispositive provisions of the transfer instrument or paid for the drafting of the transfer instrument; or
- (d) A person who is related to, affiliated with or subordinate to any person described in paragraph (a), (b) or (c).

3. The presumption created by this section is a presumption concerning the burden of proof and may be rebutted by proving, by clear and convincing evidence that the donative transfer was not the product of fraud, duress or undue influence.

4. The provisions of subsection 2 do not apply to a transfer instrument that is intended to effectuate a transfer:

- (a) After the transferor's death, unless the transfer instrument is made on or after October 1, ~~[2015,]~~ 2011; or
- (b) During the transferor's lifetime, unless the transfer instrument is made on or after October 1, 2015.

Sec. 34. NRS 155.0975 is hereby amended to read as follows:

155.0975 The presumption established by NRS 155.097 does not apply:

1. *To the spouse of the transferor;*
2. To a transfer of property ~~[under a will]~~ *which is triggered by the transferor's death* if the transferee is an heir of the ~~[testator whose share in the estate of the testator under the terms of the testator's will]~~ *transferor and the combined value of all transfers received by that transferee is not greater than the share the transferee would be entitled to pursuant to chapter 134 of NRS if the testator had died intestate* ~~[—2.]~~ *and the transferor's estate included all nonprobate transfers which are triggered by the death of the transferor.*

3. Except as otherwise provided in this subsection, if the court determines, upon clear and convincing evidence, that the transfer was not the product of fraud, duress or undue influence. The determination of the court pursuant to this subsection must not be based solely upon the testimony of a person described in subsection 2 of NRS 155.097.

~~[3.]~~ 4. If the transfer instrument is reviewed by an independent attorney who:

- (a) Counsels the transferor about the nature and consequences of the intended transfer;
- (b) Attempts to determine if the intended consequence is the result of fraud, duress or undue influence; and
- (c) Signs and delivers to the transferor an original certificate of that review in substantially the following form:

#### CERTIFICATE OF INDEPENDENT REVIEW

I, ..... (attorney's name), have reviewed ..... (name of transfer instrument) and have counseled my client, ..... (name of client), on the nature and consequences of the transfer or transfers of property to ..... (name of transferee) contained in the transfer instrument. I am disassociated from the interest of the transferee to the extent that I am in a position to advise my client independently, impartially and confidentially as to the consequences of the transfer. On the basis of this counsel, I conclude that the transfer or transfers of property in the transfer instrument that otherwise might be invalid pursuant to NRS 155.097 are valid because the transfer or transfers are not the product of fraud, duress or undue influence.

.....  
(Name of Attorney) (Date)

~~[4.]~~ 5. To a transferee that is:

- (a) A federal, state or local public entity; or
- (b) An entity that is recognized as exempt under section 501(c)(3) or 501(c)(19) of the Internal Revenue Code, 26 U.S.C. 501(c)(3) or 501(c)(19), or a trust holding an interest for such an entity but only to the extent of the interest of the entity or the interest of the trustee of the trust.

~~[5.—A.]~~



6. To a transfer of property if the fair market value of the property does not exceed \$3,000. *The exclusion provided by this subsection does not apply more than once in each calendar year to transfers made during the transferor's lifetime. For the purposes of this subsection, regardless of the number of transfer instruments involved, the value of property transferred to a transferee pursuant to a transfer that is triggered by the transferor's death must include the value of all property transferred to that transferee or for such transferee's benefit after the transferor's death.*

Sec. 35. NRS 155.165 is hereby amended to read as follows:

155.165 1. The court may find that a person , *including, without limitation, a personal representative or trustee*, is a vexatious litigant if the person files a petition, objection, motion or other pleading which is without merit , ~~for~~ intended to harass or annoy the personal representative or a trustee ~~or~~ *intended to unreasonably oppose or frustrate the efforts of an interested person who is acting in good faith to enforce his or her rights. The court may find that a personal representative or trustee is a vexatious litigant if the personal representative or trustee has expended the funds of the estate or trust to unreasonably oppose the good faith efforts of an interested person to enforce his or her rights.* In determining whether the person is a vexatious litigant, the court may take into consideration whether the person has previously filed pleadings in a proceeding that were without merit , ~~for~~ intended to harass or annoy a fiduciary ~~or~~ *intended to unreasonably oppose or frustrate the efforts of an interested person who is acting in good faith to enforce his or her rights.*

2. If a court finds that a person is a vexatious litigant pursuant to subsection 1, the court may impose sanctions on the person in an amount sufficient to reimburse the estate or trust for all or part of the expenses , *including, without limitation, reasonable attorney's fees*, incurred by the estate or trust to respond to the petition, objection, motion or other pleading and for any other pecuniary losses which are associated with the actions of the vexatious litigant. *If a court finds that a personal representative or trustee is a vexatious litigant, the court may remove the personal representative or trustee and any sanctions imposed by the court must be imposed against the personal representative or trustee personally and not against the estate or trust.* The court may make an order directing entry of judgment for the amount of such sanctions.

3. The court may deny standing to an interested party to bring a petition or motion if the court finds that:

(a) The subject matter of the petition or motion is unrelated to the interests of the interested party;

(b) The interests of the interested party are minimal as it relates to the subject matter of the petition or motion; or

(c) The interested party is a vexatious litigant pursuant to subsection 1.

4. If a court finds that a person is a vexatious litigant pursuant to subsection 1, that person does not have standing to:

- (a) Object to the issuance of letters; or
- (b) Request the removal of a personal representative or a trustee.

Sec. 35.1. Title 13 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 35.3, 35.5 and 35.7 of this act.

Sec. 35.3. *As used in this title, unless the context otherwise requires, the words and terms defined in sections 35.5 and 35.7 of this act have the meanings ascribed to them in those sections.*

Sec. 35.5. *"Domestic partners" has the meaning ascribed to it in NRS 122A.030.*

Sec. 35.7. *"Spouse" includes a domestic partner as set forth in NRS 122A.200.*

Sec. 36. Chapter 163 of NRS is hereby amended by adding thereto the provisions set forth as sections 37 to ~~46~~ 46.5, inclusive, of this act.

Sec. 37. *"Nontestamentary trust" means a trust that is created and takes effect during the lifetime of the settlor.*

Sec. 38. *"Testamentary trust" means a trust that is created by the terms of the will of a person.*

Sec. 39. *"Trust instrument" means a will, trust agreement, declaration, or other instrument that creates or defines the duties and powers of a trustee and shall include a court order or any instrument that modifies a trust instrument or, in effect, alters the duties and powers of a trustee or other terms of a trust instrument.*

Sec. 40. 1. *Except as otherwise provided by the terms of the trust instrument, a trustee may combine two or more trusts into a single trust or divide a trust into two or more separate trusts if the combination or division does not:*

- (a) Impair the rights of any beneficiary;*
- (b) Substantially affect the accomplishment of the purposes of the trust or trusts; or*
- (c) Violate the rule against perpetuities applicable to the trust or trusts.*

2. *The combination or division of trusts must be made only after giving notice of the proposed action and following the procedure set forth in NRS 164.725. The notice of the proposed action must include a summary of the anticipated tax consequences, if any, of the proposed combination or division.*

Sec. 41. *Except as otherwise specifically provided in the trust instrument and except to the extent it would be materially detrimental to the administration of the trust or to the furtherance of its purposes, a trustee may change the name of an irrevocable trust or give a name to an irrevocable trust that does not have one.*

Sec. 42. *"Directing trust adviser" means a trust adviser, trust protector or other person designated in the trust instrument who has the authority to give directives that must be followed by the fiduciary. The term does not include a trust adviser, trust protector or other person who gives*

*recommendations, counsel or advice that the fiduciary is not required to follow under the terms of the trust instrument.*

Sec. 43. *For the purposes of NRS 163.553 to 163.556, inclusive, and sections 42 and 43 of this act, a fiduciary is a "directed fiduciary" with respect to any action that the fiduciary:*

- 1. Has no power to take under the terms of the governing instrument;*
- 2. Is mandated by the governing instrument and for which the fiduciary has no discretion to act otherwise; and*
- 3. Is directed to take or prohibited from taking by a directing trust adviser.*

Sec. 44. *1. A public benefit trust must be administered in accordance with the terms of the trust instrument. Except to the extent otherwise provided for in the trust instrument:*

*(a) Any person appointed by the terms of the trust instrument may enforce the terms of the public benefit trust or, if there is no such person or if such a person is no longer willing or able to serve as a person appointed to enforce the trust, the terms of the trust may be enforced by the Attorney General, the district attorney of the county in which the trust is domiciled or a person appointed by the district court in the county in which the trust is domiciled.*

*(b) A petition for an order that appoints a person to enforce the terms of the public benefit trust or to remove the person who has been appointed to enforce the terms of the trust may be filed with the district court in the county in which the trust is domiciled by the Attorney General, by the district attorney in the county in which the trust is domiciled or by any person who has an interest, other than a general public interest, in the declared purpose of the trust.*

*(c) The principal and income of the public benefit trust may be applied only to its intended use.*

*(d) Upon the termination of the public benefit trust, any assets of the trust and any undistributed income must be distributed in accordance with the terms of the trust or, in the absence of such terms, to the estate of the settlor.*

*(e) If a specific purpose of the public benefit trust becomes illegal under the United States Constitution or the Nevada Constitution, the trust must continue in force as if the illegal purpose was not included in the trust instrument. If no purpose of the public benefit trust is lawful, the district court in the county in which the trust is domiciled may, upon the petition of an interested person or upon its own motion, reform the trust to continue for lawful purposes similar to those intended by the settlor. If the court determines that a reformation of the public benefit trust is not practical or will not accomplish the objectives of the settlor, the trust must terminate and its assets and undistributed income must be distributed pursuant to paragraph (d).*

*(f) Except as ordered by the district court or required by the trust instrument, no filing, report, registration, periodic accounting, separate maintenance of funds, appointment or fee is required by reason of the*

*existence of the fiduciary relationship of the trustee or trustees of the public benefit trust.*

*(g) If no trustee is designated or no designated trustee is willing or able to act, the district court in the county in which the trust is domiciled shall name one or more trustees and may make such other orders and determinations as are advisable to carry out the interest of the settlor and the purposes of the public benefit trust.*

*2. As used in this section, "public benefit trust" means a valid trust without identifiable beneficiaries that is not a charitable trust, but which:*

*(a) Is established to further one or more specifically declared religious, scientific, literary, educational, community development, personal improvement or philanthropic purposes that is not illegal or against public policy;*

*(b) Provides that the trust principal or income, or both, will provide a benefit, but not necessarily principal or income, to the general public or to one or more classes or groups of persons, including, without limitation, a government, a governmental agency and any political subdivision of a government, that are to be identified in the trustee's discretion;*

*(c) Does not allow any benefit to the trustee or any cotrustee, except as to the payment of reasonable compensation and the reimbursement of expenses incurred for the benefit of the trust; and*

*(d) Does not violate the rule against perpetuities as set forth in NRS 111.103 to 111.1039, inclusive.*

*Sec. 45. If a trust has no serving trustee because of the death, incapacity or resignation of the last serving trustee of the trust, and if the provisions of the trust instrument do not include any provisions which can be effectively used to appoint a successor trustee, then the current beneficiaries of the trust, by unanimous vote, may name and appoint a successor trustee of the trust without the approval of the court so long as the successor trustee of the trust is not a person described in NRS 138.020 and is not a "related or subordinate person" with respect to the settlor of the trust or any beneficiary thereof within the meaning of section 672(c) of the Internal Revenue Code, 26 U.S.C. 672(c), as amended. If a current beneficiary is a minor, the minor's guardian or guardian ad litem may vote on the minor's behalf. NRS 164.038 shall apply with respect to the appointment of a trustee under this section. For the purposes of this section, the person entitled to vote with respect to a beneficiary which is another trust, which has a serving trustee, is the trustee or trustees of such trust.*

*Sec. 46. A fiduciary may take such actions as are necessary to cause gains from the sale or exchange of trust assets, as determined for federal income tax purposes, to be taxed for federal income tax purposes as part of a distribution of income, including, without limitation, income which has been increased by an adjustment from principal to income under NRS 164.795, a unitrust distribution or a distribution of principal to a beneficiary.*

Sec. 46.5. 1. After notice to the beneficiaries, the trustee of a trust that consists of trust property having a total value of less than \$100,000 or that is uneconomical to administer may terminate the trust if the trustee concludes that the value of the trust property is insufficient to justify the cost of administration. This subsection does not apply to an interested trustee.

2. The court may modify or terminate a trust, in accordance with NRS 163.185, or remove the trustee and appoint a different trustee if the court determines that the value of the trust property is insufficient to justify the cost of administration.

3. On termination of a trust under this section, the trustee shall distribute the trust property in a manner consistent with the purposes of the trust.

4. This section does not apply to a trust whose trust property includes an easement for conservation.

5. As used in this section:

(a) "Easement for conservation" has the meaning ascribed to it in NRS 111.410.

(b) "Interested trustee" means:

(1) An individual trustee to whom the net income or principal of the trust can currently be distributed or would be distributed if the trust were then to terminate and be distributed.

(2) Any trustee who may be removed and replaced by an interested distributee.

(3) An individual trustee whose legal obligation to support a beneficiary may be satisfied by distributions of income and principal of the trust.

Sec. 47. NRS 163.001 is hereby amended to read as follows:

163.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 163.0011 to 163.0017, inclusive, and sections 37, 38 and 39 of this act have the meanings ascribed to them in those sections.

Sec. 48. NRS 163.002 is hereby amended to read as follows:

163.002 Except as otherwise provided by specific statute, a trust may be created by any of the following methods:

1. A declaration by the owner of property that he or she holds the property as trustee. *In the absence of a contrary declaration by the owner of the property or of a transfer of the property to a third party and regardless of formal title to the property:*

*(a) Property declared to be trust property, together with all income therefrom and the reinvestment thereof, must remain trust property; and*

*(b) If the property declared to be trust property includes an account, contract, certificate, note, judgment, business interest, contents of a safe deposit box or other property interest that is subject to additions or contributions, all subsequent additions and contributions to the property are also trust property.*

2. A transfer of property by the owner during his or her lifetime to another person as trustee.

3. A testamentary transfer of property by the owner to another person as trustee.

4. An exercise of a power of appointment in trust.

5. An enforceable promise to create a trust.

Sec. 49. NRS 163.004 is hereby amended to read as follows:

163.004 1. ~~[A trust may be created for any purpose that is not illegal or against public policy.~~

~~—2.]~~ Except as otherwise provided by ~~[a specific statute, federal law or common]~~ law, the terms of a trust instrument may *expand, restrict, eliminate or otherwise* vary the rights and interests of beneficiaries in any manner that is not illegal or against public policy, including, without limitation : ~~[specifying:]~~

(a) *The right to be informed of the beneficiary's interest for a period of time;*

(b) The grounds for ~~[removing]~~ *the removal* of a fiduciary;

~~[(b)]~~ (c) The circumstances, if any, in which the fiduciary must diversify investments; ~~[and~~

~~—(e)]~~ (d) A fiduciary's powers, duties, standards of care, rights of indemnification and liability to persons whose interests arise from the trust instrument ~~[~~

~~—3.] ; and~~

(e) *The provisions of general applicability to trusts and trust administration.*

2. *A trust is irrevocable by the settlor except to the extent that a right to amend the trust or a right to revoke the trust is expressly reserved by the settlor.*

3. Nothing in this section shall be construed to:

(a) Authorize the exculpation or indemnification of a fiduciary for the fiduciary's own willful misconduct or gross negligence; or

(b) Preclude a court of competent jurisdiction from removing a fiduciary because of the fiduciary's willful misconduct or gross negligence.

4. The rule that statutes in derogation of the common law are to be strictly construed has no application to this section. This section must be liberally construed to give maximum effect to the principle of freedom of disposition and to the enforceability of trust instruments.

Sec. 50. NRS 163.006 is hereby amended to read as follows:

163.006 A trust ~~[, other than a charitable trust,]~~ is created only if there is a beneficiary. This requirement is satisfied if the trust instrument provides for:

1. A beneficiary or class of beneficiaries that is ascertainable with reasonable certainty or that is sufficiently described so that it can be determined whether a person meets the description or is within the class; ~~[or]~~

2. A grant of power to the trustee or some other person to select the beneficiary based on a standard or in the discretion of the trustee or other person ~~[ ]~~;

3. *A charitable trust as defined in NRS 163.460;*

4. *A trust for the care of one or more animals created pursuant to NRS 163.0075; or*

5. *A public benefit trust as defined in section 44 of this act.*

Sec. 51. NRS 163.020 is hereby amended to read as follows:

163.020 As used in NRS 163.010 to 163.200, inclusive, *and sections 40, ~~and~~ 41 and 46.5 of this act*, unless the context or subject matter otherwise requires:

1. "Affiliate" means any person directly or indirectly controlling or controlled by another person, or any person under direct or indirect common control with another person. It includes any person with whom a trustee has an express or implied agreement regarding the purchase of trust investments by each from the other, directly or indirectly, except a broker or stock exchange.

2. "Relative" means a spouse, ancestor, descendant, brother or sister.

3. "Trust" means an express trust only.

4. "Trustee" means the person holding property in trust and includes trustees, a corporate as well as a natural person and a successor or substitute trustee.

Sec. 52. NRS 163.4157 is hereby amended to read as follows:

163.4157 "Power of appointment" means an inter vivos or testamentary power ~~[, held by a person other than the settlor,]~~ to direct the disposition of trust property, other than a distribution decision by a trustee to a beneficiary.

Sec. 53. NRS 163.419 is hereby amended to read as follows:

163.419 *Except as otherwise provided in the trust instrument, with respect to a discretionary interest as described in NRS 163.4185:*

1. *A beneficiary who has a discretionary interest in a trust does not have an enforceable right to a distribution from the trust, and a court may review a trustee's exercise of discretion concerning a discretionary interest only if the trustee acts dishonestly, with ~~[improper motive or fails to act.]~~ bad faith or willful misconduct.*

2. A trustee given discretion in a trust instrument that is described as sole, absolute, uncontrolled, unrestricted or unfettered discretion, or with similar words, has no duty to act reasonably in the exercise of that discretion.

3. Absent express language in a trust to the contrary, if a discretionary interest permits unequal distributions between beneficiaries or to the exclusion of other beneficiaries, the trustee may distribute all of the undistributed income and principal to one beneficiary in the trustee's discretion.

4. Regardless of whether a beneficiary has an outstanding creditor, a trustee of a discretionary interest may directly pay any expense on the

beneficiary's behalf and may exhaust the income and principal of the trust for the benefit of such beneficiary.

Sec. 54. NRS 163.553 is hereby amended to read as follows:

163.553 As used in NRS 163.553 to 163.556, inclusive, *and sections 42 and 43 of this act*, unless the context otherwise requires, the words and terms defined in NRS 163.5533 to 163.5547, inclusive, *and section 42 of this act* have the meanings ascribed to them in those sections.

Sec. 55. NRS 163.5549 is hereby amended to read as follows:

163.5549 1. ~~{An excluded}~~ A directed fiduciary is not liable, individually or as a fiduciary for any loss which results from:

(a) Complying with a direction of a directing trust adviser, ~~{custodial account owner or authorized designee of a custodial account owner;}~~ *whether the direction is to act or to not act; or*

(b) ~~{A failure}~~ Failing to take any action proposed by ~~{an excluded}~~ a directed fiduciary ~~[which requires prior authorization of the trust adviser if the excluded fiduciary timely sought but failed to obtain such authorization; or~~

~~{(c) Any action taken at the direction of a trust protector;} if the action:~~

(1) Required the approval, consent or authorization of a person who did not provide the approval, consent or authorization; or

(2) Was contingent upon a condition that was not met or satisfied.

2. ~~{An excluded}~~ A directed fiduciary is not liable for any obligation to perform an investment or suitability review, inquiry or investigation or to make any recommendation or evaluation with respect to any investment, to the extent that the *investment is made by a directing trust adviser*. ~~{custodial account owner or authorized designee of a custodial account owner had authority to direct the acquisition, disposition or retention of such investment.}~~

3. The provisions of this section do not impose an obligation or liability on a custodian of a custodial account for providing any authorization.

Sec. 56. NRS 163.555 is hereby amended to read as follows:

163.555 If the instrument provides, ~~{an excluded}~~ a directed fiduciary may continue to follow the direction of a directing trust adviser upon the incapacity or death of the settlor of the trust.

Sec. 57. NRS 163.556 is hereby amended to read as follows:

163.556 1. ~~{Unless}~~ Except as otherwise provided in this section, unless the terms of a testamentary instrument or irrevocable trust provide otherwise, a trustee with discretion or authority to distribute trust income or principal to or for a beneficiary of the trust may exercise such discretion or authority by appointing the property subject to such discretion or authority in favor of a second trust ~~[for the benefit of one or more of those beneficiaries.]~~ as provided in this section.

2. ~~{Notwithstanding subsection 1, a}~~ The second trust to which a trustee appoints property of the first trust may only have as beneficiaries one or more of the beneficiaries of the original trust:



(a) *To or for whom a distribution of income or principal may be made from the original trust;*

(b) *To or for whom a distribution of income or principal may be made in the future from the original trust at a time or upon the happening of an event specified under the first trust; or*

(c) *Both paragraphs (a) and (b).*

➔ *For purposes of this subsection, a permissible appointee of a power of appointment exercised by a beneficiary of the second trust is not considered a beneficiary of the second trust.*

3. A trustee may not appoint property of the original trust to a second trust if:

(a) ~~[(a)]~~ ~~The second trust includes a beneficiary who is not a beneficiary of the original trust. For purposes of this paragraph, a permissible appointee of a power of appointment exercised by a beneficiary of the second trust is not considered a beneficiary of the second trust.~~

~~—(b)~~ (b) Appointing the property will reduce any ~~{current fixed}~~ income interest ~~[, annuity interest or unitrust interest of a beneficiary of the original trust.]~~ of any income beneficiary of the original trust if the original trust is:

(1) *A trust for which a marital deduction has been taken for federal or state income, gift or estate tax purposes;*

(2) *A trust for which a charitable deduction has been taken for federal or state income, gift or estate tax purposes; or*

(3) *A grantor-retained annuity trust or unitrust under 27 C.F.R. 25.2702-3(b) and (c).*

➔ As used in this paragraph, "unitrust" has the meaning ascribed to it in NRS 164.700.

~~[(c)]~~ ~~A contribution made to the original trust qualified for a marital or charitable deduction for federal or state income, gift or estate taxes or qualified for a gift tax exclusion for federal or state tax purposes and the terms of the second trust include a provision which if included in the original trust would prevent the original trust from qualifying for the tax deduction or exclusion.~~

~~—(d)~~ (b) The property to be appointed is subject to a power of withdrawal which is held by a beneficiary of the original trust and may be executed at the time of the proposed appointment, unless after the exercise of such appointment, the beneficiary of the original trust's power of withdrawal is unchanged with respect to the trust property.

~~[(e)]~~ ~~(d)~~ (c) Property specifically allocated for one beneficiary of the original trust is no longer allocated for that beneficiary under either or both trusts, unless the beneficiary consents in writing.

~~[(f)]~~ ~~(e)~~ (d) Property held for the benefit of one or more beneficiaries under both the original and the second trust has a lower value than the value of the property held for the benefit of the same beneficiaries under only the original trust, unless:

(1) The benefit provided is limited to a specific amount or periodic payments of a specific amount; and

(2) The value of the property held in either or both trusts for the benefit of one or more beneficiaries is actuarially adequate to provide the benefit.

~~[(g) Under the second trust:~~

~~— (1) Discretionary distributions may be made by the trustee to a beneficiary or group of beneficiaries of the original trust;~~

~~— (2) Distributions are not limited by an ascertainable standard; and~~

~~— (3) A beneficiary or group of beneficiaries has the power to remove and replace the trustee of the second trust with a beneficiary of the second trust or with a trustee that is related to or subordinate to a beneficiary of the second trust.~~

~~— (h) ~~(f)~~ (e)~~ A contribution made to the original trust qualified for a gift tax exclusion as described in section 2503(b) of the Internal Revenue Code, 26 U.S.C. 2503(b), by reason of the application of section 2503(c) of the Internal Revenue Code, 26 U.S.C. 2503(c), unless the second trust provides that the beneficiary's remainder interest must vest not later than the date upon which such interest would have vested under the terms of the original trust.

~~[3. Notwithstanding the provisions of subsection 1, a]~~

4. A trustee who is a beneficiary of the original trust may not exercise the authority to appoint property of the original trust to a second trust if:

(a) Under the terms of the original trust or pursuant to law governing the administration of the original trust:

(1) The trustee does not have discretion to make distributions to himself or herself;

(2) The trustee's discretion to make distributions to himself or herself is limited by an ascertainable standard, and under the terms of the second trust, the trustee's discretion to make distributions to himself or herself is not limited by the same ascertainable standard; or

(3) The trustee's discretion to make distributions to himself or herself can only be exercised with the consent of a cotrustee or a person holding an adverse interest and under the terms of the second trust the trustee's discretion to make distributions to himself or herself is not limited by an ascertainable standard and may be exercised without consent; or

(b) Under the terms of the original trust or pursuant to law governing the administration of the original trust, the trustee of the original trust does not have discretion to make distributions that will discharge the trustee's legal support obligations but under the second trust the trustee's discretion is not limited.

~~[4.]~~ 5. *Notwithstanding the provisions of subsection 1, a trustee who may be removed by the beneficiary or beneficiaries of the original trust and replaced with a trustee that is related to or subordinate, as described in section 672 of the Internal Revenue Code, 26 U.S.C. 672(c), to a beneficiary, may not exercise the authority to appoint property of the original trust to a second trust to the extent that the exercise of the authority by such trustee*

would have the effect of increasing the distributions that can be made from the second trust to such beneficiary or group of beneficiaries that held the power to remove the trustee of the original trust and replace such trustee with a related or subordinate person, unless the distributions that may be made from the second trust to such beneficiary or group of beneficiaries described in paragraph (a) of subsection 4 are limited by an ascertainable standard.

6. The provisions of ~~subsection 3~~ subsections 4 and 5 do not prohibit a trustee who is not a beneficiary of the original trust or who may not be removed by the beneficiary or beneficiaries and replaced with a trustee that is related to or subordinate to a beneficiary from exercising the authority to appoint property of the original trust to a second trust pursuant to the provisions of subsection 1 .

~~{5. if the trustee:~~

~~(a) Is not a beneficiary; or~~

~~(b) May not be removed by the beneficiary or beneficiaries and replaced with a trustee that is related to or subordinate to a beneficiary.]~~

7. Before appointing property pursuant to subsection 1, a trustee may give notice of a proposed action pursuant to NRS 164.725 or may petition a court for approval pursuant to NRS 153.031, 164.015 or 164.725. Any notice of a proposed action or a petition for a court's approval must include the trustee's opinion of how the appointment of property will affect the trustee's compensation and the administration of other trust expenses.

~~{6.}~~ 8. The trust instrument of the second trust may:

(a) Grant a *general or limited* power of appointment to one or more of the beneficiaries of the second trust who are ~~{proper objects of the exercise of the power in}~~ beneficiaries of the original trust. ~~{The power of appointment includes, without limitation, the power to appoint trust property to the holder of the power, the holder's creditors, the holder's estate, the creditors of the holder's estate or any other person.}~~

(b) Provide that, at a time or occurrence of an event specified in the trust instrument, the remaining trust assets in the second trust must be held for the beneficiaries of the original trust upon terms and conditions that are substantially identical to the terms and conditions of the original trust.

~~{7.}~~ 9. The power to appoint the property of the original trust pursuant to subsection 1 must be exercised by a writing, signed by the trustee and filed with the records of the trust.

~~{8.}~~ 10. The exercise of the power to invade principal of the original trust pursuant to subsection 1 is considered the exercise of a power of appointment, other than power to appoint the property to the trustee, the trustee's creditors, the trustee's estate or the creditors of the trustee's estate and the provisions of NRS 111.1031 apply to such power of appointment.

~~{9.}~~ 11. The provisions of this section do not abridge the right of any trustee who has the power to appoint property which arises under any other law.

~~{10.}~~ 12. The provisions of this section do not impose upon a trustee a duty to exercise the power to appoint property pursuant to subsection 1.

~~{11.}~~ 13. The power to appoint property to another trust pursuant to subsection 1 is not a power to amend the trust and a trustee is not prohibited from appointing property to another trust pursuant to subsection 1 if the original trust is irrevocable or provides that it may not be amended.

~~{12.}~~ 14. A trustee's power to appoint property to another trust pursuant to subsection 1 is not limited by the existence of a spendthrift provision in the original trust.

~~{13.}~~ 15. A trustee exercising any power granted pursuant to this section may designate himself or herself or any other person permitted to act as a trustee as the trustee of the second trust.

~~{14.}~~ 16. The trustee of a second trust, resulting from the exercise of the power to appoint property to another trust pursuant to subsection 1, may also exercise the powers granted pursuant to this section with respect to the second trust.

~~{15.}~~ 17. *For the purposes of this section, "second trust" means an irrevocable trust that receives trust income or principal appointed by the trustee of the original trust, and may be established by any person, including, without limitation, a new trust created by the ~~settlor of the original trust or by the~~ trustee, acting in that capacity, of the original trust. If the trustee of the original trust establishes the second trust, then for purposes of creating the new second trust, the requirement of NRS 163.008 that the instrument be signed by the settlor shall be deemed to be satisfied by the signature of the trustee of the second original trust. The second trust may be a trust created under the same trust instrument as the original trust or under a different trust instrument.*

18. As used in this section, "ascertainable standard" means a standard relating to an individual's health, education, support or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code, 26 U.S.C. 2041(b)(1)(A) or 2514(c)(1), and any regulations of the United States Treasury promulgated thereunder.

19. This section applies to a trust that is governed by, sitused in or administered under the laws of this State, whether the trust is initially governed by, sitused in or administered under the laws of this State pursuant to the terms of the trust instrument or whether the governing law, situs or administration of the trust is moved to this State from another state or foreign jurisdiction.

Sec. 58. Chapter 164 of NRS is hereby amended by adding thereto the provisions set forth as sections 59 to 62, inclusive, of this act.

Sec. 59. 1. *The laws of this State govern the validity and construction of a trust if:*

(a) *The trust instrument so provides;*

*(b) Designated by a person who, under the terms of the trust instrument, has the right to designate the laws that govern the validity and construction of the trust, at the time the designation is made; or*

*(c) The trust instrument does not provide for the law that governs the validity and construction of the trust, a person designated under the terms of the trust instrument to designate the law that governs the validity and construction of the trust, if any, has not made such a designation and the settlor or the trustee of the trust was a resident of this State at the time the trust was created or at the time the trust became irrevocable.*

2. *A person not domiciled in this State may have the right to designate the laws that govern the validity and construction of a trust if properly designated under the trust instrument.*

3. *If the district court, as defined in NRS 132.116, determines that there is a clear and sufficient nexus between a trust and this State, the court may assume jurisdiction during a proceeding conducted pursuant to NRS 164.010 unless:*

*(a) Another court has properly assumed jurisdiction in accordance with the laws of that jurisdiction;*

*(b) The trust instrument expressly provides that the situs of the trust is outside of this State or that a court of a jurisdiction other than this State has jurisdiction over the trust; or*

*(c) A person has designated for the trust a situs or jurisdiction other than this State, if such person made the designation at a time during which he or she held the power to make such a designation under the express terms of the trust instrument.*

4. *For the purposes of this section, there is a clear and sufficient nexus between a trust and this State if:*

*(a) The trust owns an interest in real property located in this State;*

*(b) The trust owns personal property, wherever situated, if the trustee or cotrustee is:*

*(1) A resident of this State;*

*(2) Incorporated or authorized to do business in this State;*

*(3) A trust company licensed under chapter 669 of NRS;*

*(4) A family trust company, as defined in NRS 669A.080; or*

*(5) A national association having an office in this State;*

*(c) One or more beneficiaries of the trust reside in this State; or*

*(d) At least part of the administration of the trust occurs in this State.*

5. *For paragraphs (c) and (d) of subsection 4 to apply with respect to a cotrustee, such cotrustee must have the authority to maintain records for the trust and to prepare income tax returns for the trust, even if such authority may also be exercised by another cotrustee.*

6. *Notwithstanding the provisions of this section, if a court of a jurisdiction other than this State has jurisdiction over a trust and grants an order authorizing a transfer of jurisdiction over the trust to this State, the district court has the power to assume jurisdiction over that trust and to*

*otherwise supervise the administration of that trust in accordance with the procedures set forth in this title if the requirements of subsection 4 are satisfied.*

*7. A trust, the situs of which is outside this State, that moves its situs to this State is valid whether or not the trust complies with the laws of this State at the time of its creation or after its creation.*

*Sec. 60. 1. A provision in a will or trust instrument requiring the arbitration of disputes other than disputes of the validity of all or a part of a will or trust, between or among the beneficiaries and a fiduciary under the will or trust, or any combination of such persons or entities, is enforceable.*

*2. Unless otherwise specified in the will or trust, a will or trust provision requiring arbitration shall be presumed to require binding arbitration under NRS 38.206 to 38.248, inclusive. If an arbitration enforceable under this section is governed under NRS 38.206 to 38.248, inclusive, the arbitration provision in the will or trust shall be treated as an agreement for the purposes of applying the provisions of NRS 38.206 to 38.248, inclusive.*

*3. The court is authorized to appoint a guardian ad litem at any time during the arbitration procedure to represent the interests of a minor or a person who is incapacitated, unborn, unknown or unascertained, or a designated class of persons who are not ascertained or are not in being. If not precluded by a conflict of interest, a guardian ad litem may be appointed to represent several persons or interests. The guardian ad litem is entitled to reasonable compensation for services with such compensation to be paid from the principal of the estate or trust whose beneficiaries are represented. The provisions of NRS 164.038 and the common law relating to the doctrine of virtual representation apply to the dispute resolution procedure unless the common law rule or doctrine is inconsistent with the provisions of NRS 164.038, and any action taken by a court enforcing the judgment is conclusive and binding upon each person receiving actual or constructive notice or who is otherwise virtually represented.*

*4. Such arbitration in a provision in a will or trust may include, without limitation:*

*(a) The number, method of selection and minimum qualifications of arbitrators;*

*(b) The selection and establishment of arbitration procedures, including, without limitation, the incorporation of the arbitration rules for wills and trusts adopted by the American Arbitration Association;*

*(c) The county in which the dispute resolution will take place;*

*(d) The scope of discovery;*

*(e) The burden of proof;*

*(f) Confidentiality of the arbitration process and the evidence produced during arbitration and discovery;*

*(g) The awarding of attorney's fees, expert fees and costs;*

*(h) The time period in which the arbitration must be conducted and deciding an award;*

(i) *The method of allocating the appointed person's fees and expenses among the parties;*

(j) *The required appointment of guardians ad litem;*

(k) *The consequences to a party who fails to act in accordance with such provisions or contests such provisions; and*

(l) *Other matters which are not inconsistent with NRS 38.206 to 38.248, inclusive.*

Sec. 61. 1. *Except as otherwise provided in this section, a settlement agreement entered into by all indispensable parties, as described in subsection 1 of section 62 of this act is enforceable with respect to the administration of a trust without approval by the court, as defined in NRS 132.116.*

2. *A nonjudicial settlement agreement is void to the extent it violates a material purpose of the trust and to the extent it includes terms and conditions that could not be properly approved by the court, as defined in NRS 132.116, under the law governing the trust instrument.*

3. *Matters that may be resolved by a nonjudicial settlement agreement include, without limitation:*

(a) *The investment or use of trust assets;*

(b) *The lending or borrowing of money;*

(c) *The addition, deletion or modification of a term or condition of the trust;*

(d) *The interpretation or construction of a term of the trust;*

(e) *The designation or transfer of the principal place of administration of the trust;*

(f) *The approval of a trustee's report or accounting;*

(g) *The choice of law governing the construction of the trust instrument or administration of the trust, or both;*

(h) *Direction to a trustee to perform or refrain from performing a particular act;*

(i) *The granting of any necessary or desirable power to a trustee;*

(j) *The resignation or appointment of a trustee and the determination of a trustee's compensation;*

(k) *The merger or division of trusts;*

(l) *The granting of approval or authority, for a trustee to make charitable gifts from a noncharitable trust;*

(m) *The transfer of a trust's principal place of administration;*

(n) *Negating the liability of a trustee for an action relating to the trust and providing indemnification therefor; and*

(o) *The termination of the trust.*

Sec. 62. 1. *Except as otherwise provided in this section, a nonjudicial settlement agreement is effective when the agreement has been signed by all indispensable parties. A party who is represented by another person pursuant to NRS 164.038 shall be deemed to have signed an agreement when the person who represents that party has signed the agreement.*

2. Except as otherwise provided in this section, if an indispensable party neither signs the agreement nor provides the trustee with a written objection, the trustee may follow the procedure provided in NRS 164.725 by giving a notice of proposed action to all indispensable parties who have not signed the settlement agreement, where the proposed action is to accept and comply with the nonjudicial settlement agreement.

3. Failure to object to the notice of proposed action constitutes acceptance of the settlement agreement. If the trustee is personally aware that an indispensable party, or a person representing that indispensable party under NRS 164.038, has not received the notice of proposed action, the trustee may not proceed to honor the agreement pursuant to subsection 6 of NRS 164.725, but may proceed under subsection 7 of NRS 164.725 as if that indispensable party had objected. Once all indispensable parties have agreed to a settlement agreement as provided in subsection 1 or 2, it is irrevocable.

4. Any indispensable party may petition the court for an order approving a nonjudicial settlement agreement under the procedure set forth in NRS 164.015. In order to approve a nonjudicial settlement, the court must find that the agreement complies with the requirements of this section and section 61 of this act.

5. For the purposes of this section, "indispensable parties" refers to all interested persons, as defined in NRS 132.185, whose consent would be required in order to achieve a binding settlement were the settlement to be approved by the court.

Sec. 63. NRS 164.010 is hereby amended to read as follows:

164.010 1. Upon petition of any person appointed as trustee of an express trust by any written instrument other than a will, or upon petition of a settlor or beneficiary of the trust, the district court of the county in which the trustee resides or conducts business, or in which the trust has been domiciled, shall consider the application to ~~[confirm the appointment of the trustee and specify the manner in which the trustee must qualify. Thereafter the court has]~~ assume jurisdiction of the trust as a proceeding in rem.

2. If the court grants the petition ~~[, it may consider at the same time any petition for instructions filed with the petition for confirmation.]~~, the court:

- (a) Has jurisdiction of the trust as a proceeding in rem;
- (b) Shall be deemed to have personal jurisdiction over any person pursuant to section 59 of this act;
- (c) May confirm at the same time the appointment of the trustee and specify the manner in which the trustee must qualify; and
- (d) May consider at the same time granting orders on other matters relating to the trust, including, without limitation, matters that might be addressed in a declaratory judgment relating to the trust under subsection 2 of NRS 30.040 or petitions filed pursuant to NRS 153.031 or 164.015 whether such matters are raised in the petition to assume jurisdiction pursuant to this section or in one or more separate petitions that are filed concurrently with the petition to assume jurisdiction.



3. At any time, the trustee may petition the court for removal of the trust from continuing jurisdiction of the court.

4. *For the purposes of this section, a trust is domiciled:*

*(a) In this State if there is a clear and sufficient nexus between the trust and this State pursuant to subsection 4 of section 59 of this act.*

*(b) In a county of this State that provides the nexus required pursuant to paragraph (a) giving preference:*

*(1) First, to the situs or domicile most recently declared by a person granted the power to make such a declaration under the terms of the trust instrument;*

*(2) Second, to the situs or domicile declared in the trust instrument; and*

*(3) Finally, to the situs or domicile declared by the trustee in a certification of the trust which complies with subsection 2 of NRS 164.400 and subsection 2 of NRS 164.410 and which contains a declaration of the trust's situs or domicile as authorized in subsection 1 of NRS 164.410.*

5. As used in this section, "written instrument" includes, without limitation, an electronic trust as defined in NRS 163.0015.

Sec. 64. NRS 164.015 is hereby amended to read as follows:

164.015 1. The court has exclusive jurisdiction of proceedings initiated by the petition of an interested person concerning the internal affairs of a nontestamentary trust, including a revocable living trust while the settlor is still living if the court determines that the settlor cannot adequately protect his or her own interests or if the interested person shows that the settlor is incompetent or susceptible to undue influence. Proceedings which may be maintained under this section are those concerning the administration and distribution of trusts, the declaration of rights and the determination of other matters involving trustees and beneficiaries of trusts, including petitions with respect to a nontestamentary trust for any appropriate relief provided with respect to a testamentary trust in NRS 153.031 ~~and~~ *and petitions for a ruling that property not formally titled in the name of a trust or its trustee constitutes trust property pursuant to NRS 163.002.*

2. A petition under this section *or subsection 2 of NRS 30.040 that relates to a trust* may be filed in conjunction with a petition under NRS 164.010 or at any time after the court has assumed jurisdiction under that section.

3. If an interested person contests the validity of a revocable nontestamentary trust, the interested person is the plaintiff and the trustee is the defendant. The written grounds for contesting the validity of the trust constitutes a pleading and must conform with any rules applicable to pleadings in a civil action. *This subsection applies whether the person contesting the validity of the trust is the petitioner or the objector and whether or not the opposition to the validity of the trust is asserted under this section or subsection 2 of NRS 30.040.*

4. In a proceeding pursuant to subsection 3, the competency of the settlor to make the trust, the freedom of the settlor from duress, menace, fraud or

undue influence at the time of execution of the will, the execution and attestation of the trust instrument, or any other question affecting the validity of the trust is a question of fact and must be tried by the court, subject to the provisions of subsection 5.

5. A court may consolidate the cases if there is a contest of a revocable nontestamentary trust and a contest relating to a will executed on the same date. If a jury is demanded pursuant to NRS 137.020 for the contest of the will, the court may instruct the jury to render an advisory opinion with respect to an issue of fact pursuant to subsection 4 in the contest of the trust.

6. Upon the hearing, the court shall enter such order as it deems appropriate. The order is final and conclusive as to all matters determined and is binding in rem upon the trust estate and upon the interests of all beneficiaries, vested or contingent, except that appeal to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution may be taken from the order within 30 days after notice of its entry by filing notice of appeal with the clerk of the district court. The appellant shall mail a copy of the notice to each person who has appeared of record. If the proceeding was brought pursuant to subsection 3, 4 or 5, the court must also award costs pursuant to chapter 18 of NRS.

7. ~~[A]~~ *Except as otherwise ordered by the court, a proceeding under this section does not result in continuing supervisory proceedings ~~[-The]~~, and the administration of the trust must proceed expeditiously in a manner consistent with the terms of the trust, without judicial intervention or the order, approval or other action of any court, unless the jurisdiction of the court is invoked by an interested person or exercised as provided by other law.*

8. *As used in this section, "nontestamentary trust" has the meaning ascribed to it in section 37 of this act.*

Sec. 65. NRS 164.025 is hereby amended to read as follows:

164.025 1. The trustee of a nontestamentary trust may after the death of the settlor of the trust cause to be published a notice in the manner specified in paragraph (b) of subsection 1 of NRS 155.020 and mail a copy of the notice to known or readily ascertainable creditors.

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

#### NOTICE TO CREDITORS

Notice is hereby given that the undersigned is the duly appointed and qualified trustee of the ..... trust. ...., the settlor of that trust died on ..... A creditor having a claim against the trust estate must file a claim with the undersigned at the address given below within 90 days after the first publication of this notice.

Dated.....

.....  
Trustee  
.....

## Address

3. A person having a claim, due or to become due, against a settlor or the trust must file the claim with the trustee within 90 days after the mailing, for those required to be mailed, or 90 days after publication of the first notice to creditors. Any claim against the trust estate not filed within that time is forever barred. After the expiration of the time, the trustee may distribute the assets of the trust to its beneficiaries without personal liability to any creditor who has failed to file a claim with the trustee.

4. If the trustee knows or has reason to believe that the settlor received public assistance during the lifetime of the settlor, the trustee shall, whether or not the trustee gives notice to other creditors, give notice within 30 days after the death to the Department of Health and Human Services in the manner provided in NRS 155.010. If notice to the Department is required by this subsection but is not given, the trust estate and any assets transferred to a beneficiary remain subject to the right of the Department to recover public assistance received.

5. If a claim is rejected by the trustee, in whole or in part, the trustee must, within 10 days after the rejection, notify the claimant of the rejection by written notice forwarded by registered or certified mail to the mailing address of the claimant. The claimant must bring suit in the proper court against the trustee within 60 days after the notice is given, whether the claim is due or not, or the claim is barred forever and the trustee may distribute the assets of the trust to its beneficiaries without personal liability to any creditor whose claim is barred forever.

6. *As used in this section, "nontestamentary trust" has the meaning ascribed to it in section 37 of this act.*

Sec. 66. NRS 164.410 is hereby amended to read as follows:

164.410 1. A certification of trust may confirm the following facts or contain the following information:

(a) The existence of the trust and date of execution of any trust instrument;  
(b) The identity of the settlor and each currently acting trustee;  
(c) The powers of the trustee and any restrictions imposed upon the trustee in dealing with assets of the trust;

(d) The revocability or irrevocability of the trust and the identity of any person holding a power to revoke it;

(e) If there is more than one trustee, whether all of the currently acting trustees must or less than all may act to exercise identified powers of the trustee;

(f) ~~[The identifying number of the trust and whether it is a social security number or an employer identification number;]~~ *A declaration regarding the situs or domicile of the trust and regarding the law that governs the validity, construction and administration of the trust; and*

(g) The form in which title to assets of the trust is to be taken.

2. The certification must contain a statement that the trust has not been revoked or amended to make any representations contained in the

certification incorrect, and that the signatures are those of all the currently acting trustees.

Sec. 67. NRS 164.725 is hereby amended to read as follows:

164.725 1. As used in this section, "action" includes a course of action and a decision on whether or not to take action.

2. A trustee may provide a notice of proposed action regarding any matter governed by NRS 163.556 or 164.700 to 164.925, inclusive. *Except as otherwise provided in the trust instrument, a trustee, trust protector or trust adviser may provide a notice of proposed action regarding any aspect of the trust administration of the trust within his or her scope of authority.*

3. If a trustee, *trust protector or trust adviser* provides a notice of proposed action, the trustee, *trust protector or trust adviser* shall mail the notice of proposed action to every adult beneficiary who, at the time the notice is provided, receives, or is entitled to receive, income under the trust or who would be entitled to receive a distribution of principal if the trust were terminated. A notice of proposed action need not be provided to a person who consents in writing to the proposed action. A consent to a proposed action may be executed before or after the proposed action is taken.

4. The notice of proposed action must state:

- (a) That the notice is provided pursuant to this section;
- (b) The name and mailing address of the trustee;
- (c) The name and telephone number of a person with whom to communicate for additional information regarding the proposed action;
- (d) A description of the proposed action and an explanation of the reason for taking the action;
- (e) The time within which objection to the proposed action may be made, which must be not less than 30 days after the notice of proposed action is mailed; and
- (f) The date on or after which the proposed action is to be taken or is to be effective.

5. A beneficiary may object to the proposed action by mailing a written objection to the ~~trustee~~ *person providing notice of the proposed action* at the address and within the time stated in the notice.

6. If no beneficiary entitled to receive notice of a proposed action objects to the proposed action and the other requirements of this section are met, the trustee is not liable to any present or future beneficiary with respect to that proposed action.

7. If the trustee, *trust protector or trust adviser* received a written objection to the proposed action within the period specified in the notice, the trustee, *trust protector or trust adviser* or a beneficiary may petition the court for an order to take the action as proposed, take the action with modification or deny the proposed action. A beneficiary who failed to object to the proposed action is not estopped from opposing the proposed action. The burden is on a beneficiary to prove that the proposed action should not be taken or should be modified. If the trustee, *trust protector or trust adviser*

takes the proposed action as approved by the court, the trustee, *trust protector or trust adviser* is not liable to any beneficiary with respect to that action.

8. If the trustee, *trust protector or trust adviser* decides not to take a proposed action for which notice has been provided, the trustee, *trust protector or trust adviser* shall notify the beneficiaries of his or her decision not to take the proposed action and the reasons for the decision. The trustee, *trust protector or trust adviser* is not liable to any present or future beneficiary with respect to the decision not to take the proposed action. A beneficiary may petition the court for an order to take the action as proposed. The burden is on the beneficiary to prove that the proposed action should be taken.

9. If the proposed action for which notice has been proved is an adjustment to principal and income pursuant to NRS 164.795 or 164.796, the sole remedy a court may order, pursuant to subsections 7 and 8, is to make the adjustment, to make the adjustment with a modification or to order the adjustment not to be made.

Sec. 68. NRS 164.740 is hereby amended to read as follows:

164.740 Except as otherwise provided in chapter 669A of NRS, a trustee who invests and manages trust property owes a duty to the beneficiaries of the trust to comply with the prudent investor rule as set forth in NRS 164.700 to 164.775, inclusive, but a trustee is not liable to a beneficiary to the extent that the trustee ~~acted~~:

1. *Acted in reasonable reliance on the terms of the trust ~~or~~ or a court order; and*

2. *Determined in good faith to not diversify the investments of a trust pursuant to NRS 164.750.*

Sec. 69. NRS 164.950 is hereby amended to read as follows:

164.950 1. If two settlors who are married establish a nontestamentary trust jointly, and the trust provides for the pecuniary or fractional division of the community property held by the settlors upon the death of one of the settlors, the trustee has the authority to distribute the community property unless the trust instrument expressly provides otherwise. The trustee may distribute the community property on a non-pro rata basis so long as the fair market value of the distribution is, at the time of the distribution, the same as if the distribution were made pro rata. The provisions of this section do not affect the distribution of assets that are specifically allocated in the trust instrument to be distributed in kind.

2. *As used in this section, "nontestamentary trust" has the meaning ascribed to it in section 37 of this act.*

Sec. 70. Chapter 165 of NRS is hereby amended by adding thereto the provisions set forth as sections 71 to 77, inclusive, of this act.

Sec. 71. 1. *Except as otherwise provided in this chapter, the provisions of section 72 of this act apply to a testamentary trust.*

2. *Except as otherwise provided by the will creating a testamentary trust or by a court order, until the termination of a testamentary trust, the trustee shall account for the income and principal of a testamentary trust in the same manner as required by a trustee of a nontestamentary trust pursuant to NRS 165.141 to 165.149, inclusive, and sections 72 and 73 of this act.*

Sec. 72. 1. *The trustee of a nontestamentary trust has a duty to account for the trust estate in accordance with the provisions of NRS 165.141 to 165.149, inclusive, and sections 72 and 73 of this act.*

2. *The trustee of a nontestamentary trust shall satisfy the duty to account by delivery of an account in the form, manner and to the persons as required by the terms and conditions stated in the trust instrument.*

Sec. 73. 1. *To the extent that the trust instrument does not provide otherwise, the trustee of a nontestamentary trust shall satisfy the duty to account for the nontestamentary trust estate by delivery of an account which conforms with the requirements of NRS 165.135, and pursuant to the following:*

(a) *Except as otherwise limited by paragraph (b), the trustee shall deliver an account, upon demand pursuant to NRS 165.141, to each current beneficiary, and to each remainder beneficiary of the trust. A trustee is not required to provide an account to a remote beneficiary pursuant to this section.*

(b) *Notwithstanding paragraph (a), a trustee may satisfy the duty to account in accordance with subparagraphs (1) to (6), inclusive, where applicable:*

(1) *While a trust is revocable by the settlor, the trustee is not required to deliver an account to any person other than the settlor except that a trustee of such a trust shall deliver an account if:*

(I) *A court-appointed guardian of the estate of the settlor or other person having the right of revocation demands an account on behalf of the settlor; or*

(II) *The court, in considering a petition filed under NRS 164.015, determines that the settlor or other person holding the right of revocation is incompetent or is susceptible to undue influence and orders the trustee to provide an account, specifying the nature and extent of the account to be provided and the person or persons who are entitled to receive the account.*

(2) *While the trust is irrevocable in its entirety, but is subject to a broad power of appointment, the trustee is not required to provide an account other than to the power holder for the trust or portion of the trust that is subject to a broad power of appointment.*

(3) *The trustee is not required to provide an account to a person who has been eliminated as a beneficiary by the effective exercise of a power of appointment.*

(4) *The trustee is not required to provide an account of any portion of the trust estate to a beneficiary that does not affect the beneficiary's interest*

*in the trust, and the trustee may redact the account as to such portions that do not affect the beneficiary's interest.*

*(5) A trustee is not required to provide an account to a beneficiary of an irrevocable trust while that beneficiary's only interest in the trust estate is a discretionary interest, as described in NRS 163.4185.*

*(6) A trustee is not required to provide an account to any beneficiary who has waived or is deemed to have waived the right to receive an account in accordance with section 75 of this act. However, if the waiver is partial or only as to form of the account, the trustee shall satisfy the duty to account in accordance with the terms of the waiver.*

*2. Nothing in this section shall be interpreted to prohibit a trustee from petitioning the court for instructions as to the persons entitled to receive an account and the procedures required of the trustee to satisfy the requirements of this section pursuant to subsection 2 of section 77 of this act.*

*Sec. 74. 1. Notwithstanding any provision to the contrary in the trust instrument, but subject to the right of the trustee to petition the court for further instructions pursuant to subsection 2 of section 77 of this act, and subject to the exceptions set forth under paragraph (b) of subsection 1 of section 73 of this act, a trustee shall provide an account conforming with the requirements of NRS 165.135 to a beneficiary pursuant to a demand by such beneficiary pursuant to NRS 165.141.*

*2. A trustee, at the expense of the trust, may provide:*

*(a) An account to one or more beneficiaries at any time, with or without demand; and*

*(b) More information to beneficiaries, including, without limitation, remote beneficiaries, than is required under the trust instrument or by law.*

*Sec. 75. Notwithstanding the provisions of NRS 165.030 to 165.149, inclusive, and sections 71 to 77, inclusive, of this act, any beneficiary may waive the right to receive an account from a trustee by delivering to the trustee a waiver signed by the beneficiary. The waiver may be a limited waiver as to the form of the account, of the right to seek a hearing on the account, or of the right to receive notice of a hearing on the account. Such waiver is applicable to the beneficiary and any other beneficiaries who are represented by the waiving beneficiary pursuant to NRS 164.038 or by order of the court.*

*Sec. 76. 1. Except as may otherwise be required pursuant to the terms of the trust instrument or by order of the court, the trustee shall deliver a required account within 90 days after the end of the period of account, which may be extended by consent of the beneficiary, or by order of the court for good cause shown.*

*2. The trustee shall be deemed to have provided an account to any person on whom the trustee delivers a copy of the account as directed by order of the court or, if not so ordered, pursuant to the following:*

*(a) By mailing a copy of the account by certified, registered or ordinary first-class mail, or by overnight delivery through a recognized delivery*

service company, addressed to the person being served at the post office address or physical address given in the person's demand for account, if any, or at the person's last place of residence on file with the trustee, if known, or by personally delivering a copy thereof to the person; or

(b) By electronic mail or through a secure website on the Internet. For purposes of this paragraph, a person shall be deemed to have received a copy of an account provided by the trustee to the beneficiary by electronic mail or through a secure website on the Internet if the trustee:

(1) Sent the beneficiary an electronic mail in a manner that complies with subsection 1 of NRS 719.320 and the beneficiary received the electronic mail in a manner that complies with subsection 2 of NRS 719.320; and

(2) Attached the account to the electronic mail as an electronic record or included in the electronic mail a notice to the beneficiary indicating the availability of the account on the secure website.

3. Except as otherwise required by the trust instrument, a trustee is not required to provide an account more than once in any calendar year unless ordered by a court upon good cause shown.

4. An account must be deemed approved and final as follows:

(a) By a beneficiary who received a copy of the account if no written objection is delivered to the trustee in accordance with subsection 2 within 90 days after the date on which the trustee provided the account to that beneficiary; or

(b) By all beneficiaries who are not required to receive an account, such as nonvested and contingent beneficiaries, remote beneficiaries, minor beneficiaries, and unborn or unknown beneficiaries if the account is deemed approved and final by a beneficiary who has a similar, but preceding interest, in the trust estate, in conformance with NRS 164.038, or as to any beneficiary who has waived an account pursuant to section 75 of this act.

➡ Notwithstanding the foregoing, if an account is submitted to the court for approval under a petition pursuant to chapter 164 of NRS, the account must be deemed final and approved upon by order of the court, subject only to the right of an interested person to appeal.

5. Except as otherwise ordered by the court, the cost of preparing an account must be paid from the trust estate, and allocated to income and principal as provided in the trust instrument, and if the trust instrument is otherwise silent, in accordance with NRS 164.780 to 164.925, inclusive.

6. As used in this section:

(a) "Electronic mail" has the meaning ascribed to it in NRS 41.715.

(b) "Electronic record" has the meaning ascribed to it in NRS 132.117.

Sec. 77. 1. Unless the court determines that the trustee was acting in good faith, a trustee who fails to provide an account pursuant to the terms of the trust instrument, or when required pursuant to the provision of this chapter, is personally liable to each person entitled to receive an account who demanded the account in writing pursuant to this chapter or all costs reasonably incurred by each such person to enforce the terms of the trust or



*this chapter, including, without limitation, reasonable attorney's fees and court costs. The trustee shall not expend trust funds to satisfy the trustee's personal liability imposed under this subsection.*

*2. Notwithstanding subsection 1, if the trustee's failure to account is based upon good cause due to the trustee's reasonable uncertainty as to the beneficiary's right to an account or by a provision in the trust instrument that specifically restricts or prohibits the trustee from providing an account to a beneficiary who is otherwise entitled to an account, then the trustee may, at the expense of the trust estate, bring a petition for instructions before the court to confirm:*

*(a) The right of the beneficiary to receive an account;*

*(b) The right of and sufficiency of a demand for an account by a beneficiary; or*

*(c) The extent of account required to satisfy the trustee's duty to account to such beneficiary, if any, including the sufficiency of a confidential account pursuant to NRS 165.145.*

Sec. 78. NRS 165.020 is hereby amended to read as follows:

165.020 1. As used in this chapter:

~~(a) ["Affiliate" means any person directly or indirectly controlling or controlled by another person, or any person under direct or indirect common control by another person. It includes any person with whom a trustee has an express or implied agreement regarding the purchase of trust investments by each from the other, directly or indirectly.] "Account" means a report of the financial condition of the trust estate prepared by a trustee which:~~

~~(1) Must include the information set forth in NRS 165.135; and~~

~~(2) May include information required by court order, the terms of the trust instrument or NRS 165.030 to 165.149, inclusive, and sections 71 to 77, inclusive, of this act.~~

~~(b) ["Beneficiary" includes a beneficiary under the trust, a person who is entitled to the trust capital at the termination of the trust and a surety on the bond of the trustee.] "Accounting period" means the period for which the trustee is accounting and, except as otherwise provided in this chapter, commencing with the first day following the previous accounting period and ending on the date specified by the trustee or on the date specified by the court if the account is ordered by the court. If the account is an initial account, the initial account commences on the day the trustee became the trustee.~~

~~(c) ["Nontestamentary trustee" means a trustee serving under a trust created in this state otherwise than by a will, or such a trust administered in this state, whether the trustee was appointed by the settlor or by a court or other authority.] "Broad power of appointment" means a power of appointment held by a person, commonly referred to as a power holder, that can be exercised in favor of:~~

~~(1) The power holder, without any restriction or limitation; or~~

~~(2) Any person other than one or more of the following:~~

- (I) The power holder;
- (II) The power holder's estate;
- (III) The power holder's creditors; or
- (IV) The creditors of the power holder's estate.

(d) ~~["Relative" means a spouse, ancestor, descendant, brother or sister.]~~

"Current beneficiary" means a distribution beneficiary to whom or for whose benefit the trustee is authorized or required to make distributions of income or principal at any time during the accounting period.

(e) "Distribution beneficiary" has the meaning ascribed to it in NRS 163.415.

(f) "Remainder beneficiary" means a beneficiary who will become a current beneficiary upon the death of an existing current beneficiary or upon the occurrence of some other event that may occur during the beneficiary's lifetime, regardless of whether the beneficiary's share is subject to elimination, but has not been eliminated, under a power of appointment other than a broad power of appointment.

(g) "Remote beneficiary" means a natural person or an entity whose interest in the trust estate is preceded by the priority interest of one or more current beneficiaries and one or more remainder beneficiaries, all of whose interests must be extinguished by death or pursuant to the terms of the trust instrument before the remote beneficiary may become a current beneficiary.

(h) "Settlor" ~~[includes]~~ means the creator of a testamentary as well as a nontestamentary trust.

~~[(f)]~~ The term includes a trustor and a grantor.

(i) "Successor trustee" means a successor to the acting trustee or substitute trustee named or appointed to succeed a predecessor trustee who has not yet assumed the role of trustee. Upon assuming the role, the successor trustee must thereafter be referred to as the trustee.

(j) "Testamentary trustee" means a trustee serving under a trust created by a will of a testator domiciled in this state at the time of the testator's death, whose will has been admitted to probate in this state, whether the trustee was appointed by the testator or by a court or other authority.

~~[(g)]~~ (k) "Trust" means:

- (1) A trust as defined in section ~~445~~ 51 of this act;
- (2) A testamentary trust as defined in section 38 of this act; and
- (3) A nontestamentary trust as defined in section 37 of this act.

(l) "Trustee" includes ~~[trustees]~~ a nontestamentary trustee, a testamentary trustee and a corporate trustee, as well as a natural person. ~~[(j)]~~ The term does not include a successor or substitute trustee, ~~[and the successor in interest of a deceased sole trustee.]~~ until the successor trustee or substitute trustee assumes the role of acting trustee.

2. This chapter does not apply to resulting trusts, constructive trusts, business trusts where certificates of beneficial interest are issued to the beneficiaries, investment trusts, voting trusts, insurance trusts prior to the death of the insured, trusts in the nature of mortgages or pledges, trusts

created by judgment or decree of a federal court or a state court other than the district court acting in probate matters, liquidation trusts, or trust for the sole purpose of paying dividends, interest or interest coupons, salaries, wages or pensions.

Sec. 79. NRS 165.030 is hereby amended to read as follows:

165.030 Within 75 days after a ~~[testamentary]~~ trustee receives possession of trust property, the trustee shall ~~[file with the court where the will was admitted to probate]~~ *serve a copy of an inventory [under oath, showing by items] setting forth all the trust property which has come [to] into the possession or knowledge of the trustee. The trustee shall serve the notice in the manner set forth in NRS 155.010 to each interested person and beneficiary to whom the trustee is required to account pursuant to this chapter.*

Sec. 80. NRS 165.135 is hereby amended to read as follows:

165.135 1. ~~[The trustee of a nontestamentary trust shall furnish to each beneficiary an account in accordance with the provisions of NRS 165.122 to 165.149, inclusive.~~

~~2. At a minimum, the trustee shall furnish an account to each beneficiary in accordance with the terms and conditions stated in the trust instrument. The cost of each account must be allocated to income and principal as provided in the trust instrument.~~

~~3. Except as otherwise provided in this section, an] An account [provided by a trustee to a beneficiary who is entitled to an account pursuant to NRS 165.122 to 165.149, inclusive,] must include:~~

(a) A statement indicating the accounting period;

(b) With respect to the trust principal:

(1) The trust principal held at the beginning of the accounting period, and in what form held, and the approximate market value thereof at the beginning of the accounting period;

(2) Additions to the trust principal during the accounting period, with the dates and sources of acquisition;

(3) Investments collected, sold or charged off during the accounting period;

(4) Investments made during the accounting period, with the date, source and cost of each investment;

(5) Any deductions from the trust principal during the accounting period, with the date and purpose of each deduction; and

(6) The trust principal, invested or uninvested, on hand at the end of the accounting period, reflecting the approximate market value thereof at that time;

(c) With respect to trust income, the trust income:

(1) On hand at the beginning of the accounting period, and in what form held;

(2) Received during the accounting period, when and from what source;

(3) Paid out during the accounting period, when, to whom and for what purpose; and

(4) On hand at the end of the accounting period and how invested;

(d) A statement of unpaid claims with the reason for failure to pay them; and

(e) A brief summary of the account [

~~4. In lieu of the information required to be provided by a trustee to a beneficiary pursuant to subsection 3, a trustee may provide to such a beneficiary a statement indicating the accounting period and a financial report of the trust which is prepared by a certified public accountant and which summarizes the information required by paragraphs (b) to (e), inclusive, of subsection 3. Upon request, the trustee shall make all the information used in the preparation of the financial report available to each beneficiary who was provided a copy of the financial report.~~

~~5. For the purposes of NRS 165.122 to 165.149, inclusive, the information provided by a trustee to a beneficiary pursuant to subsection 4 shall be deemed to be an account.] , which must include:~~

*(1) The beginning value of the trust estate:*

*(I) For the first accounting, the beginning value of the trust estate shall consist of the total of all original assets contained in the beginning inventory.*

*(II) For accountings other than the first account, the beginning value of the trust estate for the applicable accounting period must be the ending value of the prior accounting.*

*(2) The total of all receipts received during the accounting period, excluding capital items.*

*(3) The total of all gains on sales or other disposition of assets, if any, during the accounting period.*

*(4) The total of disbursements and distributions during the accounting period.*

*(5) The total of all losses on sales or other disposition of assets, if any, during the accounting period.*

*(6) The total value of the trust assets remaining on hand at the end of the accounting period.*

2. A summary of account pursuant to paragraph (e) of subsection 1 must be in substantially the following form:

**CHARGES**

*[Add one of the following alternatives]*

*[Alternative 1: First, or first and final account]*

*Amount of inventory and appraisal* \$ .....

*Amount of supplemental inventories* \$ .....

*[Alternative 2: Subsequent account]*

*Property on hand at beginning of account* \$ .....

*Additional property received* \$ .....

*[Continue]*

|                                                          |          |
|----------------------------------------------------------|----------|
| Receipts (Schedule _____)                                | \$ ..... |
| Gains on sale or other disposition<br>(Schedule _____)   | \$ ..... |
| Net income from trade or business<br>(Schedule _____)    | \$ ..... |
| Total Charges:                                           | \$ ..... |
| <b>CREDITS</b>                                           |          |
| Disbursements during account period<br>(Schedule _____)  | \$ ..... |
| <i>[If applicable, add the following option]</i>         |          |
| <i>[Option: Distributions to testamentary trust]</i>     |          |
| Principal Income (Schedule _____)                        | \$ ..... |
| Losses on sale or other disposition<br>(Schedule _____)  | \$ ..... |
| Net loss from trade or business<br>(Schedule _____)      | \$ ..... |
| Distributions (Schedule _____)                           | \$ ..... |
| Property on hand at close of account<br>(Schedule _____) | \$ ..... |
| Total Credits:                                           | \$ ..... |

3. In lieu of segregating the report on income and principal pursuant to subsection 1, the trustee may combine income and principal activity in the account so long as the combined report on income and principal does not materially impede a beneficiary's ability to evaluate the charges to or credits against the beneficiary's interest.

4. Notwithstanding the provisions of subsections 1, 2 and 3, an account may instead consist of:

(a) A statement indicating the accounting period and a financial report, which must consist of a compilation or financial statement of the trust prepared by a certified public accountant and include summaries of the information required by subsection 1; or

(b) A statement prepared by the trustee, the contents of which are agreed to by the trustee and the person receiving such report as sufficient to serve as an account.

➡ An account prepared pursuant to this subsection must be in a writing, signed by the person receiving the information and documentation, delivered to the trustee, and may include a waiver of account pursuant to section 75 of this act.

Sec. 81. NRS 165.141 is hereby amended to read as follows:

165.141 A beneficiary who has not otherwise been provided with an account pursuant to this chapter may send a written demand for an account ~~[pursuant to NRS 165.122 to 165.149, inclusive,]~~ to the trustee in accordance with the following procedure:

1. The demand on the trustee must be sent to the trustee or to the trustee's attorney of record and the demand must include, without limitation:

- (a) The identity of the demanding beneficiary, including the beneficiary's mailing address or the address of the beneficiary's attorney;
- (b) The accounting period for which an account is demanded; and
- (c) The nature and extent of the account demanded and the legal basis for the demand.

2. Within 14 days after the trustee has received a demand for an account from a beneficiary, the trustee shall notify the demanding beneficiary of the trustee's acceptance or rejection of the demand ~~[-] or that the trustee intends to seek instructions from the court pursuant to subsection 2 of section 77 of this act regarding the sufficiency of the demand or the right of the beneficiary to receive an account.~~ The trustee shall:

(a) Provide an account within 60 days after receipt of the demand, unless that time is modified by consent of the beneficiary or by order of the court if the trustee accepts the beneficiary's demand for an account; ~~[-]~~

(b) Set forth the grounds for rejecting the beneficiary's demand for an account in the notice of rejection and inform the beneficiary that the beneficiary has 60 days in which to petition the court to review the rejection if the trustee rejects the beneficiary's demand for an account ~~[-]~~; or

(c) *File a petition with the court pursuant to NRS 164.015 seeking instructions from the court pursuant to subsection 2 of section 77 of this act regarding the sufficiency of the demand or the right of the beneficiary to receive an account within 15 days after the receipt of the demand if the trustee intends to seek instructions from the court.*

3. The demand by the beneficiary and the notice of ~~acceptance or rejection of the demand by the trustee~~ the trustee's action thereon must be delivered by first-class mail, personal delivery or commercial carrier. If delivery of the demand or of the notice is in dispute, proof of delivery may be established by a return receipt or other proof of delivery provided by the person making the delivery or by affidavit of the person who arranged for the delivery setting forth the delivery address, the method of delivery arranged for and the actions taken by that person to arrange for the delivery.

4. If the trustee fails to accept, ~~[-] reject or seek instructions concerning~~ a beneficiary's demand for an account as required by subsection 2, the beneficiary's demand shall be deemed rejected.

5. *A beneficiary is not entitled to demand an account pursuant to this section if the accounting period for which the demand is made is deemed final pursuant to subsection 4 of section 76 of this act.*

Sec. 82. NRS 165.143 is hereby amended to read as follows:

165.143 1. A beneficiary whose demand for an account in compliance with NRS 165.141 is rejected or deemed rejected must file a petition seeking the court's review of the trustee's rejection within 60 days after the rejection date as described in subsection 2 ~~[-]~~ and is thereafter barred from further right to demand an account for the period subject to the demand. A petition

filed pursuant to this section may also seek additional relief pursuant to NRS 153.031 ~~[–], 164.015 and 164.031.~~

2. If the trustee rejects the beneficiary's demand for an account, the rejection date is the date on which the trustee provides the beneficiary with a notice of rejection. If the trustee fails to accept or reject the beneficiary's demand, the rejection date is deemed to be 14 days after the beneficiary ~~[gave]~~ *delivered the demand* to the trustee. ~~[the demand.]~~

3. If the court has not previously accepted jurisdiction over the trust ~~[–]~~ *pursuant to NRS 164.010*, the beneficiary must petition the court to confirm the appointment of the trustee pursuant to NRS 164.010 ~~[–]~~ *and to admit the trust to the jurisdiction of the court.* Such a petition may be combined with the petition for the court's review of the trustee's rejection.

4. The clerk shall set the petition for hearing, and the petitioner shall give notice to all interested persons for the period and in the manner provided in NRS 155.010. The notice must state the filing of the petition, the object and the time and place of the hearing.

5. If one or more other beneficiaries with interests substantially similar to the petitioner request to join the petition at or before the hearing, the court shall consider the other beneficiaries to be additional petitioners without requiring those beneficiaries to file separate petitions or to give separate notices of the hearing.

6. At the hearing, as to each petitioner, the court may enter an order:

(a) Compelling the trustee to provide an account to the petitioner and specifying the nature and extent of the account to be provided;

(b) Declaring that the petitioner is not entitled to an account and setting forth the reason or reasons the petitioner is not so entitled; or

(c) Compelling the trustee to provide an account to the petitioner as described in paragraph (a) and authorizing an independent review of the account using the procedure set forth in NRS 165.145.

7. Except as otherwise provided in subsection 3 of NRS 153.031, ~~[and subsection 4 of NRS 165.139,]~~ each petitioner shall pay his or her own expenses, including, without limitation, attorney's fees, that arise in conjunction with filing a petition pursuant to this section.

Sec. 83. NRS 165.145 is hereby amended to read as follows:

165.145 If, while considering a petition filed pursuant to NRS 165.143, the court finds that the beneficiary is entitled to an account pursuant to this section and that the trust instrument authorizes or directs the trustee not to provide the account, ~~[with the disclosures required by this section,]~~ the court shall, upon the beneficiary's request, compel the trustee to confidentially provide an account in accordance with the following procedure:

1. If the beneficiary has not been previously provided with a copy of the trust instrument, the court shall direct the trustee to provide the court and each reviewer selected pursuant to subsection 2 with a copy of the trust instrument, or such portions as the court deems to be pertinent to the

determination of the adequacy of the trustee's account and to the enforcement of the beneficiary's rights under the trust ~~[-] instrument.~~

2. The court shall direct the account to be provided confidentially to the court and to one or more reviewers selected by the beneficiary. The court may direct that the account be filed with the court clerk under seal or delivered to the court for in camera review. The account provided must contain the information required by this section without regard to any trust provision restricting the information to be provided to the requesting beneficiary.

3. A reviewer must be either a certified public accountant or an attorney.

4. Subject to the provisions of paragraph (b) of subsection 5, the beneficiary requesting the account must pay for the services of each reviewer. The expense of preparing the account must be paid as an expense of the trust.

5. Each reviewer must agree that:

(a) The account provided must be reviewed confidentially and must not be provided to the beneficiary except as otherwise provided in paragraph (b) or in an order of the court; and

(b) The reviewer's duty is to review the account and to prepare a written report, which must be filed with the court clerk under seal or submitted to the court for in camera review, informing the court if there is anything that would indicate that the trust, as it affects the beneficiary's interest, has not been or may not have been properly administered or accounted for in accordance with applicable law, the trust instrument and generally accepted accounting principles applicable to trusts. At the same time a copy of the reviewer's report is provided to the court, a copy of each reviewer's report must be delivered to the trustee or to the trustee's attorney of record.

6. The trustee may submit to the court and to each reviewer an objection to the report of a reviewer within 10 days after the trustee received the reviewer's report. The trustee shall submit the objections to the court and to each reviewer in the same manner as the trustee provided the account. The court may consider each reviewer's report and the objections of the trustee with or without a hearing. If the court, after considering the report of any reviewer and any objection submitted by the trustee, finds that the trust, as it affects the beneficiary's interest, has not been or may not have been properly administered or accounted for in accordance with applicable law, the trust instrument and generally accepted accounting principles applicable to trusts, in addition to any other relief granted by the court pursuant to NRS 153.031 or 165.143, the court shall enter an order granting the relief necessary to protect the beneficiary's interests or to allow the beneficiary to enforce his or her rights under the trust.

7. An order granting relief described in subsection 6 may include one or more of the following:

(a) A directive to the trustee to provide the beneficiary an account which complies with the provisions of ~~subsection 3 or 4 of~~ NRS 165.135, together



with such additional information as the beneficiary may require to properly enforce his or her rights under the trust;

(b) A directive to the trustee to provide further ~~[annual]~~ accounts required under this section without further court order;

(c) A directive to the trustee to provide the court and each reviewer a more complete account or such additional information as the court deems necessary to determine if the trust is being properly administered in compliance with the trust instrument and applicable law;

(d) A directive to the trustee to take action to remedy or mitigate the effects of any improper administration of the trust;

(e) A declaration relieving each reviewer from any further obligation of confidentiality; and

(f) Any such additional relief as the court deems proper to ensure the trustee's compliance with the trust instrument and applicable law and to allow enforcement of the beneficiary's rights.

8. If the beneficiary is granted any relief by the court on the basis that the trust was not properly administered or accounted for, the provisions of subsection 3 of NRS 153.031 ~~[and subsection 4 of NRS 165.139]~~ apply with regard to the reimbursement of costs incurred by the beneficiary.

Sec. 84. NRS 165.147 is hereby amended to read as follows:

165.147 1. Upon ~~[request]~~ *demand* by a beneficiary *pursuant to NRS 165.141* who is entitled to receive an account pursuant to the terms of NRS ~~[165.122]~~ 165.030 to 165.149, inclusive, *and sections 71 to 77, inclusive, of this act*, a trustee shall provide a copy of the trust instrument to that beneficiary except as expressly provided otherwise in the trust instrument.

2. Notwithstanding the provisions of subsection 1 or any provision to the contrary in the trust instrument, the court may direct the trustee to provide a beneficiary who is entitled to receive an account pursuant to the terms of NRS ~~[165.122]~~ 165.030 to 165.149, inclusive, *and sections 71 to 77, inclusive, of this act* a copy of the trust instrument, or such portions as the court deems to be pertinent to the determination of the adequacy of the trustee's account and to the enforcement of the beneficiary's rights under the trust.

3. Except as otherwise provided in NRS 165.145 or by order of the court for good cause shown, the trustee must not be compelled to provide a copy of the trust instrument to a person who is not a beneficiary of the trust or a person who is not entitled to an account of the trust pursuant to the provisions of NRS ~~[165.122]~~ 165.030 to 165.149, inclusive ~~[ ]~~, *and sections 71 to 77, inclusive, of this act*.

Sec. 85. NRS 155.095, 165.040, 165.045, 165.050, 165.055, 165.060, 165.090, 165.100, 165.110, 165.120, 165.122, 165.124, 165.126, 165.128, 165.129, 165.132, 165.134, 165.137 and 165.139 are hereby repealed.

#### LEADLINES OF REPEALED SECTIONS

155.095 "Spouse" defined.

- 165.040 Intermediate accountings: General requirements; exceptions.
- 165.045 Intermediate accountings: Notice; hearing.
- 165.050 Final accounting: General requirements.
- 165.055 Final accounting: Notice.
- 165.060 Accounting of distribution of property; discharge of trustee.
- 165.090 Vouchers, cancelled checks or other documents supporting account; lost vouchers.
- 165.100 Representation of beneficiary.
- 165.110 Proceedings in court.
- 165.120 Approval or disapproval by court; reopening.
- 165.122 Definitions.
- 165.124 "Accounting period" defined.
- 165.126 "Broad power of appointment" defined.
- 165.128 "Current beneficiary" defined.
- 165.129 "Distribution beneficiary" defined.
- 165.132 "Remainder beneficiary" defined.
- 165.134 "Remote beneficiary" defined.
- 165.137 Duties of trustee with regard to providing account; circumstances when account deemed approved by beneficiary.
- 165.139 Request for annual account by beneficiary; liability for failure to provide required account.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

Amendment No. 325 makes several technical corrections to the bill identified by the proponents such as correcting internal references, replacing erroneously repealed provisions and revising certain effective dates; provides that, for the purposes of the bill, reference to a spouse is equally a reference to a domestic partner; and adds new provisions allowing for the modification or termination of an uneconomic trust by a trustee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 509.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 497.

SUMMARY—Makes various changes to provisions governing charter schools. (BDR 34-1090)

AN ACT relating to education; revising provisions relating to the employees and duties of the State Public Charter School Authority; authorizing and requiring certain sponsors of charter schools to make certain agreements with the Authority and other sponsors of charter schools; revising provisions governing applications to form a charter school; authorizing a charter management organization to apply for a waiver of requirements concerning the composition of the governing body of a charter school; revising provisions governing amendments to a written charter or charter contract; authorizing the consolidation of the operations of multiple charter

schools under certain circumstances; revising the circumstances under which the sponsor of a charter school is authorized or required to revoke a written charter or terminate a charter contract; authorizing a sponsor to reconstitute the governing body of a charter school in such circumstances; authorizing the sponsor of a charter school whose written charter has been revoked or whose charter contract has been terminated to take certain measures to attempt to replace the charter school; revising certain other provisions governing the operation of a charter school; authorizing a charter school to receive certain money; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the State Public Charter School Authority, requires the Authority to appoint a Director and authorizes the Authority to sponsor charter schools. (NRS 386.490-386.515) Sections 10, 12-14 and 18 of this bill change the title of the Director of the Authority to "Executive Director," and section 13 authorizes the Executive Director to pursue other businesses and hold other offices with the approval of the Authority. Section 11 of this bill requires the Authority to consist of persons who are experts on authorizing, developing and operating charter schools. Sections 15 and 16 of this bill revise provisions governing the staff of the Authority. Section 18 of this bill prohibits the Executive Director and the Authority from accepting any gift or donation from a charter management organization, a committee to form a charter school or the governing body of a charter school. Sections 32 and 33 of this bill require the Authority to adopt regulations that prescribe: (1) the process to apply to the Authority to form a charter school, renew a charter contract or amend a written charter or charter contract; (2) the contents of such applications; and (3) the procedure by which such applications will be evaluated. Sections 35, 45 and 46 of this bill revise certain other duties of the Authority.

In addition to the Authority, existing law also authorizes the board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor a charter school with the approval of the Department of Education. (NRS 386.515) Sections 17, 19 and 20 of this bill provide for a board of trustees of a school district or college or university within the System that sponsors a charter school to enter into certain agreements with the Authority. Sections 19 and 20 also revise the duties of the sponsor of a charter school, including the requirements of the policies and practices that a sponsor is required to adopt.

Existing law requires an application to form a charter school to be submitted by a committee to form a charter school. (NRS 386.520, 386.525) Sections 21 and 22 of this bill authorize a charter management organization to apply to form a charter school. Section 2 of this bill defines the term "charter management organization" to mean a nonprofit organization that operates multiple charter schools. Section 21 also revises the required contents of an application to form a charter school. Sections 21 and 36 of this bill authorize a charter management organization to request a waiver of

requirements concerning the composition of a governing body. Section 22 revises the manner in which a sponsor is authorized to solicit and review applications to form a charter school.

Existing law authorizes the sponsor of a charter school to amend a written charter or charter contract upon the request of the governing body of a charter school. (NRS 386.527) Sections 4 and 53 of this bill require the sponsor of a charter school to hold a public hearing concerning requests to amend a written charter or charter contract to: (1) expand the grade levels served by the charter school; (2) significantly increase or decrease enrollment; (3) acquire additional facilities to expand the enrollment of the charter school; or (4) consolidate the operations of multiple charter schools. Such an amendment may not be made unless approved by the governing board of the sponsor. Sections 5 and 54 of this bill prescribe the circumstances under which the operations of multiple charter schools can be consolidated.

For any charter school approved before June 11, 2013, existing law requires the sponsor of the charter school to grant a written charter to the governing body. For any charter school approved on or after that date, existing law requires the sponsor to enter into a charter contract with the governing body. Because all written charters and charter contracts must be for terms of 6 years, all written charters will expire by June 11, 2019. (NRS 386.527) Sections 23 and 24 of this bill authorize a sponsor to require, as a condition of granting a request for an amendment, the replacement of a written charter with a charter contract for the period during which written charters may still be effective.

Existing law requires each charter contract to include a performance framework for the charter school. (NRS 386.528) Section 25 of this bill: (1) requires each sponsor to adopt a performance framework and incorporate it in the charter contract; ~~and~~ (2) allows a sponsor to aggregate and disaggregate data for reporting and accountability purposes ~~and~~ ; and (3) authorizes the State Board of Education to adopt regulations requiring a sponsor to aggregate or disaggregate data. Section 26 of this bill revises the contents of an annual report submitted by a sponsor to a governing body.

Existing law authorizes a sponsor to revoke a written charter or terminate a charter contract under certain conditions and requires a sponsor to take such action if the charter school demonstrates persistent underachievement. (NRS 386.535, 386.5351) Sections 5 and 27-29 of this bill: (1) authorize a sponsor to reconstitute the governing body of a charter school in such situations; and (2) revise the conditions under which such action is authorized or required. Sections 6, 30 and 31 of this bill authorize the sponsor of a charter school whose written charter has been revoked or whose charter contract has been terminated to recruit a governing body of another charter school to replace the closed charter school with another campus of the other charter school. Sections 6 and 55 of this bill require a pupil who attended a charter school whose written charter has been revoked or whose

charter contract has been terminated to be given priority in admission to the replacement charter school under such circumstances. Sections 6 and 56 provide that: (1) if the governing body of a charter school is reconstituted, the new governing body may terminate the employment of any employees of the charter school; and (2) if a written charter is revoked or a charter contract is terminated and a charter school is replaced, the governing body of the replacement charter school is not required to employ any employee of the previous charter school. Sections 52 and ~~53~~ 56 of this bill exclude the rights of a governing body to terminate the employment of or refuse to reemploy employees at such schools from the scope of collective bargaining.

Sections 34 and 39 of this bill revise requirements concerning services, including transportation, provided by the board of trustees of a school district to pupils at a charter school.

Existing law: (1) prohibits a person who has been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude from serving on the governing body of a charter school; and (2) requires a member of a governing body to read and understand certain materials. (NRS 386.549) Section ~~18~~ 7 of this bill requires a newly appointed member of a governing body to undergo a criminal background check ~~and~~ and prohibits a person who has been convicted of a felony or an offense involving moral turpitude from serving as a member of a governing body. Sections 36 and 37 of this bill require a member of a governing body to receive training under certain circumstances.

Sections 40 and 41 of this bill prohibit a contract between a governing body and a person who assists with the operation, management and provision of educational services at a charter school from containing certain provisions. Section 45 of this bill authorizes a charter school to use higher standards for graduation than those required by the State or a school district in which the charter school is located. Section 46 of this bill requires a charter school to notify the parent of a pupil who is under the age of 18 years before the pupil is suspended or expelled. Section 47 of this bill requires every teacher at a charter school, except for a vocational charter school, to possess certain qualifications, and section 51 of this bill makes a conforming change. Section 48 of this bill requires the Commission on Educational Technology to consider plans adopted by charter schools for the use of educational technology when establishing the plan for the use of educational technology in the public schools of this State. Sections 49 and 50 of this bill authorize a charter school to receive money from the Trust Fund for Educational Technology.

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *"Charter management organization" means ~~not~~ :*

(a) A nonprofit organization that holds a written charter, charter contract or other equivalent agreement to operate more than one charter school in this State or another state ~~for~~; or

(b) A nonprofit organization incorporated in this State for the purpose of operating a charter school in cooperation with a charter management organization that holds a written charter, charter contract or other equivalent agreement to operate more than one charter school in another state.

Sec. 3. "Educational management organization" means a for-profit corporation, business, organization or other entity that provides services relating to the operation and management of charter schools and achievement charter schools.

Sec. 4. 1. The State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education, as applicable, which sponsors a charter school ~~must~~ may hold a public hearing concerning any request to amend a written charter or a charter contract of the charter school it sponsors, including, without limitation, a request to amend a written charter or charter contract for the purpose of:

(a) Expanding the charter school to offer instruction in grade levels for which the charter school does not already offer instruction.

(b) Increasing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to more than 120 percent of the enrollment prescribed in the written charter or charter contract for that school year.

(c) Reducing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to less than 80 percent of the enrollment prescribed in the written charter or charter contract for that school year.

(d) ~~Acquiring~~ Seeking to acquire an additional facility in any county of this State to expand the enrollment of the charter school.

(e) Consolidating the operations of multiple charter schools pursuant to section 5 of this act.

~~[(f) Any other type of amendment for which a public hearing is required by regulation of the State Board.]~~

2. A written charter or charter contract may not be amended in any manner described in subsection 1 unless the amendment is approved by the State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education, as applicable.

3. The State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education, as applicable, must deny a request to amend a written charter or charter contract in the manner described in paragraphs (d) or (e) of subsection 1 if the State Public Charter School Authority, the board of

trustees or a college or university within the Nevada System of Higher Education, as applicable, determines that:

(a) The charter school is not meeting the requirements of the performance framework concerning academics, finances or operation established pursuant to NRS 386.528; or

(b) The governing body does not have a comprehensive and feasible plan to operate additional facilities.

Sec. 5. The sponsor of a charter school may approve an amendment to a written charter or a charter contract to consolidate the operations of two or more charter schools if:

1. The sponsor of a charter school for which a written charter has been revoked or a charter contract has been terminated has approved a request by the governing body of the charter school requesting the amendment to negotiate with the owner, mortgagor or lienholder of the facilities in which the charter school has been operated for the purpose of operating an additional campus of the other charter school pursuant to section 6 of this act. If charter schools are consolidated under such conditions, the prior academic, operational and fiscal performance of the charter school whose written charter has been revoked or whose charter contract has been terminated will not be attributed to the consolidated charter school.

2. Two or more governing bodies submit a request for an amendment to consolidate their charter contracts, governing bodies and operations to form a single charter school operating one or more campuses under a new charter contract. If charter schools are consolidated under such conditions:

(a) The new charter contract will be in effect for the duration of the term of the written charter or charter contract which was closest to its date of expiration before consolidation; and

(b) The academic, operational and fiscal performances of all charter schools that have been consolidated will be attributed to the consolidated charter school.

Sec. 6. 1. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 386.535 or 386.5351, the sponsor must appoint new members to the governing body who meet the qualifications for membership set forth in NRS 386.549. The sponsor ~~(may)~~ shall not reappoint ~~any member~~ more than 40 percent of the members of the previous governing body. Before appointing new members to the governing body, the sponsor must consider:

(a) Input from members of the community in which the charter school is located and parents of pupils who attend the charter school.

(b) Any relevant credentials, experience or other qualifications of a potential member, including, without limitation, whether the potential member resides in the geographic area served by the charter school or has experience in education.

2. If the sponsor of a charter school revokes a written charter or terminates a charter contract pursuant to 386.535 or 386.5351, the sponsor may:

(a) Petition the district court to appoint a receiver, to be paid from the funds of the charter school, to oversee and manage the charter school until other arrangements are made for pupils who attend the school.

(b) Issue a request for proposals inviting the governing body of another charter school to negotiate with the owner, mortgagor or lienholder of the facilities in which the charter school operated for the purpose of operating an additional campus of the other charter school under the sponsorship of either the sponsor of the charter school for which the written charter has been revoked or the charter contract has been terminated or the sponsor of the charter school that intends to operate an additional campus. If the governing body proposes to operate an additional campus of the other charter school under the sponsorship of:

(1) The sponsor of the charter school for which the written charter has been revoked or the charter contract has been terminated and the sponsor is not the sponsor of the charter school currently operated by the governing body, the governing body must, before the additional campus begins operating, also submit to the sponsor of the charter school for which the written charter has been revoked or the charter contract has been terminated and receive approval for an application to form a charter school pursuant to NRS 386.520.

(2) The sponsor of the charter school currently operated by the governing body, the governing body must, before the additional campus begins operating, also submit a request for and receive approval of an amendment to its written charter or charter contract to consolidate charter schools pursuant to NRS 386.527 and sections 4 and 5 of this act.

3. Before selecting a governing body to operate another campus of an existing charter school to replace a charter school whose written charter has been revoked or whose charter contract has been terminated pursuant to subsection 2, the sponsor must consider:

(a) The performance record of the charter school in this State and other states;

(b) The plan of the governing body for improving pupil achievement and school performance;

(c) The suitability of the proposed academic program for pupils who were enrolled in the charter school before the revocation of the written charter or the termination of the charter contract; and

(d) Input from members of the community in which the charter school is located and parents who were enrolled in the charter school before the revocation of the written charter or the termination of the charter contract, including, without limitation, the input described in subsection 4.

4. A sponsor that solicits proposals to operate an additional campus of an existing charter school shall allow parents of pupils who were enrolled in



the charter school before the revocation of the written charter or the termination of the charter contract to interview governing bodies who submit proposals and, if three or more proposals are submitted pursuant to paragraph (b) of subsection 2, cast an advisory vote for the governing body they would prefer be given the opportunity to operate the campus.

5. If a governing body is selected pursuant to this section to operate another campus of an existing charter school to replace a charter school whose written charter has been revoked or whose charter contract has been terminated and any necessary amendments or applications are approved, the charter school must enroll pupils who were enrolled in the charter school whose written charter was revoked or whose charter contract was terminated before enrolling other pupils.

6. If the sponsor of a charter school reconstitutes the governing body of a charter school, the principal of the charter school shall:

(a) Review each employee of the charter school to determine whether to retain the employee based on the needs of the school and the ability of the employee to improve pupil achievement and school performance at the charter school. The new governing body may terminate the employment of any teachers or other employees of the charter school ~~and~~ or, if possible, may reassign teachers or other employees to another school.

(b) Collaborate with the new governing body in making hiring determinations for the charter school.

7. If the sponsor of a charter school selects a governing body to operate another campus of an existing charter school to replace a charter school whose written charter has been revoked or whose charter contract has been terminated, the new governing body is not required to offer employment to any teacher or other employee of the charter school whose written charter has been revoked or whose charter contract has been terminated.

Sec. 7. 1. Within 10 days after being appointed to the governing body of a charter school, each member of a governing body, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to membership, submit to the governing body a complete set of the member's fingerprints and written permission authorizing the governing body 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 member.

2. If the reports on the criminal history of the member indicate that the member has not been convicted of a felony or an offense involving moral turpitude, the member may continue to serve on the governing body.

3. If a report on the criminal history of a member indicates that the member has been convicted of a felony or an offense involving moral turpitude, ~~and~~ the governing body of the charter school ~~does not disqualify the member from membership on the basis of that report, the governing body shall, upon the written authorization of the member, forward~~

~~a copy of the report to the sponsor of the charter school. If the member refuses to provide his or her written authorization to forward a copy of the report pursuant to this subsection, the governing body must remove the member. The member shall not vote on any matter before the governing body until the sponsor has made a determination whether the member may continue to serve on the governing body pursuant to subsection 5.~~

~~4. The sponsor of the charter school shall promptly review the report to determine whether the conviction of the member is related or unrelated to membership on the governing body of a charter school. To remain a member of the governing body of the charter school, the member shall, upon the request of the sponsor, provide any further information that the sponsor determines is necessary to make the determination. If the governing body of the charter school desires the service of the member on the governing body, the governing body shall, upon the request of the sponsor, provide any further information that the sponsor determines is necessary to make the determination. The sponsor shall provide written notice of the determination to the member and to the governing body of the charter school.~~

~~5. If the sponsor determines that the conviction of the member is related to membership on the governing body of the charter school, the governing body of the charter school must remove the member. If the sponsor determines that the conviction of the member is not related to the membership on the governing body of the charter school, the member may continue to serve on the governing body.~~

Sec. 8. 1. In a county in which more than five charter schools are located and the total number of pupils enrolled in the charter schools exceeds 25 percent of the combined enrollment of all public schools, including, without limitation, charter schools, the Department shall, in consultation with all sponsors of charter schools in the county, determine whether holding a weighted lottery for admission to charter schools would improve diversity in charter schools that do not have a preference for at-risk pupils. If the Department determines that a weighted lottery for admission to charter schools would improve diversity in such charter schools, the Department shall, to the extent authorized by federal law, adopt regulations authorizing charter schools to establish a weighted lottery.

2. In a county in which more than ten charter schools are located and the total number of pupils enrolled in charter schools exceeds 50 percent of the combined enrollment of all public schools, including, without limitation, charter schools, the Department shall, in consultation with all sponsors of charter schools in the county:

(a) Adopt regulations establishing a uniform enrollment calendar and process for enrolling pupils applicable to all charter schools in the county. The regulations must establish a lottery for admission to each charter school in the county. If a charter school does not have a preference for at-risk pupils, the lottery must, to the extent authorized by federal law, be a weighted lottery.

(b) Allow the board of trustees of the school district to provide input regarding the enrollment calendar, processes for enrolling pupils and lotteries established pursuant to paragraph (a).

3. As used in this section, "weighted lottery" means a lottery that gives additional weight to pupils who are identified as being part of a specified group of pupils. The term does not include the reservation of seats in the charter school for specified pupils or groups of pupils.

Sec. 9. NRS 386.490 is hereby amended to read as follows:

386.490 As used in NRS 386.490 to 386.649, inclusive, *and sections 2 to 8, inclusive of this act*, the words and terms defined in NRS 386.492 to 386.503, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 10. NRS 386.495 is hereby amended to read as follows:

386.495 ~~["Director"]~~ "Executive Director" means the Executive Director of the State Public Charter School Authority appointed pursuant to NRS 386.511.

Sec. 11. NRS 386.5095 is hereby amended to read as follows:

386.5095 1. The State Public Charter School Authority consists of seven members. The membership of the State Public Charter School Authority consists of:

(a) Two members appointed by the Governor in accordance with subsection 2;

(b) Two members, who must not be Legislators, appointed by the Majority Leader of the Senate in accordance with subsection 2;

(c) Two members, who must not be Legislators, appointed by the Speaker of the Assembly in accordance with subsection 2; and

(d) One member appointed by the Charter School Association of Nevada or its successor organization.

2. The Governor, the Majority Leader of the Senate and the Speaker of the Assembly shall ensure that the membership of the State Public Charter School Authority:

(a) Includes persons with a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State;

(b) Includes a parent or legal guardian of a pupil enrolled in a charter school in this State;

(c) Includes persons with specific knowledge of:

(1) Issues relating to elementary and secondary education;

(2) School finance or accounting, or both;

(3) Management practices;

(4) Assessments required in elementary and secondary education;

(5) Educational technology; and

(6) The laws and regulations applicable to charter schools; ~~and~~

(d) Insofar as practicable, reflects the ethnic and geographical diversity of this State ~~[-]~~; and

(e) *Insofar as practicable, consists of persons who are experts on best practices for authorizing charter schools and developing and operating high quality charter schools and charter management organizations.*

3. Each member of the State Public Charter School Authority must be a resident of this State.

4. After the initial terms, the term of each member of the State Public Charter School Authority is 3 years, commencing on July 1 of the year in which he or she is appointed. A vacancy in the membership of the State Public Charter School Authority must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member shall continue to serve on the State Public Charter School Authority until his or her successor is appointed.

5. The members of the State Public Charter School Authority shall select a Chair and Vice Chair from among its members. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

6. Each member of the State Public Charter School Authority is entitled to receive:

(a) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority a salary of not more than \$80, as fixed by the State Public Charter School Authority; and

(b) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority or is otherwise engaged in the business of the State Public Charter School Authority the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 12. NRS 386.511 is hereby amended to read as follows:

386.511 1. The State Public Charter School Authority shall appoint ~~an~~ *an Executive* Director of the State Public Charter School Authority for a term of 3 years. The State Public Charter School Authority shall ensure that the *Executive* Director has a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State.

2. A vacancy in the position of *Executive* Director must be filled by the State Public Charter School Authority for the remainder of the unexpired term.

3. The *Executive* Director is ~~not~~ in the ~~classified or~~ unclassified service of the State.

Sec. 13. NRS 386.5115 is hereby amended to read as follows:

386.5115 ~~The~~ *With the approval of the State Public Charter School Authority, the Executive* Director ~~shall not~~ *may* pursue any other business or occupation or hold any other office , *including, without limitation, serving as a member on a committee, board or task force of an organization relating to*

*charter schools, serving as a reviewer of applications to form a charter school for organizations other than the State Public Charter School Authority and holding an office of profit, and may accept reimbursement for travel costs relating to such activities. The Executive Director shall not pursue any other business or occupation or hold any other office of profit without the approval of the State Public Charter School Authority.*

Sec. 14. NRS 386.512 is hereby amended to read as follows:

386.512 The Executive Director shall:

1. Execute, direct and supervise all administrative, technical and procedural activities of the State Public Charter School Authority in accordance with the policies prescribed by the State Public Charter School Authority;

2. Organize the State Public Charter School Authority in a manner which will ensure the efficient operation and service of the State Public Charter School Authority;

3. Serve as the Executive Secretary of the State Public Charter School Authority;

4. Ensure that the autonomy provided to charter schools in this State pursuant to state law and regulations is preserved; and

5. Perform such other duties as are prescribed by law or the State Public Charter School Authority.

Sec. 15. NRS 386.5125 is hereby amended to read as follows:

386.5125 1. The State Public Charter School Authority may employ such persons as it deems necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive ~~[ ]~~, and sections 2 to 8, inclusive, of this act. The staff employed by the State Public Charter School Authority must be qualified to carry out the daily responsibilities of sponsoring charter schools, including, without limitation, oversight of written charters and charter contracts, in accordance with the provisions of NRS 386.490 to 386.649, inclusive ~~[ ]~~, and sections 2 to 8, inclusive, of this act.

2. The staff must include:

(a) Attorneys with ~~[significant]~~ experience with laws concerning education, special education and nonprofit organizations;

(b) Persons with experience overseeing the annual audits and financial operations of ~~[large]~~ school districts, nonprofit organizations or ~~[large]~~ corporations;

(c) Persons with experience conducting assessments and evaluations ~~[while employed by]~~ for a ~~[large]~~ school district;

(d) Administrators with significant experience overseeing special education programs and programs while employed by a ~~[large]~~ school district, charter management organization, educational management organization or other operator of charter schools;

(e) Policy analysts with significant experience in the areas of charter schools and education policy; and

*(f) Any other persons that the State Public Charter School Authority determines are necessary.*

*3. Employees of the State Public Charter School Authority are ~~not~~ in the ~~classified or~~ unclassified service of the State and serve at the pleasure of the State Public Charter School Authority.*

*4. The State Public Charter School Authority shall periodically evaluate and make decisions concerning the number of persons employed by the State Public Charter School Authority and the qualifications and compensation of such persons based on guidance from the National Association of Charter School Authorizers, or its successor organization, an assessment of the strategic plan for recruiting operators of charter schools prepared pursuant to NRS 386.515 and the needs of the charter schools sponsored by the State Public Charter School Authority.*

Sec. 16. NRS 386.5125 is hereby amended to read as follows:

386.5125 1. The State Public Charter School Authority may employ such persons as it deems necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive, and sections 2 to 8, inclusive, of this act. The staff employed by the State Public Charter School Authority must be qualified to carry out the daily responsibilities of sponsoring charter schools, including, without limitation, oversight of ~~written charters and~~ charter contracts, in accordance with the provisions of NRS 386.490 to 386.649, inclusive, and sections 2 to 8, inclusive, of this act.

2. The staff must include:

(a) Attorneys with experience with laws concerning education law, special education and nonprofit organizations;

(b) Persons with experience overseeing the annual audits and financial operations of school districts, nonprofit organizations or corporations;

(c) Persons with experience conducting assessments and evaluations for a school district;

(d) Administrators with significant experience overseeing special education programs and programs while employed by a school district, charter management organization, educational management organization or other operator of charter schools;

(e) Policy analysts with significant experience in the areas of charter schools and education policy; and

(f) Any other persons that the State Public Charter School Authority determines are necessary.

3. Employees of the State Public Charter School Authority are in the unclassified service of the State and serve at the pleasure of the State Public Charter School Authority.

4. The State Public Charter School Authority shall periodically evaluate and make decisions concerning the number of persons employed by the State Public Charter School Authority and the qualifications and compensation of such persons based on guidance from the National Association of Charter School Authorizers, or its successor organization, an assessment of the

strategic plan for recruiting operators of charter schools prepared pursuant to NRS 386.515 and the needs of the charter schools sponsored by the State Public Charter School Authority.

Sec. 17. NRS 386.513 is hereby amended to read as follows:

386.513 1. The State Public Charter School Authority is hereby deemed a local educational agency for the purpose of directing the proportionate share of any money available from federal and state categorical grant programs to charter schools which are sponsored by the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that are eligible to receive such money. *A college or university within the Nevada System of Higher Education that sponsors a charter school shall enter into an agreement with the State Public Charter School Authority for the provision of any necessary functions of a local educational authority.* A charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

2. If the charter school is eligible to receive special education program units, the Department shall pay the special education program units directly to the charter school.

3. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. 7801(26)(A).

Sec. 18. NRS 386.5135 is hereby amended to read as follows:

386.5135 1. The Account for the State Public Charter School Authority is hereby created in the State General Fund, to be administered by the *Executive* Director.

2. The interest and income earned on the money in the Account must be credited to the Account.

3. The money in the Account may be used only for the establishment and maintenance of the State Public Charter School Authority.

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

5. ~~The~~ Except as otherwise provided in this subsection, the Executive Director and the State Public Charter School Authority may accept gifts, grants and bequests to carry out the provisions of NRS 386.490 to 386.649, inclusive [ ], and sections 2 to 8, inclusive, of this act. The Executive Director and the State Public Charter School Authority shall not accept any gift or donation from a charter management organization, a committee to form a charter school or the governing body of a charter school. Any money from gifts, grants and bequests must be deposited in the Account and may be expended in accordance with the terms and conditions of the gift, grant or bequest, or in accordance with this section.

Sec. 19. NRS 386.515 is hereby amended to read as follows:

386.515 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school

district in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 386.525. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.

4. *The board of trustees of a school district or a college or university within the Nevada System of Higher Education may enter into an agreement with the State Public Charter School Authority to provide technical assistance and support in preparing an application to sponsor a charter school and planning and executing the duties of a sponsor of a charter school as prescribed in this section.*

5. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 386.525;

(b) Approving applications to form charter schools that the sponsor determines are high quality, meet the identified educational needs of pupils and will serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 386.525;

(d) Negotiating and executing charter contracts pursuant to NRS 386.527;

(e) Monitoring, in accordance with NRS 386.490 to 386.649, inclusive, *and sections 2 to 8, inclusive, of this act*, and in accordance with the terms and conditions of the applicable charter contract, the performance and compliance of each charter school sponsored by the entity; ~~and~~

(f) Determining whether the charter contract of a charter school that the entity sponsors merits renewal or whether the renewal of the charter contract should be denied or whether the written charter should be revoked or the charter contract terminated, as applicable, in accordance with NRS 386.530, 386.535 or 386.5351, as applicable ~~[-~~

~~—5.]; ~~and~~~~



(g) *Determining whether the governing body of a charter school should be reconstituted in accordance with NRS 386.535 or 386.5351, as applicable* ~~and~~ *; and*

*(h) Adopting a policy for appointing a new governing body of a charter school for which the governing body is reconstituted in accordance with NRS 386.535 or 386.5351, as applicable.*

6. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;

(b) The procedure and criteria for *soliciting and* evaluating charter school applications in accordance with NRS 386.525 ~~and for the~~;

~~(c) The procedure and criteria for evaluating applications for renewal of charter contracts pursuant to NRS 386.530;~~

~~(e)~~, which must include, without limitation:

(1) *Specific application procedures and timelines for committees to form a charter school that plan to enter into a contract with an educational management organization to operate the charter school, committees to form a charter school that do not plan to enter into such a contract and charter management organizations; and*

(2) *A description of the manner in which the sponsor will evaluate the previous performance of an educational management organization or other person with whom a committee to form a charter school plans to enter into a contract to operate a charter school or a charter management organization that submits an application to form a charter school;*

*(c) The procedure and criteria for evaluating applications for the renewal of charter contracts pursuant to NRS 386.530;*

(d) *The procedure for amending a written charter or charter contract and the criteria for determining whether a request for such an amendment will be approved which must include, without limitation, any manner in which such procedures and criteria will differ if the sponsor determines that the amendment is material or strategically important;*

(e) ~~and~~ *If deemed appropriate by the sponsor, a strategic plan for recruiting charter management organizations, educational management organizations ~~and~~ or other persons to operate charter schools based on the priorities of the sponsor and the needs of the pupils that will be served by the charter schools that will be sponsored by the sponsor;*

(f) *A description of how the sponsor will maintain oversight of the charter schools it sponsors* ~~and~~, which must include, without limitation:

(1) *An assessment of the needs of the charter schools that are sponsored by the sponsor that is prepared with the input of the governing bodies of such charter schools; and*

(2) *A strategic plan for the oversight and provision of technical support to charter schools that are sponsored by the sponsor in the areas of academic, fiscal and organizational performance ; ~~f, which must include, without limitation, strategies for assisting such charter schools to improve their performance in these areas while preserving the autonomy of the charter schools;~~* and

~~[(d)]~~ (g) A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 386.610.

~~[6.]~~ 7. ~~Each~~ *Before the State Public Charter School Authority or a board of trustees of a school district or a college or university within the Nevada System of Higher Education that is approved to sponsor ~~for a~~ charter ~~school~~ schools begins soliciting applications to form a charter school, the State Public Charter School Authority, board of trustees or college or university, as applicable, shall prepare, in collaboration with the Department, an evaluation of the academic needs of pupils in geographic areas served by the sponsor.*

8. Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

9. The provisions of this section do not establish a private right of action against the sponsor of a charter school.

Sec. 20. NRS 386.515 is hereby amended to read as follows:

386.515 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 386.525. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.

4. *The board of trustees of a school district or a college or university within the Nevada System of Higher Education may enter into an agreement with the State Public Charter School Authority to provide technical assistance and support in preparing an application to sponsor a charter school and planning and executing the duties of a sponsor of a charter school prescribed in this section.*

5. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 386.525;

(b) Approving applications to form charter schools that the sponsor determines are high quality, meet the identified educational needs of pupils and will serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 386.525;

(d) Negotiating and executing charter contracts pursuant to NRS 386.527;

(e) Monitoring, in accordance with NRS 386.490 to 386.649, inclusive, *and sections 2 to 8, inclusive, of this act*, and in accordance with the terms and conditions of the applicable charter contract, the performance and compliance of each charter school sponsored by the entity; ~~and~~

(f) Determining whether the charter contract of a charter school that the entity sponsors merits renewal or whether the renewal of the charter contract should be denied or whether the charter contract should be terminated in accordance with NRS 386.530, 386.535 or 386.5351, as applicable ~~[-~~

~~5.] ; ~~and~~~~

(g) *Determining whether the governing body of a charter school should be reconstituted in accordance with NRS 386.535 or 386.5351, as applicable* ~~[-~~ *; and*

*(h) Adopting a policy for appointing a new governing body of a charter school for which the governing body is reconstituted in accordance with NRS 386.535 or 386.5351, as applicable.*

6. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;

(b) The procedure and criteria for *soliciting and* evaluating charter school applications in accordance with NRS 386.525 ~~and for the~~;

~~(c) The procedure and criteria for evaluating applications for renewal of charter contracts pursuant to NRS 386.530;~~

~~—(e)]~~, which must include, without limitation:

(1) Specific application procedures and timelines for committees to form a charter school that plan to enter into a contract with an educational management organization to operate the charter school, committees to form a charter school that do not plan to enter into such a contract and charter management organizations; and

(2) A description of the manner in which the sponsor will evaluate the previous performance of an educational management organization or other person with whom a committee to form a charter school plans to enter into a contract to operate a charter school or a charter management organization that submits an application to form a charter school;

(c) The procedure and criteria for evaluating applications for renewal of charter contracts pursuant to NRS 386.530;

(d) The procedure for amending a charter contract and the criteria for determining whether a request for such an amendment will be approved which must include, without limitation, any manner in which such procedures and criteria will differ if the sponsor determines that the amendment is material or strategically important;

(e) ~~[(4)]~~ If deemed appropriate by the sponsor, a strategic plan for recruiting charter management organizations, educational management organizations ~~and~~ or other persons to operate charter schools based on the priorities of the sponsor and the needs of the pupils that will be served by the charter schools that will be sponsored by the sponsor;

(f) A description of how the sponsor will maintain oversight of the charter schools it sponsors ~~[(5)]~~, which must include, without limitation:

(1) An assessment of the needs of the charter schools that are sponsored by the sponsor that is prepared with the input of the governing bodies of such charter schools; and

(2) A strategic plan for the oversight and provision of technical support to charter schools that are sponsored by the sponsor in the areas of academic, fiscal and organizational performance; ~~[(6)]~~ ~~which must include, without limitation, strategies for assisting such charter schools to improve their performance in these areas while preserving the autonomy of the charter schools;~~ and

~~[(d)]~~ (g) A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 386.610.

~~[(6)]~~ 7. ~~Each~~ Before the State Public Charter School Authority or a board of trustees of a school district or a college or university within the Nevada System of Higher Education that is approved to sponsor ~~for a~~ charter ~~school~~ schools begins soliciting applications to form a charter school, the State Public Charter School Authority, board of trustees or college or university, as applicable, shall prepare, in collaboration with the Department, an evaluation of the academic needs of pupils in geographic areas served by the sponsor.

8. Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

9. The provisions of this section do not establish a private right of action against the sponsor of a charter school.

Sec. 21. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of:

(a) One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing;

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing;

(c) One parent or legal guardian who is not a teacher or employee of the proposed charter school; and

(d) Two members who possess knowledge and expertise in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the committee to form a charter school may include, without limitation, not more than four additional members as follows:

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

(c) Representatives of a college or university within the Nevada System of Higher Education.

3. A majority of the persons who serve on the committee to form a charter school must be residents of this State at the time that the application to form the charter school is submitted to the Department.

4. The ~~committee to form a charter school~~ applicant shall ensure that the completed application:

(a) Presents ~~the~~ a clear, measurable and high-quality academic, financial and organizational vision and plans for the proposed charter school; and

(b) Provides the proposed sponsor of the charter school with a clear basis for assessing the capacity of the applicant to carry out the vision and plans.

5. An application to form a charter school must include all information prescribed by the Department by regulation and:

(a) A ~~written description of how the charter school will carry out the provisions of NRS 386.490 to 386.649, inclusive.~~ summary of the plan for the proposed charter school.

(b) A *clear* written description of the mission of the charter school and the goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

- (1) Improving the academic achievement of pupils;
- (2) Encouraging the use of effective and innovative methods of teaching;
- (3) Providing an accurate measurement of the educational achievement of pupils;
- (4) Establishing accountability and transparency of public schools;
- (5) Providing a method for public schools to measure achievement based upon the performance of the schools; or
- (6) Creating new professional opportunities for teachers.

(c) A *clear description of the indicators, measures and metrics for the categories of academics, finances and organization that the charter school proposes to use, the ~~internal and~~ external assessments that will be used to assess performance in those categories and the objectives that the committee to form a charter school plans to achieve in those categories, which must be expressed in terms of the objectives, measures and metrics. The objectives and the indicators, measures and metrics used by the charter school must be consistent with the performance framework adopted by the sponsor pursuant to NRS 386.527.*

(d) A resume and background information for each person who serves on the board of the charter management organization or the committee to form a charter school, as applicable, which must include the name, telephone number, electronic mail address, background, qualifications, any past or current affiliation with any charter school in this State or any other state, any potential conflicts of interest and any other information required by the sponsor.

(e) The proposed location of, or the geographic area to be served by, the charter school and evidence of a need and community support for the charter school in that area.

(f) The minimum, planned and maximum projected enrollment of pupils in each grade in the charter school ~~for~~  
~~—(d)—~~ for each year that the charter school would operate under the proposed charter contract.

(g) The procedure for applying for ~~admission to~~ enrollment in the proposed charter school, which must include, without limitation, the proposed dates for accepting applications for enrollment in ~~the initial~~ each year of operation ~~of the charter school.~~

~~—(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method for nominating and electing the persons who will govern and the term of office for each person.~~

~~—(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.~~

~~—(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.]~~ *under the proposed charter contract and a statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.*

(h) ~~[The textbooks that will be used at the charter school.]~~ *The academic program that the charter school proposes to use, a description of how the academic program complies with the requirements of NRS 386.550, the proposed academic calendar for the first year of operation and a sample daily schedule for a pupil in each grade served by the charter school.*

(i) ~~[The qualifications of the persons who will provide instruction at the charter school.]~~ *A description of the proposed instructional design of the charter school and the type of learning environment the school will provide, including, without limitation, whether the charter school will provide a program of distance education, the planned class size and structure, the proposed curriculum for the charter school and the teaching methods that will be used at the charter school.*

(j) ~~[Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.]~~ *The manner in which the school plans to identify and serve the needs of pupils with disabilities, pupils who are English language learners, pupils who are academically behind their peers and gifted pupils.*

(k) ~~[A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.]~~ *A description of any co-curricular or extracurricular activities that the school plans to offer and the manner in which these programs will be funded.*

(l) *Any uniform or dress code policy that the school plans to use.*

(m) *Plans and timelines for recruiting and enrolling students, including procedures for any lottery for admission that the school plans to conduct.*

(n) *The rules of behavior and punishments that the school plans to adopt pursuant to NRS 386.585, including, without limitation, any unique discipline policies for pupils enrolled in a program of special education.*

(o) *A chart that clearly presents the proposed organizational structure of the school and a clear description of the roles and responsibilities of the governing body, administrators and any other persons included on the chart ~~and~~ and a table summarizing the decision-making responsibilities of the staff*

and governing body of the charter school and, if applicable, the charter management organization that operates the charter school. The table must also identify the person responsible for each activity conducted by the charter school, including, without limitation, the person responsible for establishing curriculum and culture, providing professional development to employees of the charter school and making determinations concerning the staff of the charter school.

(p) The names of any external organizations that will play a role in operating the school and the role each such organization will play.

(q) The manner in which the governing body of the charter school will be chosen.

(r) A staffing chart for the first year in which the charter school plans to operate and a projected staffing plan for the term of the charter contract.

(s) Plans for recruiting administrators, teachers and other staff, providing professional development to such staff.

(t) Proposed bylaws for the governing body, a description of the manner in which the school will be governed, including, without limitation, any governance training that will be provided to the governing body, and a code of ethics for members and employees of the governing body. The code of ethics must be prepared with guidance from the Nevada Commission on Ethics and must not conflict with any policy adopted by the sponsor.

(u) Explanations of any partnerships or contracts central to the operations or mission of the charter school.

(v) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

~~[(m)]~~ (w) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125 and 391.3128. If the procedure is different from the procedure prescribed in NRS 391.3125 and 391.3128, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125 and 391.3128.

~~[(n)]~~ The time by which certain academic or educational results will be achieved.

~~—(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.~~

~~—(p) A statement of whether the charter school will enroll pupils who are in a particular category of at risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method~~



~~for determining eligibility for enrollment in each such category of at risk pupils served by the charter school.]~~

(x) *A statement of the school's plans for food service and other significant operational services, including a statement of whether the charter school will provide food service or participate in the National School Lunch Program, 42 U.S.C. 1751 et seq. If the charter school will not provide food service or participate in the National School Lunch Program, the application must include an explanation of the manner in which the charter school will ensure that the lack of such food service or participation does not prevent pupils from attending the charter school.*

(y) *Opportunities and expectations for involving the parents of pupils enrolled in the charter school in instruction at the school and the operation of the school, including, without limitation, the manner in which the charter school will solicit input concerning the governance of the charter school from such parents.*

(z) *A detailed plan for starting operation of the charter school that identifies necessary tasks, the persons responsible for performing them and the dates by which such tasks will be accomplished.*

(aa) *A description of the financial plan and policies to be used by the charter school.*

(bb) *A description of the insurance coverage the school will obtain.*

(cc) *Budgets for starting operation at the charter school, the first year of operation of the charter school and the first 5 years of operation of the charter school, with any assumptions inherent in the budgets clearly stated.*

(dd) *Evidence of any money pledged or contributed to the budget of the charter school.*

(ee) *A statement of the facilities that will be used to operate the charter school and a plan for operating such facilities, including, without limitation, any backup plan to be used if the charter school cannot be operated out of the planned facilities.*

(ff) *If the charter school is a vocational school, a description of the career and technical education program that will be used by the school.*

(gg) *If the charter school will provide a program of distance education, a description of the system of course credits that the school will use and the manner in which the school will:*

(1) *Monitor and verify the participation in and completion of courses by pupils;*

(2) *Require pupils to participate in assessments and submit coursework;*

(3) *Conduct parent-teacher conferences; and*

(4) *Administer any test, examination or assessment required by state or federal law in a proctored setting.*

(hh) *If the charter school will provide a program where a student may earn college credit for courses taken in high school, a draft memorandum of understanding between the charter school and the college or university*

*through which the credits will be earned and a term sheet, which must set forth:*

*(1) The proposed duration of the relationship between the charter school and the college or university and the conditions for renewal and termination of the relationship;*

*(2) The roles and responsibilities of the governing body of the charter school, the employees of the charter school and the college or university;*

*(3) The scope of the services and resources that will be provided by the college or university;*

*(4) The manner and amount that the college or university will be compensated for providing such services and resources, including, without limitation, any tuition and fees that pupils at the charter school will pay to the college or university;*

*(5) The manner in which the college or university will ensure that the charter school effectively monitors pupil enrollment and attendance and the acquisition of college credits; and*

*(6) Any employees of the college or university who will serve on the governing body of the charter school.*

*(ii) If the applicant currently operates a charter school in another state, evidence of the performance of such charter schools and the capacity of the applicant to operate the proposed charter school.*

*(jj) If the applicant proposes to contract with an educational management organization or any other person to provide educational or management services:*

*(1) Evidence of the performance of the educational management organization or other person when providing such services to a population of pupils similar to the population that will be served by the proposed charter school;*

*(2) A term sheet that sets forth:*

*(I) The proposed duration of the proposed contract between the governing body of the charter school and the educational management organization;*

*(II) A description of the responsibilities of the governing body of the charter school, employees of the charter school and the educational management organization or other person;*

*(III) All fees that will be paid to the educational management organization or other person;*

*(IV) The manner in which the governing body of the charter school will oversee the services provided by the educational management organization or other person and enforce the terms of the contract;*

*(V) A disclosure of the investments of the educational management organization or other person; and*

*(VI) The conditions for renewal and termination of the contract; and*

*(3) A disclosure of any conflicts of interest concerning the applicant and the educational management organization or other person, including,*

without limitation, any past or current employment, business or familial relationship between any prospective employee of the charter school and a member of the committee to form a charter school or the board of directors of the charter management organization, as applicable.

(kk) Any additional information required by the sponsor.

6. A charter management organization may, as part of an application to form a charter school, request a waiver of the requirements of subsection 1 or 2 of NRS 386.549 concerning the membership of the governing body. A sponsor shall not grant such a waiver unless the charter management organization provides a compelling reason for the waiver. If approved, the waiver may provide, without limitation, for multiple governing bodies that have the authority to make decisions concerning the governance of the charter school or a facility operated by the charter school. A majority of the members of each such governing body must reside in this State. A request for a waiver to allow for multiple such governing bodies must describe the role, responsibilities and composition of each such proposed governing body.

7. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

(b) Has at least 2 years of experience as an employed teacher.

↪ The term does not include a person who is employed as a substitute teacher.

Sec. 22. NRS 386.525 is hereby amended to read as follows:

386.525 1. A *committee to form a charter school or charter management organization* may submit the application to the proposed sponsor of the charter school. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:

(a) Assemble a team of reviewers , which must include, without limitation, natural persons from different geographic areas of the United States who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools, to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the ~~{committee to form the charter school;}~~ *applicant designed to elicit any necessary clarifications or additional information about the proposed charter school and determine the ability of the applicants to establish a high-quality charter school;*

(c) Base its determination on documented evidence collected through the process of reviewing the application; and

(d) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection ~~[5]~~ 6 of NRS 386.515.

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with NRS 386.490 to 386.649, inclusive, *and sections 2 to 8, inclusive, of this act* and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department ~~[-]~~ *and the policies and practices of the sponsor*; and

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection ~~[5]~~ 6 of NRS 386.515 that will likely result in a successful opening and operation of the charter school.

4. If the board of trustees of a school district or a college or a university within the Nevada System of Higher Education, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than 60 days after the receipt of the application, or a later period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the college or the university, as applicable, shall review an application in accordance with the requirements for review set forth in subsections 2 and 3.

5. The board of trustees, the college or the university, as applicable, may approve an application if it satisfies the requirements of subsection 3.

6. The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application. If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

7. If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection 6, the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

8. If the State Public Charter School Authority receives an application pursuant to subsection 1 or 7, it shall consider the application at a meeting which must be held not later than 60 days after receipt of the application or a later period mutually agreed upon by the committee to form the charter school and the State Public Charter School Authority. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the

requirements for review set forth in subsections 2 and 3. The State Public Charter School Authority may approve an application only if it satisfies the requirements of subsection 3. Not more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.

9. If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that the applicant failed to satisfy the requirements of subsection 3. The State Public Charter School Authority shall include in the written notice the reasons for the denial or the failure to act and the deficiencies in the application. The staff designated by the State Public Charter School Authority shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

10. If the State Public Charter School Authority denies an application after it has been resubmitted pursuant to subsection 9, the applicant may, not more than 30 days after the receipt of the written notice from the State Public Charter School Authority, appeal the final determination to the district court of the county in which the proposed charter school will be located.

11. *Notwithstanding the provisions of this section, ~~the sponsor~~ may adopt regulations establishing timelines and procedures by which the ~~sponsor~~ State Public Charter School Authority will review applications ~~for~~ and the board of trustees of a school district that is approved to sponsor charter schools or a college or university within the Nevada System of Higher Education that is approved to sponsor charter schools may adopt policies establishing timelines and procedures by which the board of trustees or college or university, as applicable, will review applications. These regulations or policies may:*

*(a) Establish different timelines and review procedures for different types of applicants; and*

*(b) Authorize or require an applicant to submit an abbreviated application, the contents of such an application and criteria that the State Public Charter School Authority will use to determine whether to invite the applicant to submit a full application that meets the requirements of NRS 386.520 or deny the abbreviated application and recommend that the applicant make substantial revisions and submit the application during another application cycle.*

12. The State Public Charter School Authority may enter into a contract with any qualified person to:

*(a) Foster the development of high-quality charter management organizations, educational management organizations and other persons to operate charter schools in this State;*

*(b) Solicit applications to form charter schools from high-quality applicants;*

*(c) Provide training concerning the governance and management of charter schools to governing bodies of charter schools and applicants to form charter schools; or*

*(d) Provide professional development and support services to the administration and other employees of charter schools.*

13. *The State Public Charter School Authority may provide compensation pursuant to a contract entered into pursuant to subsection 12 using any money raised by the State Public Charter School Authority from private donors for that purpose or any money received from fees paid to the State Public Charter School Authority.*

14. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 23. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the proposed sponsor of a charter school approves an application to form a charter school, it shall, before June 11, 2013, grant a written charter to the governing body of the charter school or, on or after June 11, 2013, negotiate and execute a charter contract with the governing body of the charter school. A charter contract must be executed not later than 60 days before the charter school commences operation. The charter contract must be in writing and incorporate, without limitation:

(a) The performance framework for the charter school;

(b) A description of the administrative relationship between the sponsor of the charter school and the governing body of the charter school, including, without limitation, the rights and duties of the sponsor and the governing body; and

(c) Any pre-opening conditions which the sponsor has determined are necessary for the charter school to satisfy before the commencement of operation to ensure that the charter school meets all building, health, safety, insurance and other legal requirements.

2. The charter contract must be signed by a member of the governing body of the charter school and:

(a) If the board of trustees of a school district is the sponsor of the charter school, the superintendent of schools of the school district;

(b) If the State Public Charter School Authority is the sponsor of the charter school, the Chair of the State Public Charter School Authority; or

(c) If a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the president of the college or university.

3. Before the charter contract is executed, the sponsor of the charter school must approve the charter contract at a meeting of the sponsor held in accordance with chapter 241 of NRS.

4. The sponsor of the charter school shall, not later than 10 days after the execution of the charter contract, provide to the Department:

- (a) Written notice of the charter contract and the date of execution; and
- (b) A copy of the charter contract and any other documentation relevant to the charter contract.

5. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

6. If the State Public Charter School Authority approves the application:

(a) The State Public Charter School Authority shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board, the State Public Charter School Authority nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

7. If a college or university within the Nevada System of Higher Education approves the application:

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

8. The governing body of a charter school may request, at any time, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt:

(a) A process for a charter school that requests a change in the sponsorship of the charter school, which must not require the charter school to undergo all the requirements of an initial application to form a charter school; and

(b) Objective criteria for the conditions under which such a request may be granted.

9. A written charter or a charter contract, as applicable, must be for a term of 6 years. The term of the charter contract begins on the first day of operation of the charter school after the charter contract has been executed. The sponsor of the charter school may require, or the governing body of the charter school may request that the sponsor authorize, the charter school to delay commencement of operation for 1 school year.

10. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter or charter contract, as applicable. ~~Such an amendment may include, without limitation, the expansion of instruction and other educational services to~~

~~pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school.~~ If the proposed amendment complies with the provisions of NRS 386.490 to 386.649, inclusive, *and sections 2 to 8, inclusive, of this act*, and any other statute or regulation applicable to charter schools, the sponsor and the governing body of the charter school may amend the written charter or charter contract, as applicable, in accordance with the proposed amendment. *A sponsor may require, as a condition of granting a request for an amendment to a governing body that has been granted a written charter, such a governing body to agree to the revocation of the written charter and to enter into a charter contract.* If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.

11. A charter school shall not commence operation ~~in a *new* facility in which the charter school has not previously operated~~ and is not eligible to receive apportionments ~~for pupils enrolled in *the new* such a facility~~ pursuant to NRS 387.124 until the sponsor has determined that the requirements of this section have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,  
 ➡ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 24. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the proposed sponsor of a charter school approves an application to form a charter school, it shall negotiate and execute a charter contract with the governing body of the charter school. A charter contract must be executed not later than 60 days before the charter school commences operation. The charter contract must be in writing and incorporate, without limitation:

(a) The performance framework for the charter school;

(b) A description of the administrative relationship between the sponsor of the charter school and the governing body of the charter school, including, without limitation, the rights and duties of the sponsor and the governing body; and



(c) Any pre-opening conditions which the sponsor has determined are necessary for the charter school to satisfy before the commencement of operation to ensure that the charter school meets all building, health, safety, insurance and other legal requirements.

2. The charter contract must be signed by a member of the governing body of the charter school and:

(a) If the board of trustees of a school district is the sponsor of the charter school, the superintendent of schools of the school district;

(b) If the State Public Charter School Authority is the sponsor of the charter school, the Chair of the State Public Charter School Authority; or

(c) If a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the president of the college or university.

3. Before the charter contract is executed, the sponsor of the charter school must approve the charter contract at a meeting of the sponsor held in accordance with chapter 241 of NRS.

4. The sponsor of the charter school shall, not later than 10 days after the execution of the charter contract, provide to the Department:

(a) Written notice of the charter contract and the date of execution; and

(b) A copy of the charter contract and any other documentation relevant to the charter contract.

5. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

6. If the State Public Charter School Authority approves the application:

(a) The State Public Charter School Authority shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board, the State Public Charter School Authority nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

7. If a college or university within the Nevada System of Higher Education approves the application:

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

8. The governing body of a charter school may request, at any time, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt:

(a) A process for a charter school that requests a change in the sponsorship of the charter school, which must not require the charter school to undergo all the requirements of an initial application to form a charter school; and

(b) Objective criteria for the conditions under which such a request may be granted.

9. A charter contract must be for a term of 6 years. The term of the charter contract begins on the first day of operation of the charter school after the charter contract has been executed. The sponsor of the charter school may require, or the governing body of the charter school may request that the sponsor authorize, the charter school to delay commencement of operation for 1 school year.

10. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the charter contract. ~~[Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school.]~~ If the proposed amendment complies with the provisions of NRS 386.490 to 386.649, inclusive, *and sections 2 to 8, inclusive, of this act*, and any other statute or regulation applicable to charter schools, the sponsor and the governing body of the charter school may amend the charter contract in accordance with the proposed amendment. If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.

11. A charter school shall not commence operation *in a ~~new~~ facility in which the charter school has not previously operated* and is not eligible to receive apportionments pursuant to NRS 387.124 *for pupils enrolled in ~~the new~~ such a facility* until the sponsor has determined that the requirements of this section have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,  
 ➤ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 25. NRS 386.528 is hereby amended to read as follows:

386.528 1. ~~[The]~~ *Each sponsor of a charter school shall adopt a performance framework [that is required to be incorporated] and incorporate the performance framework into the charter contract pursuant to paragraph (a) of subsection 1 of NRS 386.527 . The performance framework must include, without limitation, performance indicators, measures and metrics for the categories of academics, finances and organization as follows:*

(a) The category of academics addresses:

(1) The academic achievement and proficiency of pupils enrolled in the charter school, including, without limitation, the progress of pupils from year-to-year based upon the model to measure the achievement of pupils adopted by the Department pursuant to NRS 385.3595;

(2) Disparities in the academic achievement and proficiency of pupils enrolled in the charter school; and

(3) If the charter school enrolls pupils at the high school grade level, the rate of graduation of those pupils and the preparation of those pupils for success in postsecondary educational institutions and in career and workforce readiness.

(b) The category of finances addresses the financial condition and sustainability of the charter school.

(c) The category of organization addresses:

(1) The percentage of pupils who reenroll in the charter school from year-to-year;

(2) The rate of attendance of pupils enrolled in the charter school; and

(3) The performance of the governing body of the charter school, including, without limitation, compliance with the terms and conditions of the charter contract and the applicable statutes and regulations.

2. In addition to the requirements for the performance framework set forth in subsection 1, the sponsor of the charter school may, upon request of the governing body of the charter school, include additional rigorous, valid and reliable performance indicators, measures and metrics in the performance framework that are specific to the mission of the charter school and that are consistent with NRS 386.490 to 386.649, inclusive ~~and~~, *and sections 2 to 8, inclusive, of this act.*

3. The governing body of a charter school shall, in consultation with the sponsor of the charter school, establish annual performance goals to ensure that the charter school is meeting the performance indicators, measures and metrics set forth in the performance framework in the charter contract.

4. If an application for renewal of a charter contract is approved, the sponsor of the charter school may review and, if necessary, revise the performance framework. Such a revised performance framework must be incorporated into the renewed charter contract.

5. The sponsor of a charter school shall ensure the collection, analysis and reporting of all data from the results of pupils enrolled in the charter school on statewide examinations to determine whether the charter school is meeting the performance indicators, measures and metrics for the achievement and proficiency of pupils as set forth in the performance framework for the charter school ~~and~~ *in a manner that complies with all applicable federal and state laws.*

6. The sponsor of the charter school may aggregate data reported by the State and collected by the sponsor concerning pupil achievement and school performance at separate facilities operated by the same governing body or

*charter management organization and across all grades served by the charter school for the purpose of evaluating and reporting pupil achievement and school performance. Such an aggregation of data may include, without limitation, a weighted average of data concerning pupil achievement and school performance of each elementary school, junior high school, middle school or high school program operated by the charter school. The sponsor may also disaggregate such data by facility and by grade level or group of grade levels to provide greater transparency and accountability. The sponsor may also adopt policies for determining pupil achievement and school performance at a charter school.*

*7. The State Board may adopt regulations to place requirements on the manner in which data is reported by the sponsor, including, without limitation, the manner in which data must be aggregated or disaggregated in any report.*

Sec. 26. NRS 386.530 is hereby amended to read as follows:

386.530 1. On or before June 30 immediately preceding the final school year in which a charter school is authorized to operate pursuant to its charter contract, the sponsor of the charter school shall submit to the governing body of the charter school a written report summarizing the performance of the charter school *and each facility that constitutes the charter school* during the term of the charter contract, including, without limitation:

(a) A summary of the performance of the charter school based upon the terms of the charter contract and the requirements of NRS 386.490 to 386.649, inclusive ~~{2-}~~, *and sections 2 to 8, inclusive, of this act;*

(b) An identification of any deficiencies relating to the performance of the charter school which the sponsor has determined may result in nonrenewal of the charter contract if the deficiencies remain uncorrected;

(c) Requirements for the application for renewal of the charter contract submitted to the sponsor pursuant to subsection ~~{2-}~~ 3; and

(d) The criteria that the sponsor will apply in making a determination on the application for renewal based upon the performance framework for the charter school and the requirements of NRS 386.490 to 386.649, inclusive ~~{2-}~~, *and sections 2 to 8, inclusive, of this act. Such criteria must include, without limitation, the performance indicators, measures and metrics included in the performance framework.*

2. The governing body of a charter school may submit a written response to the sponsor of the charter school concerning the performance report prepared by the sponsor pursuant to subsection 1, which may include any revisions or clarifications that the governing body seeks to make to the report.

3. If a charter school seeks to renew its charter contract, the governing body of the charter school shall submit an application for renewal to the sponsor of the charter school on or before October 15 of the final school year

in which the charter school is authorized to operate pursuant to its charter contract. The application for renewal must include, without limitation:

- (a) The requirements for the application identified by the sponsor in the performance report prepared by the sponsor pursuant to subsection 1;
- (b) A description of the academic, financial and organizational vision and plans for the charter school for the next charter term;
- (c) Any information or data that the governing body of the charter school determines supports the renewal of the charter contract in addition to the information contained in the performance report prepared by the sponsor pursuant to subsection 1 and any response submitted by the governing body pursuant to subsection 2; and
- (d) A description of any improvements to the charter school already undertaken or planned.

4. The sponsor of a charter school shall consider the application for renewal of the charter contract at a meeting held in accordance with chapter 241 of NRS. The sponsor shall provide written notice to the governing body of the charter school concerning its determination on the application for renewal of the charter contract not more than 60 days after receipt of the application for renewal from the governing body. The determination of the sponsor must be based upon:

- (a) The criteria of the sponsor for the renewal of charter contracts; and
- (b) Evidence of the performance of the charter school during the term of the charter contract in accordance with the performance framework for the charter school.

5. The sponsor of the charter school shall:

- (a) Make available to the governing body of the charter school the data used in making the renewal decision; and
- (b) Post a report on the Internet website of the sponsor summarizing the decision of the sponsor on the application for renewal and the basis for its decision.

6. A charter contract may be renewed for a term of 6 years.

Sec. 27. NRS 386.535 is hereby amended to read as follows:

386.535 Except as otherwise provided in NRS 386.5351:

1. The sponsor of a charter school may *reconstitute the governing body of a charter school*, revoke a written charter or terminate a charter contract before the expiration of the charter if the sponsor determines that:

- (a) The charter school, its officers or its employees:
  - (1) Committed a material breach of the terms and conditions of the written charter or charter contract;
  - (2) Failed to comply with generally accepted standards of fiscal management;
  - (3) Failed to comply with the provisions of NRS 386.490 to 386.649, inclusive, *and sections 2 to 8, inclusive, of this act*, or any other statute or regulation applicable to charter schools; or

(4) If the charter school holds a charter contract, has persistently underperformed, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school;

(b) The charter school has filed for a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the charter school cannot continue to operate; ~~for~~

(c) There is reasonable cause to believe that *reconstitution*, revocation or termination is necessary to protect the health and safety of the pupils who are enrolled in the charter school or persons who are employed by the charter school from jeopardy, or to prevent damage to or loss of the property of the school district or the community in which the charter school is located ~~for~~ ; ~~for~~

(d) *The sponsor determines that the committee to form the charter school or charter management organization, as applicable, or any member of the committee to form the charter school or charter management organization, as applicable, or the governing body of the charter school has at any time made a material ~~representation~~ misrepresentation or omission concerning any information disclosed to the sponsor ~~for~~ ;*

(e) The charter school is a high school that has a graduation rate for the immediately preceding school year that is less than 60 percent;

(f) The charter school is an elementary or middle school or junior high school that is rated in the lowest 5 percent of elementary schools, middle schools or junior high schools in the State in pupil achievement and school performance, as determined by the Department pursuant to the statewide system of accountability for public schools; or

(g) Pupil achievement and school performance at the charter school is unsatisfactory as determined by the Department pursuant to criteria prescribed by regulation by the Department to measure the performance of any public school.

2. Before the sponsor *reconstitutes a governing body*, revokes a written charter or terminates a charter contract, the sponsor shall provide written notice of its intention to the governing body of the charter school. The written notice must:

(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based;

(b) Except as otherwise provided in subsection 4, prescribe a period, not less than 30 days, during which the charter school may correct the deficiencies, including, without limitation, the date on which the period to correct the deficiencies begins and the date on which that period ends;

(c) Prescribe the date on which the sponsor will make a determination regarding whether the charter school has corrected the deficiencies, which determination may be made during the public hearing held pursuant to subsection 3; and

(d) Prescribe the date on which the sponsor will hold a public hearing to consider whether to *reconstitute the governing body*, revoke the written charter or terminate the charter contract.

3. Except as otherwise provided in subsection 4, not more than 90 days after the notice is provided pursuant to subsection 2, the sponsor shall hold a public hearing to make a determination regarding whether to *reconstitute the governing body*, revoke the written charter or terminate the charter contract. If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b) of subsection 2, the sponsor shall not *reconstitute the governing body*, revoke the written charter or terminate the charter contract of the charter school. The sponsor may not include in a written notice pursuant to subsection 2 any deficiency which was included in a previous written notice and which was corrected by the charter school, unless the deficiency recurred after being corrected ~~[-]~~ or the sponsor determines that the deficiency is evidence of an ongoing pattern of deficiencies in a particular area.

4. The sponsor of a charter school and the governing body of the charter school may enter into a written agreement that prescribes different time periods than those set forth in subsections 2 and 3.

5. If the *governing body of a charter school is reconstituted*, the written charter is revoked or the charter contract is terminated, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the *reconstitution or termination*, as applicable, not later than 10 days after *reconstituting the governing body*, revoking the written charter or terminating the charter contract.

Sec. 28. NRS 386.5351 is hereby amended to read as follows:

386.5351 1. The sponsor of a charter school shall *reconstitute the governing body of a charter school*, revoke the written charter or terminate the charter contract of the charter school if ~~the~~ the ~~if~~

~~(a) The~~ charter school ~~is a high school that~~ receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools ~~for has a graduation rate for the immediately preceding school year that is less than 60 percent;~~

~~(b) The charter school is an elementary or middle school that is rated in the lowest 5 percent of elementary or middle schools in the State in pupil achievement and school performance, as determined by the Department pursuant to the statewide system of accountability for public schools; or~~

~~(c) Pupil achievement and school performance at the charter school is unsatisfactory as determined by the Department pursuant to criteria prescribed by regulation by the Department to measure the performance of any public school.~~

2. A charter school's annual rating pursuant to the statewide system of accountability based upon the performance of the charter school for any school year before the 2013-2014 school year must not be included in the count of consecutive annual ratings for the purposes of ~~this subsection.~~

~~2. paragraph (a) of~~ subsection 1, unless the sponsor determines that the governing body lacks the capacity to improve pupil achievement and school performance.

3. The Superintendent of Public Instruction may exempt a charter school from the provisions of ~~paragraphs (a) and (b) of~~ subsection 1 if the Superintendent determines that there has been a significant change to the statewide system of accountability that justifies such an exemption. In such cases, the years before and after the exemption is awarded shall be deemed to be consecutive years for the purposes of ~~paragraph (a) of~~ subsection 1.

4. If a governing body is reconstituted, a written charter is revoked or a charter contract is terminated pursuant to subsection 1, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the reconstitution, revocation or termination not later than 10 days after reconstituting the governing body, revoking the written charter or terminating the charter contract.

~~{3.}~~ 5. The provisions of NRS 386.535 do not apply to the reconstitution of a governing body, the revocation of a written charter or termination of a charter contract pursuant to this section.

Sec. 29. NRS 386.5351 is hereby amended to read as follows:

386.5351 1. The ~~44~~ sponsor of a charter school shall terminate the charter contract of the charter school ~~if the sponsor is required to take the action described in this section~~ if the more than 5 percent of the charter school receives ~~schools that are sponsored by the sponsor meet any of the following criteria:~~

~~(a) The charter schools are high schools that receive~~ three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools ~~or have a graduation rate for the immediately preceding school year that is less than 60 percent;~~

~~(b) The charter schools are elementary or middle schools that are rated in the lowest 5 percent of elementary or middle schools in the State in pupil achievement and school performance, as determined by the Department pursuant to the statewide system of accountability for public schools; or~~

~~(c) Pupil achievement and school performance at the charter schools is unsatisfactory as determined by the Department pursuant to criteria prescribed by regulation by the Department to measure the performance of any public school.~~

2. A charter school's annual rating pursuant to the statewide system of accountability based upon the performance of the charter school for any



school year before the 2013-2014 school year must not be included in the count of consecutive annual ratings for the purposes of ~~[paragraph (a) of subsection 1 for this subsection]~~.

~~—2.]~~ , unless the sponsor determines that the governing body lacks the capacity to improve pupil achievement and school performance.

3. ~~If more than 5 percent of the charter schools sponsored by a sponsor meet the criteria established in subsection 1, the sponsor may reconstitute the governing body or terminate the charter contract of any charter school that meets those criteria. If the sponsor does not take such action, the sponsor must submit to the Department an explanation of the reasons it did not take such action. If the Department determines that the explanation is inadequate, the Department may deem the failure to provide an adequate explanation to be evidence of material or persistent failure to carry out the powers and duties of a sponsor for the purposes of NRS 386.515.]~~ The Superintendent of Public Instruction may exempt a charter school from the provisions of subsection 1 if the Superintendent determines that there has been a significant change to the statewide system of accountability that justifies such an exemption. In such cases, the years before and after the exemption is awarded shall be deemed to be consecutive years for the purposes of subsection 1.

4. ~~If more than 10 percent of the charter schools sponsored by a sponsor meet the criteria established in subsection 1, the sponsor may reconstitute the governing body or terminate the charter contract of any charter school that meets those criteria and must take such action with regard to at least 50 percent of the charter schools that meet those criteria or at least one charter school that meets those criteria, whichever is larger.~~

~~—5.]~~ If a governing body is reconstituted or a charter contract is terminated pursuant to subsection 1, ~~[3 or 4.]~~ the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the reconstitution or termination not later than 10 days after reconstituting the governing body or terminating the charter contract.

~~[3-6.]~~ 5. The provisions of NRS 386.535 do not apply to the termination of a charter contract pursuant to this section.

Sec. 30. NRS 386.536 is hereby amended to read as follows:

386.536 1. If a charter school ceases to operate voluntarily, if a charter contract is not renewed or ~~[upon revocation of]~~ if a written charter is revoked or ~~[termination of]~~ a charter contract ~~[.]~~ is terminated and the sponsor does not recruit a governing body of another charter school to operate another campus of the other charter school to replace the charter school whose written charter is revoked or whose charter contract is terminated pursuant to section 6 of this act, as applicable, the governing body of the charter school shall:

(a) Give written notice of the closure to:

(1) The sponsor of the charter school, unless the closure results from the revocation of the written charter or the non-renewal or termination of a charter contract, as applicable;

(2) The Director of the Department of Business and Industry;

(3) The board of trustees of the school district in which the charter school is located, unless the board of trustees is the sponsor of the charter school and the closure results from the revocation of the written charter or the non-renewal or termination of a charter contract, as applicable;

(4) The Department;

(5) The parents or legal guardians of the pupils enrolled in the charter school; and

(6) The creditors of the charter school;

(b) Except as otherwise provided in subsections 4 and 5, appoint an administrator of the charter school, subject to the approval of the sponsor of the charter school, to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure;

(c) As soon as practicable, develop and present to the sponsor of the charter school a written plan for the closure of the charter school;

(d) Maintain an office at the charter school or elsewhere, with regular hours of operation and voice messaging stating the hours of operation;

(e) Maintain existing insurance coverage in force for the period required by the sponsor of the charter school;

(f) Conduct a financial audit and an inventory of all the assets of the charter school and cause a written report of the audit and inventory to be prepared for the sponsor of the charter school and the Department;

(g) Prepare a written list of the creditors of the charter school, identifying secured creditors and the assets in which those creditors have a security interest;

(h) Supply any information or documents required by the sponsor of the charter school; and

(i) Protect all the assets of the charter school from theft, misappropriation, deterioration or other loss.

2. The notice of the closure required by subsection 1 must include:

(a) The date of closure;

(b) A statement of the plan of the charter school to assist pupils to identify and transfer to another school; and

(c) The telephone number, mailing address and physical address of the office required by subsection 1.

3. The administrator appointed pursuant to subsection 1 shall carry out the duties prescribed for the governing body of the charter school by paragraphs (c) to (i), inclusive, of subsection 1 if the governing body ceases to exist or is otherwise unable to perform those duties and shall assume the responsibility for the records of the:

(a) Charter school;

(b) Employees of the charter school; and

(c) Pupils enrolled in the charter school.

4. If an administrator for the charter school is no longer available to carry out the duties set forth in subsection 3, the governing body of the charter school shall appoint a qualified person to assume those duties.

5. If the governing body of the charter school ceases to exist or is otherwise unable to appoint an administrator pursuant to subsection 1 or a qualified person pursuant to subsection 4, the sponsor of the charter school shall appoint an administrator or a qualified person to carry out the duties set forth in subsection 3.

6. In addition to performing the duties set forth in subsection 3, the administrator appointed by the governing body of the charter school or the sponsor, or the qualified person appointed to carry out the duties of the administrator, shall:

(a) Cause to be paid and discharged all the liabilities and obligations of the charter school to the extent of the charter school's assets;

(b) Terminate any lease, service agreement or any other contract of the charter school that is not necessary to complete the closure of the charter school;

(c) Supply any information or documents required by the sponsor of the charter school; and

(d) After the financial affairs of the charter school have been wound up and the closure of the charter school has otherwise been completed, cause a financial audit to be prepared and cause a written report of the audit to be prepared for the sponsor of the charter school and the Department.

7. The governing body of the charter school or the sponsor of the charter school may, to the extent practicable, provide financial compensation to the administrator or person appointed to carry out the provisions of this section. If the sponsor of the charter school provides such financial compensation, the sponsor is entitled to receive reimbursement from the charter school for the costs incurred by the sponsor in providing the financial compensation. Such reimbursement must not exceed costs incurred for a period longer than 6 months.

Sec. 31. NRS 386.536 is hereby amended to read as follows:

386.536 1. If a charter school ceases to operate voluntarily, if a charter contract is not renewed or ~~upon termination of~~ if a charter contract ~~is terminated and the sponsor does not recruit a governing body of another charter school to operate another campus of the other charter school to replace the charter school whose written charter is revoked or whose charter contract is terminated pursuant to section 6 of this act,~~ as applicable, the governing body of the charter school shall:

(a) Give written notice of the closure to:

(1) The sponsor of the charter school, unless the closure results from the non-renewal or termination of a charter contract;

(2) The Director of the Department of Business and Industry;

(3) The board of trustees of the school district in which the charter school is located, unless the board of trustees is the sponsor of the charter school and the closure results from the non-renewal or termination of a charter contract;

(4) The Department;

(5) The parents or legal guardians of the pupils enrolled in the charter school; and

(6) The creditors of the charter school;

(b) Except as otherwise provided in subsections 4 and 5, appoint an administrator of the charter school, subject to the approval of the sponsor of the charter school, to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure;

(c) As soon as practicable, develop and present to the sponsor of the charter school a written plan for the closure of the charter school;

(d) Maintain an office at the charter school or elsewhere, with regular hours of operation and voice messaging stating the hours of operation;

(e) Maintain existing insurance coverage in force for the period required by the sponsor of the charter school;

(f) Conduct a financial audit and an inventory of all the assets of the charter school and cause a written report of the audit and inventory to be prepared for the sponsor of the charter school and the Department;

(g) Prepare a written list of the creditors of the charter school, identifying secured creditors and the assets in which those creditors have a security interest;

(h) Supply any information or documents required by the sponsor of the charter school; and

(i) Protect all the assets of the charter school from theft, misappropriation, deterioration or other loss.

2. The notice of the closure required by subsection 1 must include:

(a) The date of closure;

(b) A statement of the plan of the charter school to assist pupils to identify and transfer to another school; and

(c) The telephone number, mailing address and physical address of the office required by subsection 1.

3. The administrator appointed pursuant to subsection 1 shall carry out the duties prescribed for the governing body of the charter school by paragraphs (c) to (i), inclusive, of subsection 1 if the governing body ceases to exist or is otherwise unable to perform those duties and shall assume the responsibility for the records of the:

(a) Charter school;

(b) Employees of the charter school; and

(c) Pupils enrolled in the charter school.

4. If an administrator for the charter school is no longer available to carry out the duties set forth in subsection 3, the governing body of the charter school shall appoint a qualified person to assume those duties.

5. If the governing body of the charter school ceases to exist or is otherwise unable to appoint an administrator pursuant to subsection 1 or a qualified person pursuant to subsection 4, the sponsor of the charter school shall appoint an administrator or a qualified person to carry out the duties set forth in subsection 3.

6. In addition to performing the duties set forth in subsection 3, the administrator appointed by the governing body of the charter school or the sponsor, or the qualified person appointed to carry out the duties of the administrator, shall:

(a) Cause to be paid and discharged all the liabilities and obligations of the charter school to the extent of the charter school's assets;

(b) Terminate any lease, service agreement or any other contract of the charter school that is not necessary to complete the closure of the charter school;

(c) Supply any information or documents required by the sponsor of the charter school; and

(d) After the financial affairs of the charter school have been wound up and the closure of the charter school has otherwise been completed, cause a financial audit to be prepared and cause a written report of the audit to be prepared for the sponsor of the charter school and the Department.

7. The governing body of the charter school or the sponsor of the charter school may, to the extent practicable, provide financial compensation to the administrator or person appointed to carry out the provisions of this section. If the sponsor of the charter school provides such financial compensation, the sponsor is entitled to receive reimbursement from the charter school for the costs incurred by the sponsor in providing the financial compensation. Such reimbursement must not exceed costs incurred for a period longer than 6 months.

Sec. 32. NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application pursuant to NRS 386.515 by the board of trustees of a school district or a college or university within the Nevada System of Higher Education to the Department for authorization to sponsor charter schools, the contents of the application, the process for the Department to review the application and the timeline for review;

(b) The process for the Department to conduct a comprehensive review of the sponsors of charter schools that it has approved for sponsorship pursuant to NRS 386.515 at least once every 3 years;

(c) The process for the Department to determine whether to continue or to revoke the authorization of a board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools;

(d) The process for submission of an application to form a charter school to the board of trustees of a school district ~~to the State Public Charter School~~

~~Authority~~] and a college or university within the Nevada System of Higher Education, and the contents of the application;

(e) The process for submission of an application to renew a charter contract ~~[;]~~ *to the board of trustees of a school district and a college or university within the Nevada System of Higher Education, and the contents of the application;*

(f) The criteria and type of investigation that must be applied by the board of trustees ~~[; the State Public Charter School Authority]~~ and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school, an application to renew a charter contract or a request for an amendment of a written charter or a charter contract; ~~and]~~

(g) The process for submission of an amendment of a written charter or a charter contract *to the board of trustees of a school district and a college or university within the Nevada System of Higher Education pursuant to NRS 386.527 and the contents of the application [;]* ; and

(h) *In consultation with the State Public Charter School Authority ~~[;]~~, other sponsors of charter schools, governing bodies of charter schools and persons who may be affected:*

(1) *Requirements for the annual independent audits of charter schools, including, without limitation, required training for prospective auditors on the expectations and scope of the audits; and*

(2) *Ethics requirements for the governing bodies of charter schools.*

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive, *and sections 2 to 8, inclusive, of this act*, including, without limitation, regulations that prescribe the:

(a) Procedures for accounting and budgeting;

(b) Requirements for performance audits and financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; ~~and]~~

(c) Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515 ~~[;]~~ ; and

(d) *Qualifications, in addition to those prescribed pursuant to NRS 386.520, of a charter management organization or committee to form a charter school that is authorized to file an application to form a charter school.*

3. *The State Public Charter School Authority shall adopt regulations that prescribe:*

(a) *The process for submission to the State Public Charter School Authority of an application to form a charter school, and the contents of such an application;*

*(b) The process for submission to the State Public Charter School Authority of an application to renew a charter contract, and the contents of such an application;*

*(c) The process for submission to the State Public Charter School Authority of an amendment to a written charter or charter contract pursuant to NRS 386.527 and the contents of the application; and*

*(d) The procedure for the investigation that the State Public Charter School Authority will conduct of an application to form a charter school, an application to renew a charter contract or an application to request an amendment of a written charter or charter contract, and the criteria that the State Public Charter School Authority will use to evaluate such applications.*

Sec. 33. NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application pursuant to NRS 386.515 by the board of trustees of a school district or a college or university within the Nevada System of Higher Education to the Department for authorization to sponsor charter schools, the contents of the application, the process for the Department to review the application and the timeline for review;

(b) The process for the Department to conduct a comprehensive review of the sponsors of charter schools that it has approved for sponsorship pursuant to NRS 386.515 at least once every 3 years;

(c) The process for the Department to determine whether to continue or to revoke the authorization of a board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools;

(d) The process for submission of an application to form a charter school to the board of trustees of a school district ~~[-, the State Public Charter School Authority]~~ and a college or university within the Nevada System of Higher Education, and the contents of the application;

(e) The process for submission of an application to renew a charter contract ~~[-]~~ *to the board of trustees of a school district and a college or university within the Nevada System of Higher Education, and the contents of the application;*

(f) The criteria and type of investigation that must be applied by the board of trustees ~~[-, the State Public Charter School Authority]~~ and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school, an application to renew a charter contract or a request for an amendment of a charter contract; ~~[and]~~

(g) The process for submission of an amendment of a charter contract *to the board of trustees of a school district and a college or university within the Nevada System of Higher Education pursuant to NRS 386.527 and the contents of the application [-] ; and*

*(h) In consultation with the State Public Charter School Authority ~~and~~, other sponsors of charter schools, governing bodies of charter schools and persons who may be affected:*

*(1) Requirements for the annual independent audits of charter schools, including, without limitation, required training for prospective auditors on the expectations and scope of the audits; and*

*(2) Ethics requirements for the governing bodies of charter schools.*

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive, and sections 2 to 8, inclusive, of this act, including, without limitation, regulations that prescribe the:

(a) Procedures for accounting and budgeting;

(b) Requirements for performance audits and financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; ~~and~~

(c) Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515 ~~and~~; and

(d) *Qualifications, in addition to those prescribed pursuant to NRS 386.520, of a charter management organization or committee to form a charter school that is authorized to file an application to form a charter school.*

3. *The State Public Charter School Authority shall adopt regulations that prescribe:*

*(a) The process for submission to the State Public Charter School Authority of an application to form a charter school, and the contents of such an application;*

*(b) The process for submission to the State Public Charter School Authority of an application to renew a charter contract, and the contents of such an application;*

*(c) The process for submission to the State Public Charter School Authority of an amendment to a charter contract pursuant to NRS 386.527 and the contents of the application; and*

*(d) The procedure for the investigation that the State Public Charter School Authority will conduct of an application to form a charter school, an application to renew a charter contract or an application to request an amendment of a charter contract, and the criteria that the State Public Charter School Authority will use to evaluate such applications.*

Sec. 34. NRS 386.545 is hereby amended to read as follows:

386.545 1. The Department and the board of trustees of a school district shall:

(a) Upon request, provide information to the general public concerning the formation and operation of charter schools; and

(b) Maintain a list available for public inspection that describes the location of each charter school.



2. The sponsor of a charter school shall:

(a) Provide reasonable assistance to an applicant for a charter school and to a charter school in carrying out the provisions of NRS 386.490 to 386.649, inclusive ~~[-]~~, *and sections 2 to 8, inclusive, of this act*;

(b) Provide technical and other reasonable assistance to a charter school for the operation of the charter school;

(c) Provide information to the governing body of a charter school concerning the availability of money for the charter school, including, without limitation, money available from the Federal Government;

(d) Provide timely access to the electronic data concerning the pupils enrolled in the charter school that is maintained pursuant to NRS 386.650; and

(e) Provide appropriate information, education and training to a charter school and the governing body of a charter school concerning the applicable provisions of this title and any other laws and regulations that affect charter schools and the governing bodies of charter schools.

3. If the board of trustees of a school district is the sponsor of a charter school, the sponsor shall:

(a) Provide the charter school with an updated list of available substitute teachers within the school district.

(b) Provide access to school buses for use by the charter school for field trips. The school district may charge a reasonable fee for the use of the school buses ~~[-]~~, *which must not be greater than the amount that the board of trustees is authorized to charge the charter school for services pursuant to NRS 386.560.*

(c) If the school district offers summer school or Internet-based credit recovery classes, allow the pupils enrolled in the charter school to participate if space is available. The school district shall apply the same fees, if any, for participation of the pupils enrolled in the charter school as it applies to pupils enrolled in the school district.

4. If the Department prescribes a process for charter schools to report certain information, the Department may request the identified information regardless if that information is required to be submitted by charter schools pursuant to a specific statute. Upon such a request, a charter school shall provide the information if the Department includes a detailed description of the requested information and the mechanism by which the Department will pay or reimburse the charter school for the requested information, if the provision of the information will incur any costs for the charter school.

Sec. 35. NRS 386.547 is hereby amended to read as follows:

386.547 The State ~~[Board]~~ Public Charter School Authority shall:

1. ~~[Review]~~ Before March 1 of each even-numbered year:

(a) Review all statutes and regulations from which charter schools are *not* exempt and determine whether such ~~[exemption]~~ *statutes and regulations* assisted or impeded the charter schools in achieving their ~~[educational]~~ *academic, fiscal and organizational* goals and objectives ~~[-]~~;

(b) *Make recommendations to the Legislative Committee on Education concerning any legislation that would assist charter schools in achieving their academic, fiscal and organizational goals; and*

(c) *Make recommendations to the State Board and the Department concerning any changes to regulations that would assist charter schools in achieving their academic, fiscal and organizational goals.*

2. Make available information concerning the formation and operation of charter schools in this State *and the academic, fiscal and organizational performance of each charter school in this State* to pupils, parents and legal guardians of pupils, teachers and other educational personnel and members of the general public. *The State Public Charter School Authority shall update such information annually.*

Sec. 36. NRS 386.549 is hereby amended to read as follows:

386.549 1. ~~[The]~~ Unless a waiver is granted pursuant to subsection 6 of NRS 386.520, the governing body of a charter school must consist of:

(a) One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing.

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing.

(c) One parent or legal guardian of a pupil enrolled in the charter school who is not a teacher or an administrator at the charter school.

(d) Two members who possess knowledge and experience in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the governing body of a charter school may include, without limitation, parents and representatives of nonprofit organizations and businesses. ~~[Not]~~ Unless a waiver is granted pursuant to subsection 6 of NRS 386.520, not more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business. A majority of the members of the governing body must reside in this State. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change.

3. A person may serve on the governing body only if the person submits an affidavit to the sponsor of the charter school indicating that the person:

(a) Has not been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude.

(b) Has *received training or* read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other *training and* material designed to assist the governing bodies of charter schools, if such *training and* material is provided to the person by the sponsor ~~[-]~~ *or an application to form a charter school or amend a written charter or charter contract provided that the member would receive such training or read and understand such material.*

(c) *Complies with the requirements of section 7 of this act.*

4. The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

5. The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which ~~[the charter school]~~ *a facility operated by the charter school where pupils receive instruction* is located. Upon an affirmative vote of a majority of the membership of the governing body, each member is entitled to receive a salary of not more than \$80 for attendance at each meeting, as fixed by the governing body, not to exceed payment for more than one meeting per month.

6. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

(b) Has at least 2 years of experience as an employed teacher.

↪ The term does not include a person who is employed as a substitute teacher.

Sec. 37. NRS 386.549 is hereby amended to read as follows:

386.549 1. Unless a waiver is granted pursuant to subsection 6 of NRS 386.520, the governing body of a charter school must consist of:

(a) One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing.

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing.

(c) One parent or legal guardian of a pupil enrolled in the charter school who is not a teacher or an administrator at the charter school.

(d) Two members who possess knowledge and experience in one or more of the following areas:

(1) Accounting;

(2) Financial services;

- (3) Law; or
- (4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the governing body of a charter school may include, without limitation, parents and representatives of nonprofit organizations and businesses. Unless a waiver is granted pursuant to subsection 6 of NRS 386.520, not more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business. A majority of the members of the governing body must reside in this State. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change.

3. A person may serve on the governing body only if the person submits an affidavit to the sponsor of the charter school indicating that the person:

(a) Has not been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude.

(b) Has received training or read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other training and material designed to assist the governing bodies of charter schools, if such training and material is provided to the person by the sponsor or an application to form a charter school or amend ~~fa written charter or~~ charter contract provided that the member would receive such training or read and understand such material.

(c) Complies with the requirements of section 7 of this act.

4. The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

5. The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which a facility operated by the charter school where pupils receive instruction is located. Upon an affirmative vote of a majority of the membership of the governing body, each member is entitled to receive a salary of not more than \$80 for attendance at each meeting, as fixed by the governing body, not to exceed payment for more than one meeting per month.

6. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

(b) Has at least 2 years of experience as an employed teacher.

➡ The term does not include a person who is employed as a substitute teacher.

Sec. 38. NRS 386.550 is hereby amended to read as follows:

386.550 1. A charter school shall:

(a) Comply with all laws and regulations relating to discrimination and civil rights.

(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, *except for tuition or fees that the board of trustees of a school district is authorized to charge*, levying taxes or issuing bonds.

(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of chapter 241 of NRS.

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

(g) Cooperate with the board of trustees of the school district in the administration of the examinations administered pursuant to NRS 389.550 and, if the charter school enrolls pupils at a high school grade level, the end-of-course examinations administered pursuant to NRS 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807 to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Commission on Schools of the Northwest Association of Schools and of Colleges and Universities.

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance authorized by the State Board pursuant to subsection 1 of NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.

Sec. 39. 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. *If the board of trustees of a school district provides services to a charter school pursuant to this section, it shall not charge more than its cost for providing such services determined on a cost per pupil basis.*

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 ~~[ ]~~ *unless there is space available on the transportation provided by the board of trustees and the parent of the pupil or the charter school makes arrangements for the pupil to be at a designated place to be picked up at a designated time.*

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. 40. NRS 386.562 is hereby amended to read as follows:

386.562 1. A contract or a proposed contract between a charter school or a proposed charter school and a contractor or an educational management organization must not:

(a) Give to the contractor or educational management organization direct control of educational services, financial decisions, the appointment of members of the governing body, or the hiring and dismissal of an administrator or financial officer of the charter school or proposed charter school;

(b) Authorize the payment of loans, advances or other monetary charges from the contractor or educational management organization which are greater than 15 percent of the total expected funding received by the charter school or proposed charter school from the State Distributive School Account;

(c) Require the charter school or proposed charter school to prepay any fees to the contractor or educational management organization;

(d) Require the charter school or proposed charter school to pay the contractor or educational management organization before the payment of other obligations of the charter school or proposed charter school during a period of financial distress;

(e) Allow a contractor or educational management organization to cause a delay in the repayment of a loan or other money advanced by the contractor or educational management organization to the charter school or proposed charter school, which delay would increase the cost to the charter school or proposed charter school of repaying the loan or advance;

(f) Require the charter school or proposed charter school to enroll a minimum number of pupils for the continuation of the contract between the charter school or proposed charter school and the contractor or educational management organization;

(g) Require the charter school or proposed charter school to request or borrow money from this State to pay the contractor or educational management organization if the contractor or educational management



organization will provide financial management to the charter school or proposed charter school;

(h) Contain a provision which restricts the ability of the charter school or proposed charter school to borrow money from a person or entity other than the contractor or educational management organization;

(i) Provide for the allocation to the charter school or proposed charter school of any indirect cost incurred by the contractor or educational management organization;

(j) Authorize the payment of fees to the contractor or educational management organization which are not attributable to the actual services provided by the contractor or educational management organization;

(k) Allow any money received by the charter school or proposed charter school from this State or from the board of trustees of a school district to be transferred to or deposited in a bank, credit union or other financial institution outside this State, including money controlled by the contractor or educational management organization; ~~for~~

(l) Except as otherwise provided in this paragraph, provide incentive fees to the contractor or educational management organization. A contract or a proposed contract may provide to the contractor or educational management organization incentive fees that are based on the academic improvement of pupils enrolled in the charter school ~~for~~ ;

*(m) Require automatic renewal of the contract or provide that the contract remains in effect if the governing body of a charter school is reconstituted, a written charter is revoked or a charter contract is terminated pursuant to NRS 386.535 or 386.5351;*

*(n) Contain any provision that would delay or prevent the approval of an application by the governing body of the charter school for an exemption from federal taxation pursuant to 26 U.S.C. 501(c)(3);*

*(o) Require the governing body of the charter school to pay any costs associated with ensuring that services comply with state and federal law;*

*(p) Provide that the contractor or educational management organization is not liable for failing to comply with the requirements of the contract; or*

*(q) Provide for the enforcement of terms of the contract that conflict with an applicable written charter, charter contract or federal or state law.*

2. As used in this section, "contractor" or "educational management organization" means a corporation, business, organization or other entity, whether or not conducted for profit, with whom a committee to form a charter school or the governing body of a charter school, as applicable, contracts to assist with the operation, management or provision and implementation of educational services and programs of the charter school or proposed charter school. The term includes a corporation, business, organization or other entity that directly employs and provides personnel to a charter school or proposed charter school.

Sec. 41. NRS 386.562 is hereby amended to read as follows:

386.562 1. A contract or a proposed contract between a charter school or a proposed charter school and a contractor or an educational management organization must not:

(a) Give to the contractor or educational management organization direct control of educational services, financial decisions, the appointment of members of the governing body, or the hiring and dismissal of an administrator or financial officer of the charter school or proposed charter school;

(b) Authorize the payment of loans, advances or other monetary charges from the contractor or educational management organization which are greater than 15 percent of the total expected funding received by the charter school or proposed charter school from the State Distributive School Account;

(c) Require the charter school or proposed charter school to prepay any fees to the contractor or educational management organization;

(d) Require the charter school or proposed charter school to pay the contractor or educational management organization before the payment of other obligations of the charter school or proposed charter school during a period of financial distress;

(e) Allow a contractor or educational management organization to cause a delay in the repayment of a loan or other money advanced by the contractor or educational management organization to the charter school or proposed charter school, which delay would increase the cost to the charter school or proposed charter school of repaying the loan or advance;

(f) Require the charter school or proposed charter school to enroll a minimum number of pupils for the continuation of the contract between the charter school or proposed charter school and the contractor or educational management organization;

(g) Require the charter school or proposed charter school to request or borrow money from this State to pay the contractor or educational management organization if the contractor or educational management organization will provide financial management to the charter school or proposed charter school;

(h) Contain a provision which restricts the ability of the charter school or proposed charter school to borrow money from a person or entity other than the contractor or educational management organization;

(i) Provide for the allocation to the charter school or proposed charter school of any indirect cost incurred by the contractor or educational management organization;

(j) Authorize the payment of fees to the contractor or educational management organization which are not attributable to the actual services provided by the contractor or educational management organization;

(k) Allow any money received by the charter school or proposed charter school from this State or from the board of trustees of a school district to be transferred to or deposited in a bank, credit union or other financial

institution outside this State, including money controlled by the contractor or educational management organization;

(l) Except as otherwise provided in this paragraph, provide incentive fees to the contractor or educational management organization. A contract or a proposed contract may provide to the contractor or educational management organization incentive fees that are based on the academic improvement of pupils enrolled in the charter school;

(m) Require automatic renewal of the contract or provide that the contract remains in effect if the governing body of a charter school is reconstituted ~~[a written charter is revoked]~~ or a charter contract is terminated pursuant to NRS 386.535 or 386.5351;

(n) Contain any provision that would delay or prevent the approval of an application by the governing body of the charter school for an exemption from federal taxation pursuant to 26 U.S.C. 501 (c)(3);

(o) Require the governing body of the charter school to pay any costs associated with ensuring that services comply with state and federal law;

(p) Provide that the contractor or educational management organization is not liable for failing to comply with the requirements of the contract; or

(q) Provide for the enforcement of terms of the contract that conflict with an applicable ~~[written charter]~~ charter contract or federal or state law.

2. As used in this section, "contractor" or "educational management organization" means a corporation, business, organization or other entity, whether or not conducted for profit, with whom a committee to form a charter school or the governing body of a charter school, as applicable, contracts to assist with the operation, management or provision and implementation of educational services and programs of the charter school or proposed charter school. The term includes a corporation, business, organization or other entity that directly employs and provides personnel to a charter school or proposed charter school.

Sec. 42. NRS 386.577 is hereby amended to read as follows:

386.577 1. After deducting the costs directly related to administering the Account for Charter Schools, the State Public Charter School Authority may use the money in the Account for Charter Schools, including repayments of principal and interest on loans made from the Account, and interest and income earned on money in the Account, only to make loans at or below market rate to charter schools for the costs ~~[incurred]~~ *identified in the loan application for use:*

(a) In preparing a charter school to commence its first year of operation; ~~[and]~~

(b) To improve a charter school that has been in operation ~~[ ]~~; *and*

(c) *To fund recruitment of teachers and pupils to new charter school facilities and enrollment of pupils in such facilities.*

2. The total amount of a loan that may be made to a charter school pursuant to subsection 1 must not exceed the lesser of an amount equal to \$500 per pupil enrolled or to be enrolled at the charter school or \$200,000.

Sec. 43. NRS 386.578 is hereby amended to read as follows:

386.578 1. If the governing body of a charter school has a written charter issued or a charter contract executed pursuant to NRS 386.527, the governing body may submit an application to the State Public Charter School Authority for a loan from the Account for Charter Schools. An application must include a written description of the manner in which the loan will be used to prepare the charter school for its first year of operation or to improve a charter school that has been in operation.

2. The State Public Charter School Authority shall, within the limits of money available for use in the Account, make loans to charter schools whose applications have been approved. If the State Public Charter School Authority makes a loan from the Account, the State Public Charter School Authority shall ensure that the contract for the loan includes all terms and conditions for repayment of the loan.

3. The State ~~Board~~ *Public Charter School Authority*:

(a) Shall adopt regulations that prescribe the:

(1) Annual deadline for submission of an application to the State Public Charter School Authority by a charter school that desires to receive a loan from the Account; and

(2) Period for repayment and the rate of interest for loans made from the Account.

(b) May adopt such other regulations as it deems necessary to carry out the provisions of this section and NRS 386.576 and 386.577.

Sec. 44. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection, ~~and~~ subsection 2 ~~and~~ *section 6 of this act*, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district. Except as otherwise provided in subsection 2, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

2. Before a charter school enrolls pupils who are eligible for enrollment, a charter school may enroll a child who:

(a) Is a sibling of a pupil who is currently enrolled in the charter school;  
(b) Was enrolled, free of charge and on the basis of a lottery system, in a prekindergarten program at the charter school or any other early childhood educational program affiliated with the charter school;

(c) Is a child of a person who is:

- (1) Employed by the charter school;
- (2) A member of the committee to form the charter school; or
- (3) A member of the governing body of the charter school;

(d) Is in a particular category of at-risk pupils and the child meets the eligibility for enrollment prescribed by the charter school for that particular category; or

(e) Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

➔ If more pupils described in this subsection who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

3. Except as otherwise provided in subsection 8, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

- (a) Race;
- (b) Gender;
- (c) Religion;
- (d) Ethnicity; or
- (e) Disability,

➔ of a pupil.

4. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at

his or her school or homeschool or participate in an extracurricular activity at the charter school if:

- (a) Space for the child in the class or extracurricular activity is available;
- (b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity; and
- (c) The child is a homeschooled child and a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 392.705.

➡ If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

6. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 5 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

7. The governing body of a charter school may, before authorizing a homeschooled child to participate in a class or extracurricular activity pursuant to subsection 5, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

8. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

- (a) With disabilities;
- (b) Who pose such severe disciplinary problems that they warrant a specific educational program, including, without limitation, a charter school specifically designed to serve a single gender that emphasizes personal responsibility and rehabilitation; or
- (c) Who are at risk.

➡ If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

Sec. 45. NRS 386.584 is hereby amended to read as follows:

386.584 1. If a charter school provides instruction to pupils enrolled in a high school grade level and the charter school requires those pupils to satisfy requirements for graduation from high school that are less than the requirements imposed by the school district in which the charter school is

located, the charter school shall not issue a high school diploma of the school district but may issue a high school diploma which clearly indicates that it is a diploma issued by a charter school. If a charter school requires its pupils to satisfy requirements for graduation from high school that meet or exceed the requirements of the school district in which the charter school is located, the charter school may issue a high school diploma of the school district or a high school diploma of the charter school.

2. A charter school shall submit the form for a diploma of the charter school to the Department for approval if the form differs from the form of the school district in which the charter school is located.

3. The provisions of this section do not ~~authorize~~ :

(a) *Authorize* a charter school to impose requirements for graduation from high school that are less than the requirements of the applicable state statutes and regulations.

(b) *Require a charter school that imposes requirements for graduation from high school that are more stringent than the requirements of applicable state statutes and regulations and more stringent than the requirements of the school district in which the charter school is located to issue a high school diploma to a pupil who has not met the requirements for graduation from the charter school even if the pupil has met the requirements of applicable state statutes and regulations or the requirements of the school district in which the charter school is located.*

Sec. 46. NRS 386.585 is hereby amended to read as follows:

386.585 1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. Except as otherwise provided in subsection 3, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension or expulsion, the pupil *and, if the pupil is under 18 years of age, the parent or guardian of the pupil*, has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such a hearing must be closed to the public.

3. A pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, which must be conducted as soon as practicable after removal, for suspension or expulsion of the pupil.

4. A pupil who is enrolled in a charter school and participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented or who receives early intervening services, may, in

accordance with the procedural policy adopted by the governing body of the charter school for such matters, be:

(a) Suspended from the charter school pursuant to this section for not more than 10 days.

(b) Suspended from the charter school for more than 10 days or permanently expelled from school pursuant to this section only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.

5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

6. The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

Sec. 47. NRS 386.590 is hereby amended to read as follows:

386.590 1. Except as otherwise provided in this subsection, ~~{at least 70 percent of the teachers}~~ *each teacher who {provide} provides instruction at a charter school must be {licensed teachers} highly qualified.* If a charter school is a vocational school, the charter school shall, to the extent practicable, ensure that ~~{at least 70 percent of the teachers}~~ *each teacher who {provide} provides instruction at the school {are licensed teachers} is highly qualified,* but in no event may ~~{more}~~ *less* than 50 percent of the teachers who provide instruction at the school be ~~{unlicensed teachers}.~~

~~—2. A governing body of a charter school shall employ:~~

~~—(a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4, 5, 6, 7 or 8, a licensed teacher to teach pupils who are enrolled in those grades. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. 6319(a).~~

~~—(b) If the charter school offers instruction in grade 9, 10, 11 or 12, a licensed teacher to teach pupils who are enrolled in those grades for the subjects set forth in subsection 4. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. 6319(a).~~

~~—(c) In addition to the requirements of paragraphs (a) and (b):~~

~~—(1) highly qualified.~~

2. If a *vocational* charter school specializes in arts and humanities, physical education or health education, a ~~{licensed}~~ *teacher must be highly qualified* to teach those courses of study.

~~{(2)}~~ 3. If a *vocational* charter school specializes in the construction industry or *any* other building industry, ~~{licensed}~~ *teachers must be highly*



*qualified* to teach courses of study relating to the industry if those teachers are employed full-time.

~~—[(3)]~~ 4. If a *vocational* charter school specializes in the construction industry or other building industry and the school offers courses of study in computer education, technology or business, ~~[licensed]~~ teachers *must be highly qualified* to teach those courses of study if those teachers are employed full-time.

~~[3-]~~ 5. A person who is initially hired by the governing body of a charter school 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)]~~ *be highly qualified*. For the purposes of this subsection, a person is not "initially hired" if the person 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 his or her current employer.

~~[4-]~~ 6. A teacher who is employed by a charter school, regardless of the date of hire, must, on or before July 1, 2006, ~~[possess the qualifications required by 20 U.S.C. 6319(a)]~~ *be highly qualified* if the teacher teaches one or more of the following subjects:

- (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.

~~[5-]~~ Except as otherwise provided in NRS 386.588, a charter school may employ a person who is not licensed pursuant to the provisions of chapter 391 of NRS to teach a course of study for which a licensed teacher is not required pursuant to subsections 2, 3 and 4 if the person has:

- ~~—(a) A degree, a license or a certificate in the field for which the person is employed to teach at the charter school; and~~
- ~~—(b) At least 2 years of experience in that field.~~

~~—6-]~~ 7. Except as otherwise provided in NRS 386.588, a charter school shall employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:

- (a) A valid teacher's license issued pursuant to chapter 391 of NRS with an administrative endorsement;
- (b) A master's degree in school administration, public administration or business administration; or
- (c) At least 5 years of experience in school administration, public administration or business administration and a baccalaureate degree.

~~[7-]~~ 8. Except as otherwise provided in subsection ~~[8-]~~ 9, the portion of the salary or other compensation of an administrator employed by a charter

school that is derived from public funds must not exceed the salary or other compensation, as applicable, of the highest paid administrator in a comparable position in the school district in which the charter school is located. For purposes of determining the salary or other compensation of the highest paid administrator in a comparable position in the school district, the salary or other compensation of the superintendent of schools of that school district must not be included in the determination.

~~{8.}~~ 9. If the salary or other compensation paid to an administrator employed by a charter school from public funds exceeds the maximum amount prescribed in subsection ~~{7.}~~ 8, the sponsor of the charter school shall conduct an audit of the salary or compensation. The audit must include, without limitation, a review of the reasons set forth by the governing body of the charter school for the salary or other compensation and the interests of the public in using public funds to pay that salary or compensation. If the sponsor determines that the payment of the salary or other compensation from public funds is justified, the sponsor shall provide written documentation of its determination to the governing body of the charter school and to the Department. If the sponsor determines that the payment of the salary or other compensation from public funds is not justified, the governing body of the charter school shall reduce the salary or compensation paid to the administrator from public funds to an amount not to exceed the maximum amount prescribed in subsection ~~{7.}~~ 8.

~~{9.}~~ 10. A charter school shall not employ a person pursuant to this section if the person's license to teach or provide other educational services has been revoked or suspended in this State or another state.

~~{10.}~~ 11. On or before November 15 of each year, a charter school shall submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each person who is licensed pursuant to chapter 391 of NRS and who is employed by the governing body on October 1 of that year:

(a) The amount of salary or compensation of the licensed person, including, without limitation, verification of compliance with subsection ~~{7.}~~ 8, if applicable to that person; and

(b) The designated assignment, as that term is defined by the Department, of the licensed person.

12. *As used in this section, "highly qualified" has the meaning ascribed to it in 20 U.S.C. 7801.*

Sec. 48. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts *and charter schools* in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to paragraph (v) of subsection 2 of NRS 385.347 and similar information included in the annual report of accountability information prepared by the State Public Charter School Authority and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385.347;

(d) The results of the assessment of needs conducted pursuant to subsection 6; and

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, without limitation, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

➔ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

(a) The State Board.

(b) The board of trustees of each school district.

(c) The superintendent of schools of each school district.

(d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:

(a) The recommendations set forth in the plan pursuant to subsection 2;

(b) The plan for educational technology of each school district, if applicable;

(c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and

(d) Any other information deemed relevant by the Commission.

➡ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-numbered year to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without

compensation unless an appropriation or other money for that purpose is provided by the Legislature.

9. As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

Sec. 49. NRS 388.800 is hereby amended to read as follows:

388.800 1. The Trust Fund for Educational Technology is hereby created in the State General Fund. The Trust Fund must be administered by the Superintendent of Public Instruction. The Superintendent may accept gifts and grants of money from any source for deposit in the Trust Fund. Any such money may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with subsection 3.

2. The interest and income earned on the money in the Trust Fund must be credited to the Trust Fund.

3. The money in the Trust Fund may be used only for the distribution of money to school districts *and charter schools* to be used in kindergarten through 12th grade to obtain and maintain hardware and software for computer systems, equipment for transfer of data by modem through connection to telephone lines, and other educational technology as may be approved by the Commission for use in classrooms.

Sec. 50. NRS 388.805 is hereby amended to read as follows:

388.805 The Department shall, in consultation with the Commission, adopt regulations that establish a program whereby school districts *and charter schools* may apply to the Commission on Educational Technology for money from the Trust Fund for Educational Technology.

Sec. 51. NRS 391.170 is hereby amended to read as follows:

391.170 1. Except as otherwise provided in subsection 2, a teacher or other employee for whom a license is required is not entitled to receive any portion of public money for schools as compensation for services rendered unless he or she:

(a) Is legally employed by the board of trustees of the school district or the governing body of the charter school in which he or she is teaching or performing other educational functions.

(b) Has a license authorizing him or her to teach or perform other educational functions at the level and, except as otherwise provided in NRS 391.125, in the field for which he or she is employed, issued in accordance with law and in full force at the time the services are rendered.

2. The provisions of subsection 1 do not prohibit the payment of public money to teachers or other employees who are employed by a charter school ~~[for whom a license is]~~ *who are not required to be highly qualified* pursuant to the provisions of NRS 386.590.

3. *As used in this section, "highly qualified" has the meaning ascribed to it in 20 U.S.C. 7801.*

Sec. 52. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as provided in subsection 4, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

- (a) Salary or wage rates or other forms of direct monetary compensation.
- (b) Sick leave.
- (c) Vacation leave.
- (d) Holidays.
- (e) Other paid or nonpaid leaves of absence.
- (f) Insurance benefits.
- (g) Total hours of work required of an employee on each workday or workweek.
- (h) Total number of days' work required of an employee in a work year.
- (i) ~~[Discharge]~~ *Except as otherwise provided in subsection 6, discharge* and disciplinary procedures.
- (j) Recognition clause.
- (k) The method used to classify employees in the bargaining unit.
- (l) Deduction of dues for the recognized employee organization.
- (m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.
- (n) No-strike provisions consistent with the provisions of this chapter.
- (o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.
- (p) General savings clauses.
- (q) Duration of collective bargaining agreements.
- (r) Safety of the employee.
- (s) Teacher preparation time.
- (t) Materials and supplies for classrooms.
- (u) The policies for the transfer and reassignment of teachers.
- (v) Procedures for reduction in workforce consistent with the provisions of this chapter.
- (w) Procedures and requirements for the reopening of collective bargaining agreements that exceed 1 year in duration for additional, further, new or supplementary negotiations during periods of fiscal emergency. The requirements for the reopening of a collective bargaining agreement must include, without limitation, measures of revenue shortfalls or reductions relative to economic indicators such as the Consumer Price Index, as agreed upon by both parties.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. *If the sponsor of a charter school reconstitutes the governing body of a charter school, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.*

7. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

~~{7.}~~ 8. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

Sec. 53. Section 4 of this act is hereby amended to read as follows:

Sec. 4. 1. The State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education as applicable, which sponsors

a charter school may hold a public hearing concerning any request to amend ~~the written charter or~~ a charter contract of the charter school its sponsors, including, without limitation a request to amend a written charter or charter contract for the purpose of:

(a) Expanding the charter school to offer instruction in grade levels for which the charter school does not already offer instruction.

(b) Increasing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to more than 120 percent of the enrollment prescribed in the ~~written charter or~~ charter contract for that school year.

(c) Reducing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to less than 80 percent of the enrollment prescribed in ~~the written charter or~~ charter contract for that school year.

(d) Seeking to acquire an additional facility in any county of this State to expand the enrollment of the charter school.

(e) Consolidating the operations of multiple charter schools pursuant to section 5 of this act.

2. A ~~written charter or~~ charter contract may not be amended in any manner described in subsection 1 unless the amendment is approved by the State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education, as applicable.

3. The State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education, as applicable, must deny a request to amend a ~~written charter or~~ charter contract in the manner described in paragraphs (d) or (e) of subsection 1 if the State Public Charter School Authority, the board of trustees or a college or university within the Nevada System of Higher Education, as applicable, determines that:

(a) The charter school is not meeting the requirements of the performance framework concerning academics, finances or operation established pursuant to NRS 386.528; or

(b) The governing body does not have a comprehensive and feasible plan to operate additional facilities.

Sec. 54. Section 5 of this act is hereby amended to read as follows:

Sec. 5. The sponsor of a charter school may approve an amendment to ~~a written charter or~~ a charter contract to consolidate the operations of two or more charter schools if:

1. The sponsor of a charter school for which ~~a written charter has been revoked or~~ a charter contract has been terminated has approved a request by the governing body of the charter school requesting the amendment to negotiate with the owner, mortgagor or lienholder of the facilities in which the charter school has been



operated for the purpose of operating an additional campus of the other charter school pursuant to section 6 of this act. If charter schools are consolidated under such conditions, the prior academic, operational and fiscal performance of the charter school ~~{whose written charter has been revoked or}~~ whose charter contract has been terminated will not be attributed to the consolidated charter school.

2. Two or more governing bodies submit a request for an amendment to consolidate their charter contracts, governing bodies and operations to form a single charter school operating one or more campuses under a new charter contract. If charter schools are consolidated under such conditions:

(a) The new charter contract will be in effect for the duration of the term of the written charter or charter contract which was closest to its date of expiration before consolidation; and

(b) The academic, operational and fiscal performances of all charter schools that have been consolidated will be attributed to the consolidated charter school.

Sec. 55. Section 6 of this act is hereby amended to read as follows:

Sec. 6. 1. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 386.535 or 386.5351, the sponsor must appoint new members to the governing body who meet the qualifications for membership set forth in NRS 386.549. The sponsor shall not reappoint more than 40 percent of the members of the previous governing body. Before appointing new members to the governing body, the sponsor must consider:

(a) Input from members of the community in which the charter school is located and parents of pupils who attend the charter school.

(b) Any relevant credentials, experience or other qualifications of a potential member, including, without limitation, whether the potential member resides in the geographic area served by the charter school or has experience in education.

2. If the sponsor of a charter school ~~{revokes a written charter or}~~ terminates a charter contract pursuant to 386.535 or 386.5351, the sponsor may:

(a) Petition the district court to appoint a receiver, to be paid from the funds of the charter school, to oversee and manage the charter school until other arrangements are made for pupils who attend the school.

(b) Issue a request for proposals inviting the governing body of another charter school to negotiate with the owner, mortgagor or lienholder of the facilities in which the charter school operated for the purpose of operating an additional campus of the other charter school under the sponsorship of either the sponsor of the charter school ~~{for which the written charter has been revoked or}~~ the charter contract has been terminated or the sponsor of the charter school that intends to

operate an additional campus. If the governing body proposes to operate an additional campus of the other charter school under the sponsorship of:

(1) The sponsor of the charter school for which ~~the written charter has been revoked or~~ the charter contract has been terminated and the sponsor is not the sponsor of the charter school currently operated by the governing body, the governing body must, before the additional campus begins operating, also submit to the sponsor of the charter school ~~for which the written charter has been revoked or~~ the charter contract has been terminated and receive approval for an application to form a charter school pursuant to NRS 386.520.

(2) The sponsor of the charter school currently operated by the governing body, the governing body must, before the additional campus begins operating, also submit a request for and receive approval of an amendment to its ~~written charter or~~ charter contract to consolidate charter schools pursuant to NRS 386.527 and sections 4 and 5 of this act.

3. Before selecting a governing body to operate another campus of an existing charter school to replace a charter school ~~whose written charter has been revoked or~~ whose charter contract has been terminated pursuant to subsection 2, the sponsor must consider:

(a) The performance record of the charter school in this State and other states;

(b) The plan of the governing body for improving pupil achievement and school performance;

(c) The suitability of the proposed academic program for pupils who were enrolled in the charter school before ~~the revocation of the written charter or~~ the termination of the charter contract; and

(d) Input from members of the community in which the charter school is located and parents who were enrolled in the charter school before ~~the revocation of the written charter or~~ the termination of the charter contract, including, without limitation, the input described in subsection 4.

4. A sponsor that solicits proposals to operate an additional campus of an existing charter school shall allow parents of pupils who were enrolled in the charter school before ~~the revocation of the written charter or~~ the termination of the charter contract to interview governing bodies who submit proposals and, if three or more proposals are submitted pursuant to paragraph (b) of subsection 2, cast an advisory vote for the governing body they would prefer be given the opportunity to operate the campus.

5. If a governing body is selected pursuant to this section to operate another campus of an existing charter school to replace a charter school ~~whose written charter has been revoked or~~ whose charter contract has been terminated and any necessary amendments or

applications are approved, the charter school must enroll pupils who were enrolled in the charter school ~~[whose written charter was revoked or]~~ whose charter contract was terminated before enrolling other pupils.

6. If the sponsor of a charter school reconstitutes the governing body of a charter school, the principal of the charter school shall:

(a) Review each employee of the charter school to determine whether to retain the employee based on the needs of the school and the ability of the employee to improve pupil achievement and school performance at the charter school. The new governing body may terminate the employment of any teachers or other employees of the charter school.

(b) Collaborate with the new governing body in making hiring determinations for the charter school.

7. If the sponsor of a charter school selects a governing body to operate another campus of an existing charter school to replace a charter school ~~[whose written charter has been revoked or]~~ whose charter contract has been terminated, the new governing body is not required to offer employment to any teacher or other employee of the charter school ~~[whose written charter has been revoked or]~~ whose charter contract has been terminated.

Sec. 56. The provisions of NRS 288.150, as amended by section 52 of this act:

1. Apply to any collective bargaining agreement entered into, extended or renewed on or after ~~[January 1, 2020,]~~ the effective date of that section, and any provision of the agreement that is in conflict with that section, as amended, is void.

2. Do not apply to any collective bargaining agreement entered into before ~~[January 1, 2020,]~~ the effective date of that section during the current term of the agreement.

Sec. 57. 1. This section and sections 52 and 56 of this act become effective upon passage and approval.

2. Sections 1 to 15, inclusive, 17, 18, 19, 21, 22, 23, 25 to 28, inclusive, 30, 32, 34, 35, 36, 38, 39, 40, 42 to [52,] 51, inclusive, [and section 56] of this act become effective:

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

(b) On January 1, 2016, for all other purposes.

~~[2,]~~ 3. Sections 16, 20, 24, 29, 31, 33, 37, 41, 53, 54 and 55, inclusive, of this act become effective on January 1, 2020.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 497 makes the following changes to Senate Bill No. 509, specifically, it clarifies the definition of a "charter management organization;" permits up to 40 percent of the

former board members of a reconstituted charter school to be retained; limits third-party recourse against a charter sponsor in the execution of its sponsorship duties; and clarifies the procedures for managing teacher employment when a charter school is reconstituted.

Amendment No. 497 also authorizes a charter management organization to request a waiver of governance requirements; prohibits the Charter School Authority from accepting donations from a party which holds, or is eligible to hold, a charter in Nevada; prohibits a person convicted of a felony or an offense of moral turpitude from serving as a member of a governing body; and provides other clarifying changes.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that Senate Bills Nos. 99, 295, 331, 399, 460, 509 be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Senator Brower moved that Senate Bill No. 388 be taken from the Secretary's desk and placed on the General File for the next legislative day.

Motion carried.

Senator Kieckhefer moved that Senate Bill No. 393 be taken from the Secretary's desk and placed on the General File for the next legislative day.

Motion carried.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 67.

Bill read third time.

Remarks by Senator Hardy.

Senate Bill No. 67 is the Division of Insurance of the Department of Business and Industry's omnibus bill. This bill: Adopts provisions of various model laws and acts of the National Association of Insurance Commissioners, including provisions relating to investments, reinsurance, standard valuation, standard nonforfeiture, own-risk solvency assessment, and insurer mergers and acquisitions; makes changes to the Nevada Life and Health Insurance Guaranty Association; makes changes to the requirements for insurance administrators and self-insured employers for workers' compensation when filing their annual financial statements; allows insurers to provide electronic proof of insurance certificates for motor vehicles; makes changes regarding state-chartered risk retention groups; authorizes the inspections of certain sealed records to determine the suitability of an applicant for licensure or the discipline of a licensee for misconduct; and repeals various provisions of existing law, which are replaced by the adoption of the model law provisions. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 67:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 67 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 137.

Bill read third time.

Remarks by Senator Hardy.

Senate Bill No. 137 requires that an insurance claim for a procedure provided by a dentist, which may be covered by both the patient's stand-alone dental benefit and policy of health insurance, the stand-alone dental benefit must provide primary coverage. The bill also prohibits a health insurer from denying certain claims for which it has liability on the basis that another health insurer has liability, or requiring a separate claim be filed with the other health insurer. 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. The Commissioner of Insurance must, on or before January 1, 2016, adopt regulations to carry out the amendatory provisions of this bill.

Roll call on Senate Bill No. 137:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 137 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 223.

Bill read third time.

Remarks by Senator Hardy.

Senate Bill No. 223 provides that a prime contractor is not liable for the labor costs of a subcontractor to the extent those costs are: interest, liquidated damages, attorney's fees or costs resulting from a subcontractor's failure to pay contributions or other payments to, or on behalf of, an employee; or any amounts for which the prime contractor did not receive adequate notice by an administrator of a Taft-Hartley Trust.

The measure reduces from three years to one year the statute of limitations period applicable to commencing an action against a prime contractor for the recovery of wages or benefits due to an employee of a subcontractor if the prime contractor is located in Nevada, or to 180 days if the contractor is located outside of Nevada. A prime contractor or subcontractor who participates in a health or welfare fund, or other plan for the benefit of employees, must provide to the fund or plan notice of the name and location of the project upon the commencement of work on a project. Further, an express benefit trust that receives a portion of the compensation paid to a laborer is not exempt from the notice of right to lien to the owner of a property. This bill is effective on October 1, 2015.

Roll call on Senate Bill No. 223:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 223 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

## MOTIONS, RESOLUTIONS AND NOTICES

Senator Roberson moved that Senate Bill No. 252 be taken from the General File and placed at the top of the General File for the next legislative day.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 241.

Bill read third time.

Remarks by Senator Roberson.

Senate Bill No. 241 makes various changes relating to collective bargaining. Among other things, the bill: excludes a school administrator whose annual salary, adjusted for inflation, is greater than \$120,000, from membership in any bargaining unit; authorizes, under certain circumstances, a local government employer to provide paid leave to an employee for time spent in providing services to an employee organization; reduces from 180 days to 45 days the amount of time within which the Local Government Employee-Management Relations Board must conduct a hearing relating to certain complaints; provides that a collective bargaining agreement between a local government employer and a recognized employee organization expires for certain purposes at the end of the term stated in the agreement; provides that upon the end of the term stated in a collective bargaining agreement, and until a successor agreement becomes effective, a local government employer shall not, with limited exceptions, increase any compensation or monetary benefits paid to or on behalf of employees in the affected bargaining unit; revises various provisions relating to negotiations between a school district and an employee organization representing teachers or educational support personnel; and provides that during the first three years of employment by a school district, a principal is employed at will. This measure is effective upon passage and approval.

Roll call on Senate Bill No. 241:

YEAS—15.

NAYS—Kihuen, Parks, Spearman, Woodhouse—4.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 241 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 247.

Bill read third time.

Remarks by Senator Hardy.

Senate Bill No. 247 provides for the deposit of certain application fees collected by the Department of Health and Human Services from persons who apply for approval of certain projects and services to be used to administer the State administrative program relating to health planning and development. The fees revert to the State General Fund if the money received from the fees collected is not spent within two fiscal years after the fees were originally paid.

The measure deletes the restriction against spending more than \$2 million or an amount specified by the Department for new construction by or on behalf of a health facility in counties whose population is less than 100,000 and prohibits any such expenditure, without the approval of the Director, for new construction by or on behalf of a health facility unless the construction will occur in an incorporated city or unincorporated town whose population is 60,000 or more, currently the Cities of Henderson, Las Vegas, North Las Vegas, Reno, and Sparks, or meets one of the other currently listed exceptions. The bill also deletes the exception from this requirement for the construction of a hospital in certain large unincorporated towns that do not have a hospital. Finally, the measure requires the Director to consider certain criteria when deciding whether to approve a project. The measure is effective on July 1, 2015.

Roll call on Senate Bill No. 247:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 247 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 248.

Bill read third time.

Remarks by Senator Hardy.

Senate Bill No. 248 revises provisions regarding assistance in casting a ballot to a person with a disability or a person with an inability to read or write English. Specifically, the measure provides that such a person is entitled to assistance in casting a ballot if the need for such assistance is apparent or known to the election board and that the person may request assistance in voting in any manner.

In addition, the measure removes the discretion for an election board to require a person with a disability or an inability to read or write English to sign a statement under penalty of perjury swearing that he or she requires assistance in casting a ballot. The measure also eliminates the requirement that a person with a disability furnish a statement from a physician certifying that the individual is a person with a physical disability as a prerequisite to the person receiving an absent ballot. The measure is effective upon passage and approval.

Roll call on Senate Bill No. 248:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 248 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 257.

Bill read third time.

Remarks by Senators Woodhouse and Lipparelli.

SENATOR WOODHOUSE:

Senate Bill No. 257 requires each person who is employed in a child care facility, other than a facility that provides care for ill children, to complete 24 hours of training annually. The bill also requires at least 12 hours of that training to be devoted to the care, education and safety of children that is: specific to the age group served by the child care facility for which the person is employed; and approved by the State Board of Health by regulation. The measure further requires each person who is employed in a child care facility to complete an additional three hours of training in the recognition and reporting of child abuse and neglect.

A licensee of a child care facility is required to ensure that an employee of the child care facility is in the presence of an independent contractor retained by the child care facility during any period in which the independent contractor is performing any services at the child care facility when a child is present. The bill requires the Division of Public and Behavioral Health to conduct a background investigation of certain employees: not later than three days after the employee is hired and before the employee has any direct contact with any child at the child care facility; and every two rather than five years after the initial investigation.

I would like to add that regarding the independent contractor, we are looking at these individuals as being ones that the child care facility is bringing in to the facility to provide something special for the students such as an art or music program.

The measure is effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory tasks, and January 1, 2016, for all other purposes.

SENATOR LIPPARELLI:

As it relates to this bill, when we are talking about independent contractors, we mean both those that are brought in for training purposes and those the child care center may engage for the purpose of caring for the children themselves, is that correct? We mean both. The Senator and I have had that conversation, and I want to make sure it is clear on the record.

SENATOR WOODHOUSE:

Yes, that is correct.

Roll call on Senate Bill No. 257:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 257 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 285.

Bill read third time.

Remarks by Senator Parks.

Senate Bill No. 285 revises provisions relating to the powers and duties of constables and deputy constables. The bill allows the process, writs or warrants of courts of justice, judicial officers and coroners to be delivered directly to a constable who then must execute the orders. Certain fees to which constables are entitled for their services are increased, and a board of county commissioners is authorized to provide by ordinance for the fee to which a constable is entitled for providing a service authorized by law for which no fee is established by statute. A constable is authorized to accept payment of fees by credit card, debit card or the electronic transfer of money and to charge and collect a convenience fee for the acceptance of such forms of payment under certain circumstances. A board of county commissioners is authorized to appoint a reasonable number of clerks for the constable of a township and to set their salaries.

The bill exempts from the licensure requirements in State law, relevant to intoxicating liquors, a sheriff or constable who sells or offers for sale liquor at a sale under execution and further allows a person licensed under State law to purchase liquor at such a sale under execution. This measure is effective upon passage and approval.

Roll call on Senate Bill No. 285:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 285 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 286.

Bill read third time.



**Remarks by Senator Settlemeyer.**

Senate Bill No. 286 revises various provisions governing funeral and cemetery services. The measure authorizes the Nevada Funeral and Cemetery Services Board to issue permits for the operation of direct cremation facilities and licenses to persons to engage in the business as a funeral arranger. The bill establishes a two-year duration for most licenses and permits issued by the Board and a continuing education requirement for licensed funeral directors and embalmers. In addition, a person who holds a license, permit or certificate issued by the Board must comply with the requirements of the federal Occupational Safety and Health Administration. An applicant for a funeral director's license, who applies after January 1, 2016, must have at least one year of active practice as a funeral arranger.

The measure revises the priority of persons who are authorized to order the burial or cremation of a decedent. A person who is arrested for or charged with murder or voluntary manslaughter may not act as the person authorized to order the burial or cremation of the decedent who the person is accused of killing. Further, an operator of a crematory is required to ensure that any person operating crematory equipment has completed a crematory certification program approved by the Board. This bill is effective upon passage and approval for purposes of adopting regulations and performing any preparatory administrative tasks, and on January 1, 2016, for all other purposes.

**Roll call on Senate Bill No. 286:**

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 286 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 305.**

Bill read third time.

**Remarks by Senator Settlemeyer.**

Senate Bill No. 305 authorizes an institution of higher education or the State Department of Agriculture to grow or cultivate industrial hemp under an agricultural pilot program or for other agricultural or academic research and requires that each site used to grow industrial hemp be certified and registered with the Department. The bill also authorizes the State Board of Agriculture to adopt regulations to carry out the provisions of the bill. Finally, Senate Bill No. 305 excludes industrial hemp, which is grown or cultivated pursuant to the provisions of the bill, from certain crimes relating to marijuana.

This bill is effective upon passage and approval for the purpose of adopting regulations and performing other administrative tasks, and on January 1, 2016, for all other purposes.

**Roll call on Senate Bill No. 305:**

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 305 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 310.**

Bill read third time.

**Remarks by Senator Kieckhefer.**

Senate Bill No. 310 extends the life of a tourism improvement district by 5 years, from 20 to 25 years, if during the first 5 full fiscal years after the creation of the district, the amount of the money pledged to the financing of projects in the district and received by the municipality with respect to the district is equal to zero. The governing body of the municipality may provide financing or reimbursement to such a district from the proceeds of the local school support tax collected from retailers that locate within the district on or after July 1, 2013.

The bill deletes certain language to allow other agreements for reimbursement for tourism improvement projects that are not owned by the municipality or another governmental entity to be binding on the municipality beyond the fiscal year in which it was made. This measure is effective upon passage and approval.

This measure applies to the Tessera Tourism Improvement District located just south of the University of Nevada, Reno (UNR). Testimony indicated more than \$28 million from private sources has been invested in this district since 2009, and it is part of an effort to promote general economic development and to reconnect UNR with the City of Reno.

**Roll call on Senate Bill No. 310:**

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 310 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 373.**

Bill read third time.

Remarks by Senators Hardy and Gustavson.

**SENATOR HARDY:**

Senate Bill No. 373 provides for the licensure of a producer of limited-lines travel insurance to allow such a producer to solicit, negotiate and sell policies of travel insurance. Under the provisions of the bill, a producer of limited-lines travel insurance may sell policies of travel insurance through certain travel retailers under certain circumstances. A travel retailer, whose insurance related activities are limited to offering and disseminating travel insurance on behalf of and under the direction of a producer of limited-lines travel insurance, is authorized to receive related compensation. A producer of limited-lines travel insurance is responsible for the acts of a travel retailer, and both are subject to the disciplinary provisions of Nevada law governing insurance trade practices and fraud.

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.

**SENATOR GUSTAVSON:**

How does it affect a person from out of state that sells travel insurance to a person in Nevada? I am sure that would have an impact on them.

**SENATOR HARDY:**

I am sure it has an effect, but I do not know what it is.

**Roll call on Senate Bill No. 373:**

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 373 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 384.

Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 384 provides for the appointment of guardians for minors or incompetents who are family members or beneficiaries of a trust or estate represented by the family trust company. The measure also provides for the designation of a person to represent and bind a beneficiary of trust administered by a family trust. The bill provides that newly enacted duties of fiduciaries in other titles of *Nevada Revised Statutes* must not apply to family trust companies, and existing provisions only apply to the extent they are not incompatible with existing law governing family trusts or any terms of the trust. The measure provides for the confidentiality of certain trust documents in a court proceeding to protect their confidentiality. It also provides for a rebuttable presumption of good faith for the actions of certain fiduciaries. A licensed family trust is subject to the supervision of the Commissioner of Financial Institutions. Further, the bill provides that a family trust company enjoys a presumption of good faith in their transactions and dealings and certain transactions by such a company are presumed to not be conflicts of interest. Finally, the measure revises certain reporting requirements for family trust companies. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 384:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 384 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 394.

Bill read third time.

Remarks by Senators Hardy and Brower.

SENATOR HARDY:

This is Jill's bill as promised. Senate Bill No. 394 requires the Department of Education, in consultation with persons and organizations who possess knowledge and expertise in the personal safety of children, to develop age-appropriate curriculum standards for teaching personal safety to children. The Department must also develop recommendations to assist the school district, or a charter school, to develop and implement various programs related to the personal safety of children. The board of trustees of each school district, and the governing body of each charter school, is required to ensure that instruction on the personal safety of children is carried out as part of a course of study in health and is based on the standards developed by the Department.

The school district or charter school is required to determine the appropriate grade levels, course content and materials for such instruction, and the instruction must be provided by: 1) a licensed teacher; 2) an employee of the school district with special knowledge or training in the teaching of personal safety to children; 3) an employee of an agency that has as its primary purpose the teaching of personal safety to children; 4) an employee of a law enforcement agency; or 5) a volunteer of an agency, which has as its primary purpose the teaching of personal safety to children, who has undergone a background investigation and has special training in the teaching of personal safety. The measure also specifies that the parent or guardian of each pupil to whom such instruction will be provided must be notified of such instruction and provided

with an opportunity to review the instructional materials to be used and to submit a written request that the pupil be excused from the instruction, unless the course in which the instruction is provided is required for graduation. The bill revises the information required to be included in a report to the Department for the preceding year regarding the personal safety instruction and certain personal safety incidents reported by pupils.

Finally, the measure removes the prohibition on a guardian *ad litem* receiving compensation and the requirement that a guardian *ad litem* be a volunteer. This measure is effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks. Provisions requiring the Department to develop age-appropriate curriculum standards concerning the personal safety of children are effective on July 1, 2016, and provisions requiring schools to begin providing instruction in the personal safety of children are effective on July 1, 2020.

SENATOR BROWER:

I rise to commend our colleague from District 12 and everyone else in this effort, including Ms. Tolls, who is here, today, and our fine professionals at the Department of Education's Division of Child and Family Services. This effort started with the passage of Erin's Law last session. It is very gratifying to see the effort moving forward. I am sure Erin is out there paying attention to how we are doing here in Nevada with respect to this excellent idea. I again want to thank all of those involved and urge our colleagues support.

Roll call on Senate Bill No. 394:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 394 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 406.

Bill read third time.

Remarks by Senator Roberson.

Senate Bill No. 406 makes various changes to the Public Employees' Retirement System (PERS), the Judicial Retirement Plan and the Legislators' Retirement System, for persons who become members on or after July 1, 2015, unless otherwise noted.

The bill provides that if a member is convicted of or pleads guilty or *nolo contendere* to certain felonies arising directly out of his or her duties as an employee, the member forfeits, with limited exceptions, all rights and benefits under the relevant retirement system. Upon such a conviction, the relevant system must return to the member, without interest, all contributions which the member has made and which were credited to the member's individual account.

It reduces the postretirement increases for retirees to 2.5 percent for the annual increase following the sixth, seventh and eighth anniversaries; and to the lesser of 3 percent or the increase, if any, in the Consumer Price Index, All Items, for the preceding calendar year starting with the ninth anniversary.

The bill provides an additional benefit option for the spouse or survivor beneficiary if the deceased member is unmarried on the date of the member's death, of a member who is killed in the line of duty, the course of employment, the course of judicial service or the course of legislative service, as applicable.

Senate Bill No. 406 changes the age of eligibility to receive retirement benefits for members, other than police officers or firefighters, to 65 years of age if he or she has at least 5 years of service; to 62 years of age if he or she has at least 10 years of service; to 55 years of age if he or she has at least 30 years of service; and to any age if he or she has at least 33 1/3 years of service.

It excludes any service credit purchased by the member or on behalf of the member from the calculation of the member's years of service for the purpose of determining the age at which the member may retire with an unreduced benefit, with limited exceptions related to a family medical emergency; limits the amount of compensation used to determine a retirement benefit; and provides that the monthly retirement allowance for each member of PERS, other than a police officer or firefighter, will be determined by multiplying the member's average compensation by 2.25 percent for every year of service with the member's eligibility for service credit ceasing at 33 1/3 years of service.

Senate Bill No. 406 requires members of the Judicial Retirement Plan to pay 50 percent of the required contributions to the Plan; provides that the monthly retirement allowance for each member of the Judicial Retirement Plan will be determined by multiplying the member's average compensation by 3.1591 percent for every year of service.

The bill clarifies that the term "spouse" includes a domestic partner for purposes of determining eligibility to receive survivor benefits from a public retirement system; and repeals the June 30, 2015, expiration of certain provisions relating to retired public employees who fill positions for which there are critical labor shortages.

The measure is effective on July 1, 2015, for all purposes except that it is effective upon passage and approval for the purpose of repealing the expiration of certain provisions relating to retired public employees who fill positions for which there are critical labor shortages.

Mr. President, this bill is conservatively estimated to save PERS approximately \$1 billion every decade once it is fully implemented.

Roll call on Senate Bill No. 406:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 406 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 427.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 427 appropriates \$169,000 from the State General Fund to the Office of the Extradition Coordinator within the Office of the Attorney General to replenish 2015 extradition costs expended in 2014 and cover increased extradition costs and less than projected revenue recovery. This bill, as amended is effective upon passage and approval.

Roll call on Senate Bill No. 427:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 427 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 469.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 469 appropriates \$588,000 from the General Fund to the Supreme Court for an unanticipated shortfall in revenue for FY 2015 resulting from a deficit in the collection of administrative assessments. This act becomes effective upon passage and approval.

Roll call on Senate Bill No. 469:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 469 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 481.

Bill read third time.

Remarks by Senator Lipparelli.

Senate Bill No. 481 prohibits a county or incorporated city from creating, maintaining or displaying in any format a comprehensive model or map of the physical location of all or a substantial portion of the facilities or critical infrastructure of a public utility, public water system or video service provider. The bill authorizes a county or city to require a public utility, public water system, video service provider or any other person to disclose information relating to the physical location of the facilities or critical infrastructure of a public utility, public water system or video service provider only under certain circumstances. This measure is effective on July 1, 2015.

Roll call on Senate Bill No. 481:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 481 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 21.

Resolution read third time.

Remarks by Senators Denis and Kihuen.

SENATOR DENIS:

Senate Joint Resolution No. 21 urges Congress to enact comprehensive immigration reform that addresses earned legal residency with a clear path to citizenship, future immigration issues, improved enforcement and border security, and the fiscal impact of immigration on State government. The resolution is effective upon passage.

A similar resolution, Senate Joint Resolution 15 was approved during the 2013 Legislative Session. We still do not have immigration reform and need to remind those in Washington DC and keep the pressure on so we can fix this important issue for our Country.

SENATOR KIHUEN:

Thank you, Mr. President. Thank you to my colleague from District 2 for reading a statement on this resolution. I rise in support of Senate Joint Resolution No. 21, urging Congress to pass Comprehensive Immigration Reform. As most of you know, I am currently the only Legislator serving in this Body that is an immigrant. The issue of immigration is near and dear to my heart. My family is a perfect example of what can happen when you give a hard-working immigrant family an opportunity to succeed in our great Country.

It is no secret that our current immigration system is broken. You know it is broken when people who are doing things the right way have to wait over 20 years for their application to be processed. You know it is broken when families are being separated every day. You know it is broken when hundreds of people sacrifice their lives every single day crossing the border illegally rather than go through an onerous and cumbersome immigration process.

But how do we fix it? Through a comprehensive immigration reform aimed at repairing this broken system. A comprehensive immigration reform would help stimulate the economy and create thousands of jobs, keep innocent families together and afford them a shot at the American Dream by offering a fair path to citizenship.

Some of the key elements of the comprehensive immigration reform package currently being negotiated would first make sure that our borders are protected. It would allow undocumented immigrants to come forward and register, pay an application fee and a fine, and—if they pass a criminal background check—earn legal status, and eventually, U.S. citizenship. Applicants would also be required to learn English and pay any back taxes owed. And, they would have to stand in the back of the line.

If Congress were to pass legislation mandating comprehensive immigration reform utilizing the key elements I previously mentioned, the U.S. Gross Domestic Product would increase by at least .84 percent. That amounts to a staggering \$1.5 trillion in additional GDP over ten years.

I would like to share some facts about immigrants in Nevada. Nevada would lose \$9.7 billion in economic activity and about 45,533 jobs if all unauthorized immigrants were removed. Latino immigrants in Nevada paid roughly \$2.6 billion in federal taxes and \$1.6 billion in state and local taxes, including \$500 million in sales taxes, in 2005. The money that Latino immigrants earn and spend in Nevada accounts for about 25 percent of the State's Gross State Product, and Latino immigrant employment, income and spending results in the creation of 108,380 jobs in Nevada, according to a 2007 report from the Progressive Leadership Alliance of Nevada.

Latino immigrants comprised about 16 percent of the State's entire workforce in 2005, and an even higher share in select industries: 81 percent of the agricultural workforce, 47 percent of the construction and mining workforce, and 22 percent of the entertainment and tourist services workforce, according to a 2007 report from the Progressive Leadership Alliance of Nevada. I urge this Body to support this resolution. Hopefully, Congress can get to work and pass immigration reform.

SENATOR DENIS:

I would like to thank the Chair of Legislative Operations and Elections, our colleague from Senate District 8, for allowing this to come through the Committee. We had run out of bills and needed to do something, and she worked with us in order to do this.

Roll call on Senate Joint Resolution No. 21:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Joint Resolution No. 21 having received a constitutional majority, Mr. President declared it passed, as amended.

Resolution ordered transmitted to the Assembly.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Gustavson moved that Senate Bill No. 463 be taken from the Secretary's desk and placed on the General File on the next Agenda.

Motion carried.

Senator Roberson moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 12:21 p.m.

## SENATE IN SESSION

At 3:21 p.m.

President Hutchison presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Commerce, Labor and Energy, to which were referred Senate Bills Nos. 146, 328, 341, 370, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES A. SETTELMAYER, *Chair*

*Mr. President:*

Your Committee on Finance, to which was re-referred Senate Bill No. 314, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BEN KIECKHEFER, *Chair*

*Mr. President:*

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 65, 70, 157, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PETE GOICOECHEA, *Chair*

*Mr. President:*

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 33, 110, 114, 288, 459, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH P. HARDY, *Chair*

*Mr. President:*

Your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 5, 62, 203, 436, 499; Senate Joint Resolutions Nos. 1, 3, 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PATRICIA FARLEY, *Chair*

*Mr. President:*

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 163, 495, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DONALD G. GUSTAVSON, *Chair*

*Mr. President:*

Your Committee on Revenue and Economic Development, to which were referred Senate Bills Nos. 125, 382, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL ROBERSON, *Chair*

*Mr. President:*

Your Committee on Transportation, to which was referred Senate Bill No. 410, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SCOTT HAMMOND, *Chair*



## SECOND READING AND AMENDMENT

Senate Bill No. 5.

Bill read second time.

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

Amendment No. 310.

SUMMARY—Revises provisions governing elections for nonpartisan offices. (BDR 24-90)

AN ACT relating to elections; providing that a candidate for nonpartisan office who receives a majority of the votes cast in a primary election or certain primary city elections must be declared the winner and not be placed on the ballot at a general election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if there are more candidates than twice the number to be elected to a nonpartisan office, other than a city office: (1) the names of the candidates must appear on the ballot for a primary election; and (2) 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. (NRS 293.260) Section 1 of this bill provides that if one candidate receives a majority of the votes cast in the primary election for the office for which he or she is a candidate, 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.

For primary city elections conducted in certain general law cities, existing law provides that if one candidate receives "more than a majority" of the votes cast in such an election for the office for which he or she is a candidate, the candidate must be declared to be elected to the office and the candidate's name must not be placed on the ballot for the general city election. (NRS 293C.175) Section 2 of this bill amends the statute to clarify that such a candidate need only receive a majority of the votes cast, not some greater number, to be declared to be elected. Section 3 of this bill makes a similar change to the Charter of Carson City.

For most charter cities that hold primary city elections, existing law provides that if one candidate receives a majority of votes cast in the primary city election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. (Boulder City Charter § 96, Henderson City Charter § 5.010, Las Vegas City Charter § 5.010, North Las Vegas City Charter § 5.020) ~~{Sections} Section 3, 4 and 6 of this bill amend} amends the ~~{Charters} Charter of Carson City and the Cities of Reno and Sparks}~~ so that this rule applies to ~~{all charter cities that hold primary city elections}~~ Carson City as well.~~

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

Section 1. NRS 293.260 is hereby amended to read as follows:

293.260 1. 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. 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. 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. 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) 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, 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) 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. Where no more than the number of candidates to be elected have filed for nomination for:

(a) 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) 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) 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. 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]~~ *Except as otherwise provided in this subsection, 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. If one candidate receives a majority of the votes cast in the primary election for that office, 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.*

Sec. 2. NRS 293C.175 is hereby amended to read as follows:

293C.175 1. Except as otherwise provided in NRS 293C.115, a primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the first Tuesday after the first Monday in April of every year in which a general city election is to be held, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. Except as otherwise provided in NRS 293C.115, a candidate for any office to be voted for at the primary city election must file a declaration of candidacy with the city clerk not less than 60 days or more than 70 days before the date of the primary city election. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

3. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

4. If, in a primary city election held in a city of population category one or two, one candidate receives ~~[more than]~~ a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.

Sec. 3. Section 5.010 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 100, Statutes of Nevada 1999, at page 271, is hereby amended to read as follows:

Sec. 5.010 Primary election.

1. A primary election must be held on the date fixed by the election laws of this state for statewide elections, at which time there must be nominated candidates for offices to be voted for at the next general election.

2. A candidate for any office to be voted for at any primary election must file a declaration of candidacy as provided by the election laws of this state.

3. All candidates for the office of Mayor and Supervisor, and candidates for the office of Municipal Judge if a third department of the Municipal Court has been established, must be voted upon by the registered voters of Carson City at large.

4. If only two persons file for a particular office, their names must not appear on the primary ballot but their names must be placed on the ballot for the general election.

5. If in the primary election one candidate receives ~~[more than]~~ a majority of votes cast in that election for the office for which he or she is a candidate, ~~[his or her name alone must be placed on the ballot for the general 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 in the primary election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest numbers of votes must be placed on the ballot for the general election.

Sec. 4. ~~[Section 5.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1829, is hereby amended to read as follows:~~

~~Sec. 5.020 Primary elections; declaration of candidacy:~~

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

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

~~3. In the primary election:~~

~~(a) [The] Except as otherwise provided in paragraph (d), the names of the two candidates for Municipal Judge, City Attorney or a~~

~~particular City Council seat, as the case may be, who receive the highest number of votes must be placed on the ballot for the general election.~~

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

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

~~(d) If one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, 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. A candidate declared elected pursuant to this paragraph does not enter upon the discharge of his or her duties until after the general election.~~

~~4. The Mayor and all Council Members must be voted upon by all registered voters of the City at the general election.] (Deleted by amendment.)~~

Sec. 5. ~~[Section 5.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1830, is hereby amended to read as follows:~~

~~Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.~~

~~1. The election returns from any special, primary or general election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may handle, inspect or in any manner interfere with those returns until canvassed by the City Council.~~

~~2. The City Council and City Manager shall meet within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.~~

~~3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. [The] Except as otherwise provided in paragraph (d) of subsection 3 of section 5.020 of this Charter, the officers elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting following their election.~~

~~4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie as provided in this subsection. The City Clerk shall provide and open in the presence of the candidates who received the tie vote an unused 52-card deck of playing cards, removing any jokers and blank cards. The City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the~~

~~City Manager for this purpose. One of the candidates who received the tie vote shall then draw one card from the deck, and the City Clerk shall record the suit and number of the card. The card then must be returned to the deck, and the City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose, and another of the candidates who received the tie vote shall draw one card from the deck. This process must be repeated until each of the candidates who received the tie vote has drawn one card from the deck and the result of each draw has been recorded. The candidate who draws the high card shall be deemed the winner of the election. For the purposes of this subsection, aces are high and twos are low. If the candidates draw cards of otherwise equal value, the card of the higher suit is the high card. Spades are highest, followed in descending order by hearts, clubs and diamonds. The City Clerk shall issue to the winner a certificate of election.] (Deleted by amendment.)~~

Sec. 6. ~~[Section 5.020 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 398, is hereby amended to read as follows:~~

~~Sec. 5.020 Primary elections.~~

~~1. Candidates for the offices of Mayor, City Attorney and Municipal Judge must be voted upon by the registered voters of the City at large. Candidates to represent a ward as a member of the City Council must be voted upon by the registered voters of the ward to be represented by them.~~

~~2. [The] Except as otherwise provided in subsection 3, the names of the two candidates for Mayor, City Attorney and Municipal Judge and the names of the two candidates to represent the ward as a member of the City Council from each ward who receive the highest number of votes at the primary election must be placed on the ballot for the general election.~~

~~3. If one candidate receives a majority of the votes cast in the primary election for the office for which he or she is a candidate, 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. A candidate declared elected pursuant to this subsection does not enter upon the discharge of his or her duties until after the general election.] (Deleted by amendment.)~~

Sec. 7. ~~[Section 5.100 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 399, is hereby amended to read as follows:~~

~~Sec. 5.100 Election returns; Canvass; certificates of election; entry of officers upon duties; tie vote procedure.~~

~~1. The election returns from any election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault.~~

~~No person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.~~

~~2. The City Council shall meet within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 22 months, and no person may have access to them except on order of a court of competent jurisdiction or by order of the City Council.~~

~~3. The City Clerk, under his or her hand and official seal, shall issue a certificate of election to each person elected. [The] Except as otherwise provided in subsection 3 of section 5.020 of this Charter, the officers elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting following their election.~~

~~4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.]~~  
(Deleted by amendment.)

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senators Settelmeyer and Atkinson.

SENATOR SETTELMEYER:

Amendment No. 310 to Senate Bill No. 5: deletes sections 4 through 7 that proposed to amend the City Charters of Reno and Sparks since they requested to be removed from the bill.

SENATOR ATKINSON:

I am a little confused because I do not remember this section being discussed in the Committee. On page 4, lines 2 through 5, it indicates if a candidate receives a majority of the vote cast in a primary for an office, the candidate must be declared elected to office and his or her name must not be placed on the ballot. I did not think that was discussed. This is also in section 3, paragraph 5, lines 51 through 52. I think this should be corrected or looked into.

SENATOR SETTELMEYER:

The Senator from District 4 and I had that discussion prior to this bill coming through Committee and neither one of us caught this. I tend to agree with you that it is a situation where the person should still have to appear on the ballot in the general election. Just as with us, if no one files against us, if you win your primary with 50.1 percent of the votes, I believe you still have to appear on the general election ballot. I need to clarify this with Legal. I will correct this on the other side if I need to. I will check with Legal to see if this needs to be further amended.

SENATOR ATKINSON:

I am sure this can be fixed by Legal.

SENATOR SETTELMEYER:

I need to see if it follows the replication of our statute to know if this a current rule for us as well.

Senator Settelmeyer moved that the bill be taken from its position on the Second Reading File and placed at the bottom of the Second Reading File.

Motion carried.

Senate Bill No. 33.

Bill read second time.

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

Amendment No. 452.

SUMMARY—~~[Makes various changes relating to county hospitals.]~~  
Authorizes the board of hospital trustees of a county hospital to hold a closed meeting under certain circumstances. (BDR 40-475)

AN ACT relating to county hospitals; ~~[providing for the confidentiality of certain records of a county hospital;]~~ authorizing the board of hospital trustees of ~~[such]~~ a county hospital to hold a closed meeting under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, all public books and public records must be open to inspection unless they are declared by law to be confidential. (NRS 239.010) Section 5 of this bill provides that the following records of a county hospital are generally confidential: (1) a strategic plan of the board of hospital trustees of the hospital; (2) a contract proposed to be entered into pursuant to such a plan or a proposed contract for the provision of health care services under managed care; and (3) any record relating to the negotiation of such a contract or deliberation or action by the board concerning the contract. Sections 3 and 4 of this bill, respectively, define the terms "managed care" and "strategic plan." Section 6 of this bill makes a technical correction to the definition of the term "taxpayers" for the purposes of eligibility to sign certain petitions relating to county hospitals without changing the substance of the definition.]~~

Except as otherwise provided by specific statute, existing law provides that any meeting of a public body must be open and public. (NRS 241.020) Section 8 of this bill authorizes the board of hospital trustees of a county hospital to hold a closed meeting to ~~[deliberate or act upon a strategic plan or to deliberate upon a proposed contract described above.]~~ discuss: (1) providing a new service at the hospital or materially expanding an existing service; or (2) acquiring an additional facility for the hospital or materially expanding an existing facility. The records of such a meeting become public records 5 years after the date of the meeting or when the board determines that confidentiality is no longer required, whichever occurs first. ~~[When such a contract is presented to the board for final action, section 8 provides that the contract becomes a public record and that deliberation and action relating to the contract must be taken in an open meeting conducted in accordance with the Open Meeting Law.]~~

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

Section 1. ~~[Chapter 450 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.] (Deleted by amendment.)~~



Sec. 2. ~~[As used in NRS 450.010 to 450.510, inclusive, and sections 2 to 5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 450.010 and sections 3 and 4 of this act have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 3. ~~["Managed care" means a system used by an insurer or other third party payor, or an agent of such a payor, to control access to and payment for health care services.]~~ (Deleted by amendment.)

Sec. 4. ~~[1. "Strategic plan" means any record of a planned course of action by the board of hospital trustees of a county hospital that is intended to accomplish all or any combination of the following:~~

~~—(a) The provision of a health care service that is not currently provided by the county hospital or the material expansion of a health care service that is currently provided by the county hospital;~~

~~—(b) The acquisition of an additional facility by the county hospital or the material expansion of an existing facility of the county hospital;~~

~~—(c) A material change in the use of a facility of the county hospital;~~

~~—(d) The acquisition of another hospital or other health care facility, or a provider of health care;~~

~~2. The term does not include:~~

~~—(a) Any part of the budget of the county hospital or any supporting material provided to the board of trustees of the county hospital in connection with the adoption of the budget;~~

~~—(b) Any record that describes the existing operation of the county hospital or other health care facility, including, without limitation, any record that describes the hiring of employees, purchase of equipment, placement of advertisements or contracts with physicians for the provision of health care services, unless the record is otherwise declared by law to be confidential or relates to any part of a planned course of action that has not yet been fully carried into effect.]~~ (Deleted by amendment.)

Sec. 5. ~~[Except as otherwise provided in NRS 239.0115 and 450.140, the following records of a county hospital are confidential:~~

~~1. Any strategic plan of the board of hospital trustees of the county hospital if:~~

~~—(a) There is a reasonable likelihood that disclosure of the strategic plan would enable any person in competition with the county hospital to use information in the strategic plan for commercial purposes or to frustrate, wholly or in part, the objectives of the strategic plan; and~~

~~—(b) The strategic plan is not lawfully in the possession of, and possession of the strategic plan cannot lawfully be obtained by, a person in competition with the county hospital or members of the public generally;~~

~~2. Any contract proposed to be entered into pursuant to a strategic plan described in subsection 1 or a proposed contract for the provision of health care services under managed care.~~

~~3. Any record relating to the negotiation of, or deliberation or action by the board of trustees of the county hospital concerning, a proposed contract described in subsection 2.~~ (Deleted by amendment.)

Sec. 6. NRS 450.010 is hereby amended to read as follows:

450.010 ~~[For the purposes of NRS 450.010 to 450.510, inclusive, "taxpayers" include only]~~ "Taxpayers" means citizens of the United States of the age of 18 years and upward who, at the time of filing their petition, are registered electors of the county in which an election is proposed to be held and whose names appear on the latest assessment roll of the county as owners of real or personal property.

Sec. 7. ~~[NRS 450.050 is hereby amended to read as follows:~~

~~450.050 In all cases where any county hospital has been acquired by purchase, construction or otherwise, in any of the several counties of this State under or by virtue of any act of the Legislature other than NRS 450.010 to 450.510, inclusive, and sections 2 to 5, inclusive, of this act and has been governed and administered thereunder by the board of county commissioners, or otherwise, the board of county commissioners is authorized and empowered forthwith to appoint a board of hospital trustees for such county hospital. Thereafter, all the provisions of NRS 450.010 to 450.510, inclusive, and sections 2 to 5, inclusive, of this act relative to the maintenance of hospitals, election of hospital trustees, maintenance of a training school for nurses, provision for suitable care for such hospitals and persons with disabilities, and the administration and government of county hospital and patients therein shall be immediately applicable and controlling with respect to the future administration, control and government of such hospital in like manner and with the same force and effect as if an election had been duly held in accordance with the provisions of NRS 450.010 to 450.510, inclusive, and sections 2 to 5, inclusive, of this act and a majority of all the votes cast had been in favor of establishing such hospital.] (Deleted by amendment.)~~

Sec. 8. NRS 450.140 is hereby amended to read as follows:

450.140 1. The board of hospital trustees shall hold meetings at least once each month, and shall keep a complete record of all its transactions.

2. Except as otherwise provided in NRS 241.0355:

(a) In counties where three county commissioners are not members of the board, three members of the board constitute a quorum for the transaction of business.

(b) And except as otherwise provided in paragraph (c), in counties where three county commissioners are members of the board, any five of the members constitute a quorum for the transaction of business.

(c) In counties where the board of county commissioners is the board of hospital trustees, a majority of the board constitutes a quorum for the transaction of business.

3. ~~[Except as otherwise provided in subsection 5, the]~~ The board of hospital trustees may hold a closed meeting to ~~+~~

~~(a) Receive a report on, deliberate upon, modify, approve, disapprove, give direction to its staff or otherwise take action concerning a strategic plan of the board; or~~

~~(b) Receive a report on, deliberate upon, modify or give direction to its staff concerning a contract proposed to be entered into pursuant to such a strategic plan or a proposed contract for the provision of health care services under managed care.~~

~~➤ Except as otherwise provided in subsection 6, a proposed contract and any supporting material provided to the board for a closed meeting held pursuant to this subsection are confidential.~~

~~4. The board of hospital trustees may close a meeting pursuant to subsection 3 upon a motion that specifies the nature of the business to be considered and the statutory authority pursuant to which the board is authorized to close the meeting. Nothing in subsection 3 shall be deemed to authorize the board to hold a closed meeting to discuss a change of management, change of ownership or the dissolution of the county hospital.~~

~~5. If a proposed contract described in subsection 3 is presented to the board of hospital trustees for final action:~~

~~(a) Deliberation upon and action by the board to approve or disapprove the proposed contract must be taken in an open meeting conducted in accordance with the requirements of chapter 241 of NRS.~~

~~(b) From and after the date on which notice of the meeting is posted pursuant to NRS 241.020, the proposed contract is a public record and must be open for inspection pursuant to NRS 239.010.~~

~~(c) A copy of the proposed contract and any supporting material relating to the proposed contract and provided to the board for the meeting must be posted and provided upon request as provided in NRS 241.020.~~

~~6. discuss:~~

~~(a) Providing a new health care service at the county hospital or materially expanding a health care service that is currently provided by the county hospital; or~~

~~(b) The acquisition of an additional facility by the county hospital or the material expansion of an existing facility of the county hospital.~~

~~4. Subsection 3 must not be construed to authorize the board of hospital trustees to hold a closed meeting to discuss a change of management or ownership or the dissolution of the county hospital.~~

~~5. Minutes of a closed meeting held pursuant to subsection 3, any supporting material [described in that subsection] and any recording or transcript of the closed meeting become public records 5 years after the date on which the meeting is held or when the board of hospital trustees determines that the matters discussed no longer require confidentiality, whichever occurs first.~~

Sec. 9. ~~[NRS 450.160 is hereby amended to read as follows:~~

~~450.160 The board of hospital trustees shall make and adopt such bylaws, rules and regulations for its own guidance and for the government of~~

~~the hospital, and such rules and regulations governing the admission of physicians to the staff, as may be deemed expedient for the economic and equitable conduct thereof, not inconsistent with NRS 450.010 to 450.510, inclusive, and sections 2 to 5, inclusive, of this act or the ordinances of the city or town wherein such hospital is located.] (Deleted by amendment.)~~

Sec. 10. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425,

622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, ~~and section 5 of this act,~~ sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 11. This act becomes effective on July 1, 2015.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 452 to Senate Bill No. 33 replaces the previous provisions of the measure and essentially authorizes the board of hospital trustees of a county hospital to hold a closed meeting to discuss: providing a new service at the hospital or materially expanding an existing service; or acquiring an additional facility for the hospital or materially expanding an existing facility. The records of such a meeting become public five years after the date of the meeting or when the board determines that confidentiality is no longer required, whichever occurs first.

The amendment makes a technical correction to the definition of the term "taxpayers" for the purposes of eligibility to sign certain petitions relating to county hospitals without changing the substance of the definition.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 62.

Bill read second time.

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

Amendment No. 312.

SUMMARY—Revises provisions governing the employment, promotion, dismissal, demotion and suspension of state employees. (BDR 23-285)

AN ACT relating to the State Personnel System; requiring the Personnel Commission to adopt certain regulations governing the employment, promotion, dismissal, demotion or suspension of state employees; authorizing the Commission to adopt certain regulations relating to state employees with disabilities and applicants for positions affecting public safety; making various other changes relating to the State Personnel System; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill makes various changes relating to the State Personnel System. Existing law provides that certain promotional appointees who fail to attain permanent status in the position to which they were promoted, or who are dismissed for cause other than misconduct or delinquency, must be restored to the positions from which the appointees were promoted. (NRS 284.300) Section 1 of this bill requires the Personnel Commission to adopt regulations ~~[setting forth the circumstances under which such]~~ requiring that a promotional appointee [may] who fails to attain permanent status in the promoted position must be: (1) restored to the position from which he or she was appointed [;] unless doing so would displace another employee with greater seniority; (2) placed in a comparable position [other than the position from which he or she was appointed;] for which a vacancy exists; or (3) if no

such positions exist, appointed to an equal or lower position for which a vacancy exists or placed on an appropriate reemployment list.

Existing law authorizes the Commission to adopt regulations which provide for filling, under certain circumstances, positions in the classified service of the State without competition. (NRS 284.305) Section 2 of this bill authorizes the Commission to adopt regulations that provide for filling positions in the classified service without competition by the appointment of current employees with disabilities to certain positions.

Existing law requires an appointing authority to make continued efforts to retain an employee with a disability in state service by making reasonable accommodations. Existing law also requires an appointing authority to consider separation from service or disability retirement if an employee with a disability can no longer perform the essential functions of his or her position with or without reasonable accommodations. (NRS 284.379) Section 3 of this bill requires an appointing authority to also consider whether an employee with a disability can be appointed to a position at or below the grade level of the employee's current position before considering separation from service or disability retirement.

If a classified employee is dismissed, involuntarily demoted or suspended, existing law requires the appointing authority to give the employee written notice of that fact, delivered personally or mailed to the employee. (NRS 284.385) Section 4 of this bill eliminates the requirement for delivery in person or by mail and requires the Commission to adopt regulations setting forth the procedures for properly notifying a classified employee of dismissal, involuntary demotion or suspension.

Existing law provides, with limited exception, that an employee who consumes or is under the influence of alcohol, a controlled substance or certain other drugs is subject to disciplinary action or required to be referred to an employee assistance program. (NRS 284.4062, 284.4063) Sections 5 and 6 of this bill authorize the Commission to adopt regulations setting forth the circumstances under which a person who holds a valid registry identification card to engage in the medical use of marijuana is subject to disciplinary action or required to be referred to an employee assistance program.

Existing law authorizes, under certain circumstances, an appointing authority to ask an employee who admits to consuming a controlled substance for the name of the person who prescribed the use of the controlled substance. (NRS 284.4064) Section 7 of this bill authorizes an appointing authority to ask an employee who admits to consuming marijuana for proof that the employee holds a valid registry identification card to engage in the medical use of marijuana.

Existing law sets forth limited circumstances under which an appointing authority may request an employee to submit to a screening test for alcohol or drugs. (NRS 284.4065) Section 8 of this bill adds an additional circumstance to authorize an appointing authority to request that an employee

submit to a screening test if the employee has or is involved in a work-related accident or injury. Section 8 also requires the Commission to define by regulation "work-related accident or injury."

Existing law requires an appointing authority to screen an applicant for alcohol and drugs before hiring the applicant for any position of employment that affects public safety. (NRS 284.4066) Section 9 of this bill authorizes the Commission to adopt regulations relating to applicants for such positions whose screening test indicates the presence of marijuana and who hold valid registry identification cards to engage in the medical use of marijuana.

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

Section 1. NRS 284.300 is hereby amended to read as follows:

284.300 1. ~~{Any}~~ *The Commission shall adopt regulations ~~{setting forth the circumstances under which}~~ requiring that* a promotional appointee who fails to attain permanent status in the position to which the appointee was promoted, or who is dismissed for cause other than misconduct or delinquency on the appointee's part from the position to which the appointee was promoted, either during the probationary period or at the conclusion thereof by reason of the failure of the appointing authority to file a request for the appointee's continuance in the position, ~~{shall may}~~ *must* be ~~{restored}~~:

(a) *Restored to the position from which the appointee was promoted ~~{-}~~ unless the position has been filled by an employee with greater seniority;*

(b) *Placed in a position other than the position from which the appointee was promoted ~~{-}~~ and for which a vacancy exists in the class held immediately before the promotion; or*

(c) ~~{Placed}~~ *If no position described in paragraph (a) or (b) exists:*

*(1) Appointed to a position for which a vacancy exists in a class equal to or lower than the class held immediately before the promotion; or*

*(2) Placed on an appropriate reemployment list.*

2. Nothing contained in this section shall be construed to prevent any employee of the classified service from competing for places upon lists of persons eligible for original appointments.

Sec. 2. NRS 284.305 is hereby amended to read as follows:

284.305 1. Except as otherwise provided in subsection 2, positions in the classified service may be filled without competition only as provided in NRS 284.155, 284.300, 284.307, 284.309, 284.310, 284.315, 284.320, 284.325, 284.327, 284.330, 284.375 and 284.3775.

2. The Commission may adopt regulations which provide for filling positions in the classified service without competition in cases involving:

(a) *The appointment, upon approval of the appointing authority, of a current employee with a disability to a position at or below the grade of his or her position if the employee:*



(1) *Has successfully completed ~~the~~ a probationary period for any class ~~of position~~ he or she has held during continuous classified service; and*

(2) *Becomes unable to perform the essential functions of his or her position with or without reasonable accommodation;*

(b) The demotion of a current employee;

~~((b))~~ (c) The reemployment of a current or former employee who was or will be adversely affected by layoff, military service, reclassification or a permanent partial disability arising out of and in the course of the employment of the current or former employee; or

~~((c))~~ (d) The reappointment of a current employee.

Sec. 3. NRS 284.379 is hereby amended to read as follows:

284.379 In the employment of a person with a disability in the state service, continued efforts must be made to retain the person by making reasonable accommodations that enable the person to perform the essential functions of ~~the~~ his or her current position and to enjoy the benefits and privileges of the ~~person's~~ position. An appointing authority shall consider separation or disability retirement if ~~an~~ :

1. *An employee can no longer perform the essential functions of the position with or without reasonable accommodations ~~[-]~~ ; and*

2. *~~The~~ Without undue hardship, as that term is defined pursuant to the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., the employee cannot be appointed to a position for which a vacancy exists and for which the employee is qualified at or below the grade of the employee's current position.*

Sec. 4. NRS 284.385 is hereby amended to read as follows:

284.385 1. An appointing authority may:

(a) Dismiss or demote any permanent classified employee when the appointing authority considers that the good of the public service will be served thereby.

(b) Except as otherwise provided in NRS 284.148, suspend without pay, for disciplinary purposes, a permanent employee for a period not to exceed 30 days.

2. Before a permanent classified employee is dismissed, involuntarily demoted or suspended, the appointing authority must consult with the Attorney General or, if the employee is employed by the Nevada System of Higher Education, the appointing authority's general counsel, regarding the proposed discipline. After such consultation, the appointing authority may take such lawful action regarding the proposed discipline as it deems necessary under the circumstances.

3. A dismissal, involuntary demotion or suspension does not become effective until the employee is notified in writing of the dismissal, involuntary demotion or suspension and the reasons therefor. The ~~notice may be delivered personally to the employee or mailed to the employee at the employee's last known address by registered or certified mail, return receipt~~

~~requested. If the notice is mailed, the effective date of the dismissal, involuntary demotion or suspension shall be deemed to be the date of delivery or if the letter is returned to the sender, 3 days after mailing.]~~  
*Commission shall adopt regulations setting forth the procedures for properly notifying the employee of the dismissal, involuntary demotion or suspension and the reasons therefor.*

4. No employee in the classified service may be dismissed for religious or racial reasons.

Sec. 5. NRS 284.4062 is hereby amended to read as follows:

284.4062 1. Except as otherwise provided in ~~[subsection 3,]~~  
*subsections 3 and 4*, an employee who:

(a) Consumes or is under the influence of alcohol while on duty, unless the alcohol is an integral part of a commonly recognized medication which the employee consumes pursuant to the manufacturer's instructions or in accordance with a lawfully issued prescription;

(b) Possesses, consumes or is under the influence of a controlled substance while on duty, at a work site or on state property, except in accordance with a lawfully issued prescription; or

(c) Consumes or is under the influence of any other drug which could interfere with the safe and efficient performance of the employee's duties, unless the drug is an integral part of a commonly recognized medication which the employee consumes pursuant to the manufacturer's instructions or in accordance with a lawfully issued prescription,

↪ is subject to disciplinary action. An appointing authority may summarily discharge an employee who, within a period of 5 years, commits a second act which would subject the employee to disciplinary action pursuant to this subsection.

2. ~~[A]~~ *Except as otherwise provided in subsection 3*, a state agency shall refer an employee who:

(a) Tests positive for the first time in a screening test; and

(b) Has committed no other acts for which the employee is subject to termination during the course of conduct giving rise to the screening test,

↪ to an employee assistance program. An employee who fails to accept such a referral or fails to complete such a program successfully is subject to further disciplinary action.

3. *The Commission may adopt regulations setting forth the circumstances under which a person who holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS is subject to disciplinary action pursuant to subsection 1 or must be referred to an employee assistance program pursuant to subsection 2.*

4. Subsection 1 does not apply to:

(a) An employee who consumes alcohol in the course of the employment of the employee while hosting or attending a special event.

(b) A peace officer who possesses a controlled substance or consumes alcohol within the scope of the peace officer's duties.

Sec. 6. NRS 284.4063 is hereby amended to read as follows:

284.4063 1. Except as otherwise provided in *subsection 2 and* subsection 5 of NRS 284.4065, an employee who:

~~{1-}~~ (a) Fails to notify the employee's supervisor as soon as possible after consuming any drug which could interfere with the safe and efficient performance of the employee's duties;

~~{2-}~~ (b) Fails or refuses to submit to a screening test as requested by a state agency pursuant to subsection 1 or 2 of NRS 284.4065; or

~~{3-}~~ (c) After taking a screening test which indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by the employee's appointing authority, that the employee had taken the controlled substance as directed pursuant to a current and lawful prescription issued in the employee's name,

↪ is subject to disciplinary action.

2. *The Commission may adopt regulations setting forth the circumstances under which a person who holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS is subject to disciplinary action pursuant to this section.*

Sec. 7. NRS 284.4064 is hereby amended to read as follows:

284.4064 1. If an employee informs the employee's appointing authority that the employee has consumed any drug which could interfere with the safe and efficient performance of the employee's duties, the appointing authority may require the employee to obtain clearance from the employee's physician before the employee continues to work.

2. If an appointing authority reasonably believes, based upon objective facts, that an employee's ability to perform the employee's duties safely and efficiently:

(a) May be impaired by the consumption of alcohol or other drugs, it may ask the employee whether the employee has consumed any alcohol or other drugs and, if so:

(1) The amount and types of alcohol or other drugs consumed and the time of consumption; ~~and~~

(2) If a controlled substance *other than marijuana* was consumed, the name of the person who prescribed its use ~~{-}~~; and

(3) *If marijuana was consumed, to provide proof that the employee holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS.*

(b) Is impaired by the consumption of alcohol or other drugs, it shall prevent the employee from continuing work and transport the employee or cause the employee to be transported safely away from the employee's place of employment in accordance with regulations adopted by the Commission.

Sec. 8. NRS 284.4065 is hereby amended to read as follows:

284.4065 1. Except as otherwise provided in subsection 2, an appointing authority may request an employee to submit to a screening test only if the appointing authority:

(a) Reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs which are impairing the employee's ability to perform the employee's duties safely and efficiently;

(b) Informs the employee of the specific facts supporting its belief pursuant to paragraph (a), and prepares a written record of those facts; and

(c) Informs the employee in writing:

(1) Of whether the test will be for alcohol or drugs, or both;

(2) That the results of the test are not admissible in any criminal proceeding against the employee; and

(3) That the employee may refuse the test, but that the employee's refusal may result in the employee's dismissal or in other disciplinary action being taken against the employee.

2. An appointing authority may request an employee to submit to a screening test if the employee:

(a) Is a law enforcement officer and, during the performance of the employee's duties, the employee discharges a firearm, other than by accident; ~~for~~

(b) During the performance of the employee's duties, drives a motor vehicle in such a manner as to cause bodily injury to the employee or another person or substantial damage to property ~~to~~; or

(c) *Has or is involved in a work-related accident or injury.*

➤ For the purposes of this subsection, the Commission shall, by regulation, define the ~~term~~ terms "substantial damage to ~~property~~." *property*" and "work-related accident or injury."

3. An appointing authority may place an employee who submits to a screening test on administrative leave with pay until the appointing authority receives the results of the test.

4. An appointing authority shall:

(a) Within a reasonable time after an employee submits to a screening test to detect the general presence of a controlled substance or any other drug, allow the employee to obtain at the employee's expense an independent test of the employee's urine or blood from a laboratory of the employee's choice which is certified by the United States Department of Health and Human Services.

(b) Within a reasonable time after an employee submits to a screening test to detect the general presence of alcohol, allow the employee to obtain at the employee's expense an independent test of the employee's blood from a laboratory of the employee's choice.

(c) Provide the employee with the written results of the employee's screening test within 3 working days after it receives those results.

5. An employee is not subject to disciplinary action for testing positive in a screening test or refusing to submit to a screening test if the appointing authority fails to comply with the provisions of this section.

6. An appointing authority shall not use a screening test to harass an employee.

Sec. 9. NRS 284.4066 is hereby amended to read as follows:

284.4066 1. Each appointing authority shall, subject to the approval of the Commission, determine whether each of its positions of employment affects the public safety. The appointing authority shall not hire an applicant for such a position unless the applicant submits to a screening test to detect the general presence of a controlled substance. Notice of the provisions of this section must be given to each applicant for such a position at or before the time of application.

2. An appointing authority ~~[may]~~ *shall* consider the results of a screening test in determining whether to employ an applicant. If those results indicate the presence of a controlled substance ~~[ ] other than marijuana~~, the appointing authority shall not hire the applicant unless the applicant provides, within 72 hours after being requested, ~~[by the appointing authority]~~ proof that the applicant had taken the controlled substance as directed pursuant to a current and lawful prescription issued in the applicant's name.

3. An appointing authority shall, at the request of an applicant, provide the applicant with the results of the applicant's screening test.

4. *If the results of a screening test indicate the presence of a controlled substance, the appointing authority shall:*

*(a) Provide the Administrator with the results of the applicant's screening test.*

*(b) If applicable, inform the Administrator whether the applicant holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS.*

5. *The Commission may adopt regulations relating to an applicant for a position which affects the public safety who tests positive for marijuana and holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS.*

Sec. 10. NRS 284.4068 is hereby amended to read as follows:

284.4068 Except as otherwise provided in NRS 239.0115 ~~[ ]~~ and 284.4066, the results of a screening test taken pursuant to NRS 284.4061 to 284.407, inclusive, are confidential and:

1. Are not admissible in a criminal proceeding against the person tested;

2. Must be securely maintained by the *Division*, the appointing authority, ~~[or]~~ the designated representative of the appointing authority *and any other person authorized to receive the results* separately from other files concerning personnel; and

3. Must not be disclosed to any person, except:

(a) Upon the written consent of the person tested;

(b) As required by medical personnel for the diagnosis or treatment of the person tested, if the person is physically unable to give the person's consent to the disclosure;

(c) As required pursuant to a properly issued subpoena;

(d) When relevant in a formal dispute between the appointing authority and the person tested; ~~[or]~~

(e) As required for the administration of a plan of benefits for employees ~~to~~; or

(f) *As may be authorized pursuant to regulations adopted by the Commission.*

Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 2, 3, 5, 6, 7, 9 and 10 of this act become effective on July 1, 2015.

3. Sections 1, 4 and 8 of this act become effective:

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

(b) On January 1, 2016, for all other purposes.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

Amendment No. 312 to Senate Bill No. 62 requires that regulations adopted by the State Personnel Commission provide that an employee who was a promotional appointee, but who failed to attain permanent status, must be restored to a vacant position in the same class that he or she held prior to the promotion, provided the employee does not displace any employee with greater seniority. If no such position is available, the employee must either be appointed to a vacant position in a comparable class or any lower class. After that, if no such position exists, the employee must be placed on any appropriate reemployment lists. The amendment provides that the placement of an employee in a position at or below his or her current pay grade because of an inability to perform the essential job functions, is subject to the "approval of the appointing authority." Senate Bill No. 62 specifies that if the employee can no longer perform his or her job functions due to a disability, the agency can consider separation or disability retirement, provided the employee cannot be appointed to another position at or below his or her grade level. The amendment clarifies that such an appointment would need to be into a vacant position for which he or she is qualified and that such an appointment must not cause "undue hardship" to the agency.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 65.

Bill read second time.

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

Amendment No. 466.

SUMMARY—Revises provisions relating to the use of water.  
(BDR 48-366)

AN ACT relating to the use of water; revising provisions relating to the adjudication of vested water rights; revising provisions relating to applications, permits and certificates for the appropriation of public waters; revising provisions relating to underground water and wells; revising provisions relating to the planning and development of water resources; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law declares that the water of all sources of water within the boundaries of Nevada, whether above or below the surface of the ground,

belongs to the public. (NRS 533.025) Subject to existing rights, water in the State may be appropriated only for beneficial use, which existing law declares to be a public use. (NRS 533.030, 533.050) The unauthorized use of water to which another person is entitled and the willful waste of water to the detriment of another is prohibited, as is causing, suffering or permitting any artesian well to discharge unnecessarily so that the waters of the well are lost for beneficial use. (NRS 533.460, 534.0165, 534.070) Sections 4, 67 and 75 of this bill revise the definition of, and prohibition on, wasting water. Under the provisions of this bill, "wasting" water includes causing or permitting water from any source to discharge or flow unnecessarily so that the water is lost for beneficial use, or misusing water such that it discharges or flows unnecessarily so that the water is lost for beneficial use.

Sections 5-8 and 12-44 of this bill revise provisions governing the adjudication of certain vested water rights. Under existing law, after receiving a petition requesting the determination of the relative rights of the various claimants to the waters of any stream or stream system, the State Engineer must enter an order granting the petition and proceed with the determination. The State Engineer then must prepare a notice of that order to be published in one or more newspapers of general circulation within the boundaries of the stream system. (NRS 533.090, 533.095) Section 13 requires the notice to also set forth the date on which the State Engineer will begin taking proofs of appropriation ~~and~~ the date by which such proofs must be filed ~~(-)~~ and the date by which any additional maps must be filed. Section 13 also requires the State Engineer to provide the notice to each person whom the State Engineer knows or should know claims rights in or to the water.

Section 14 provides specifications for the information and documents that must accompany a proof of appropriation. Section 5 requires any proof of appropriation or accompanying map that is found to be defective to be returned to the claimant with an explanation of why the proof or map is defective. A corrected proof or map must be refiled with the State Engineer within 60 days. Section 15 provides that ~~amendments to~~ proofs of appropriation may not, with certain exceptions, be received by or filed with the State Engineer after the date set forth in the notice by which proofs must be filed. Section 17 increases the amount of the fees that the State Engineer must collect for the filing of proofs of appropriation.

Section 6 requires the State Engineer, when investigating a ~~source of surface water or groundwater~~ stream or stream system for the purpose of adjudicating the vested rights of the water, to gather any essential data and information, compile a list of all proofs of appropriation filed for the area being adjudicated, conduct any necessary field investigations and verifications of the proofs and reduce his or her observations and measurements to writing. If the State Engineer causes a survey or map to be executed, the survey or map must be prepared by a licensed state water right surveyor and conform to certain specifications.

Existing law requires the State Engineer, after receiving the proofs of appropriation, to prepare a preliminary order of determination regarding the rights of claimants to the water and to deliver a copy of the preliminary order to each person who has filed a proof of appropriation. (NRS 533.140) Section 18 authorizes the State Engineer to make a copy of the preliminary order available online in lieu of sending a copy to each claimant. Any person claiming any interest in the water may file an objection to the preliminary order, and section 20 requires the hearing on objections to be held not less than ~~60~~ 120 days after the date of the preliminary order. Section 20 also requires all testimony taken at such a hearing to be reported and transcribed by a certified court reporter, whose fees and expenses must be paid by the claimants objecting to the preliminary order.

Existing law requires the State Engineer to make an order of determination as soon as practicable after the hearing on objections to the preliminary order. (NRS 533.160) Section 21 authorizes the State Engineer to make a copy of the order of determination available online in lieu of sending a copy to each claimant. A copy of the order of determination must be filed with the district court of the county in which the stream system is located, after which a time is set for a hearing by the district court on the order. (NRS 533.165) Any parties aggrieved or dissatisfied with the order of determination may file with the clerk of the district court a notice of exception to the order. (NRS 533.170) ~~[Section 23 authorizes parties affected by or having an interest in any exception to file a response to the exception. Existing law requires the]~~ The district court, after the hearing on the order of determination, ~~[to]~~ must enter a decree affirming or modifying the order. (NRS 533.185) Section 8 authorizes the district court to require, under certain circumstances, that a revised map which accurately reflects the decree and conforms with the rules and regulations of the State Engineer ~~[to]~~ be prepared and filed with the district court and the State Engineer. Under existing law, the district court's decree may be appealed, and notice of the appeal must be served upon the attorneys of record for claimants who have filed exceptions to the final order of determination by the State Engineer. (NRS 533.200) Sections 28 and 29 require any notice of appeal and notice of intention to move for a new trial to be served upon claimants who have filed exceptions but for whom there is no attorney of record.

~~[ Under existing law, after the filing of the order of determination in the district court, the distribution of adjudicated water is under the supervision and control of the district court. (NRS 533.220) Section 32 authorizes the State Engineer, under certain circumstances, to require certain water users to rotate in the use of the water to which they are entitled. ]~~

Finally, section 37 amends provisions requiring the State Engineer to prepare an annual budget of the estimated expenses of administering and regulating each ~~[adjudicated source of surface water or groundwater.]~~ stream system and water district. (NRS 533.280)



Sections 9 and 45-63 of this bill revise provisions regarding applications, permits and certificates for the appropriation of public waters. Existing law authorizes the State Engineer to extend the deadline by which construction related to such an appropriation must be completed. (NRS 533.380) Section 54 provides that the failure by an applicant to provide proof and evidence of the good faith and reasonable diligence with which the applicant is pursuing the perfection of ~~[an application]~~ a water appropriation is prima facie evidence of failure to proceed in good faith and with reasonable diligence. Section 54 also authorizes the State Engineer to approve or deny an extension if the water right in question lies within a basin that is an area of active management or has been designated as a critical management area.

~~[Existing law authorizes the holder of a permit to appropriate water whose permit is cancelled to request a review of the cancellation. (NRS 533.395) Section 60 revises provisions governing the deadline by which such a request must be filed with the State Engineer.]~~

Existing law provides for the issuance by the State Engineer of certificates relating to the appropriation of water. (NRS 533.425) Section 62 prohibits the State Engineer from issuing certificates based on certain revocable permits to appropriate water. ~~[and requires the State Engineer to cancel a permit if the holder or holders of the permit do not pay the required fee for issuing and recording the certificate.]~~ Section 9 requires the State Engineer to quantify in acre-feet the amount of water that has been beneficially used for certificates which express the amount of appropriation only in terms of cubic feet per second.

Section 64 of this bill amends provisions relating to certain fees collected by the State Engineer.

~~[Existing law governs the appropriation and use of groundwater. (Chapter 534 of NRS) Section 73 of this bill requires a person wishing to obtain a right to the use of groundwater from a basin to ensure that wildlife which customarily uses spring sources in the basin which could be impaired by any groundwater pumping will continue to have access to those sources. Section 76 of this bill authorizes the use of certain assessments levied by boards of county commissioners for the implementation of a groundwater management plan and the oversight of an area of active management or an area designated as a critical management area. Existing law authorizes the State Engineer to notify the owner of a right to underground water that has not been used for at least 4 consecutive years, but less than 5 consecutive years, that the owner has 1 year after the date of the notice in which to use the water beneficially and to provide proof of such use to the State Engineer to avoid forfeiting the water right. Upon request of the holder of the right, the State Engineer may extend the time necessary to work the forfeiture. (NRS 534.090) Section 77 of this bill provides that such an extension may not exceed 1 year from the expiration of the time otherwise necessary to work the forfeiture.]~~

Section 78 of this bill ~~[prohibits the user of]~~ requires that a domestic well ~~[who]~~ , the user of which is furnished water by an entity such as a water district or municipality ~~[from using water from the well for the watering of a family garden or lawn or the watering of livestock or any domestic animals or household pets. Section 78 also requires such a well to]~~ be plugged in accordance with any applicable regulation of the State Engineer.

Sections ~~[86 and]~~ 87 and 88 of this bill provide for the imposition of administrative fines against persons who violate certain provisions relating to the planning and development of water resources.

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

Section 1. Chapter 533 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. ~~["Perennial yield" has the meaning ascribed to it in section 72 of this act.]~~ (Deleted by amendment.)

Sec. 3. ~~["Source of surface water or groundwater" includes, without limitation, a stream or stream system.]~~ (Deleted by amendment.)

Sec. 4. ~~["Waste" has the meaning ascribed to it in NRS 534.0165.]~~ (Deleted by amendment.)

Sec. 5. 1. Upon the filing of a proof of appropriation pursuant to NRS 533.115, the State Engineer shall make ~~an endorsement~~ a notation thereon of the date of its receipt and shall keep a record of the date.

2. If a proof of appropriation or an accompanying map is found to be defective, it must be returned ~~by registered or certified mail~~ with a statement explaining why the proof was found to be defective, and the date of the return to the claimant must be ~~endorsed~~ noted upon the proof and a record made of it in the Office of the State Engineer.

3. A proof of appropriation, properly corrected and accompanied by such maps and drawings as may be required and by the fee required pursuant to NRS 533.135, must be refiled with the Office of the State Engineer within 60 days after the date of the return to the claimant.

4. Except as otherwise provided in this subsection, any proof of appropriation returned for correction or completion that is not refiled in proper form within 60 days must be rejected. For good cause shown, upon application made before the expiration of the 60-day period, the State Engineer may, in his or her discretion, grant an extension of time not to exceed 60 days in which to file the instruments.

Sec. 6. 1. In investigating a ~~source of surface water or groundwater]~~ stream or stream system for the purpose of determining the relative rights of the various claimants to the waters thereto, the State Engineer shall:

(a) Gather such data and information as may be essential to the proper determination of the water rights in the area being adjudicated;

(b) Compile a list of the proofs of appropriation filed pursuant to NRS 533.115 for the area being adjudicated;

(c) Conduct any necessary field investigations and verifications of the proofs of appropriation; and

(d) Reduce his or her observations and measurements to writing.

2. If the State Engineer causes a survey or map to be executed:

(a) The survey or map must be prepared by a licensed state water right surveyor;

(b) An original of the map, when completed, must be filed and made of record in the Office of the State Engineer;

(c) The map filed in the Office of the State Engineer must ~~be on mylar on a scale of not less than 1,000 feet to the inch;~~ comply with the provisions of subsection 2 of NRS 533.115; and

(d) The cost of executing the survey or map must be assessed and collected pursuant to NRS 533.190.

3. The State Engineer may use data, measurements and information compiled by the United States Geological Survey or other persons or governmental agencies in investigating ~~a source of surface water or groundwater;~~ the stream or stream system.

Sec. 7. 1. Any and all maps, plats, surveys and evidence on file in the Office of the State Engineer relating to any proof of appropriation involved in a proceeding for the determination of the relative rights in and to the waters of any ~~source of surface water or groundwater;~~ stream or stream system obtained or filed under the provisions of any statute relating to the Office of the State Engineer, is admissible in court and has the same force and effect as though submitted under the provisions of this chapter.

2. At least 90 days before the rendering of his or her order of determination of the relative rights in and to the waters of any ~~source of surface water or groundwater;~~ stream or stream system, the State Engineer shall notify all parties in interest of his or her intention to consider any maps, plats and evidence described in subsection 1, and of his or her intention to submit the findings of the State Engineer to the court under the provisions of this chapter.

3. Within 60 days after such notice, any party in interest may file with the State Engineer any additional or supplementary maps, plats, surveys or evidence, or objections to the admissibility of any evidence previously presented and on file in the Office of the State Engineer, in relation to his or her claim of water rights or adverse to the claim or claims of the water rights of any other party or parties in interest, in order to perfect his or her claim in accordance with the provisions of this chapter, and the State Engineer shall consider the whole thereof in rendering such order of determination, and the same shall become a part of the record which must be submitted to the court as provided in NRS 533.170 to 533.235, inclusive.

Sec. 8. If a decree entered pursuant to NRS 533.185 holds that the water right of a claimant is different than the right claimed in the proof of appropriation filed by the claimant ~~for~~ or in the final order of determination of the State Engineer, or if discrepancies exist between a map accompanying

*a proof of appropriation or any other map that was required by the State Engineer after the initiation of an adjudication and any water right described in a decree entered pursuant to NRS 533.185, the court may require that a claimant:*

*1. Prepare a revised map which accurately reflects the decree and which conforms with the rules and regulations of the State Engineer ~~the prepared and filed~~; and*

*2. File the map with the court and ~~filed and made of record in~~ the Office of the State Engineer.*

Sec. 9. 1. The State Engineer shall quantify in acre-feet the amount of water that has been beneficially used for the purpose set forth in the certificate of appropriation for any certificate issued pursuant to NRS 533.425 which expresses the amount of the appropriation only in terms of cubic feet per second.

2. The State Engineer may request that the person to whom a certificate described in subsection 1 is issued provide information to support a specific duty of water that is used beneficially.

3. The State Engineer shall notify by registered or certified mail each person to whom a certificate described in subsection 1 is issued the amount of water that has been beneficially used for the purpose set forth in the certificate of appropriation, as quantified in acre-feet pursuant to subsection 1.

Sec. 10. ~~[NRS 533.005 is hereby amended to read as follows:  
533.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 533.007 to 533.023, inclusive, and sections 2, 3 and 4 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 11. NRS 533.024 is hereby amended to read as follows:

533.024 The Legislature declares that:

1. It is the policy of this State:

(a) To encourage and promote the use of effluent, where that use is not contrary to the public health, safety or welfare, and where that use does not interfere with federal obligations to deliver water of the Colorado River.

(b) To recognize the importance of domestic wells as appurtenances to private homes, to create a protectable interest in such wells and to protect their supply of water from unreasonable adverse effects which are caused by municipal, quasi-municipal or industrial uses and which cannot reasonably be mitigated.

(c) To encourage the State Engineer to consider the best available science in rendering decisions concerning the available surface and underground sources of water in Nevada.

(d) To encourage and promote the use of water to prevent or reduce the spread of wildfire or to rehabilitate areas burned by wildfire, including, without limitation, through the establishment of vegetative cover that is resistant to fire.

2. The procedures in this chapter for changing the ~~[place]~~ point of diversion, manner of use or place of use of water, and for confirming a report of conveyance, are not intended to have the effect of quieting title to or changing ownership of a water right and that only a court of competent jurisdiction has the power to determine conflicting claims to ownership of a water right.

Sec. 12. NRS 533.090 is hereby amended to read as follows:

533.090 1. Upon a *written* petition to the State Engineer, signed by one or more water users of any stream or stream system, ~~[source of surface water or groundwater]~~ requesting the determination of the relative rights of the various claimants to the waters thereof, the State Engineer shall, if upon investigation the State Engineer finds the facts and conditions justify it, enter an order granting the petition and shall make proper arrangements to proceed with ~~[such]~~ the determination.

2. The State Engineer ~~[shall]~~ *may*, in the absence of ~~[such]~~ a petition requesting a determination of relative rights, enter an order for the determination of the relative rights to the use of water of any stream ~~[source of surface water or groundwater]~~ selected by the State Engineer. ~~[commencing on the streams in the order of their importance for irrigation.]~~ As soon as practicable after the order is made and entered, the State Engineer shall proceed with ~~[such]~~ the determination as provided in this chapter.

~~[3.—A water user upon or from any stream or body of water shall be held and deemed to be a water user upon the stream system of which such stream or body of water is a part or tributary.]~~

Sec. 13. NRS 533.095 is hereby amended to read as follows:

533.095 1. As soon as practicable after the State Engineer ~~[shall make and enter the]~~ *enters an order pursuant to NRS 533.090* granting the petition or selecting the streams ~~[source of surface water or groundwater]~~ upon which the determination of rights is to begin, the State Engineer shall ~~[prepare]~~ *issue* a notice setting forth ~~[the]~~ :

(a) *The fact of the entry of the order and of the pendency of the proceedings ;* ~~[—~~

~~2.—The notice shall:~~

~~—(a) Name a date when the State Engineer or the State Engineer's assistants shall begin the examination.]~~

(b) ~~[Set forth]~~ *The date on which the State Engineer will commence the taking of proofs of appropriation regarding the rights in and to the waters of the* ~~[source of surface water or groundwater:]~~ stream system;

(c) *The date by which proofs of appropriation must be filed;* ~~[and]~~

(d) *The fact that all claimants to rights in and to the waters of the* stream system ~~[source of surface water or groundwater]~~ *are required* ~~[—as provided in this chapter.]~~ *to make proof of their claims* ~~[—]~~ *; and*

*(e) The date by which any additional maps required pursuant to subsection 3 of NRS 533.115 must be filed in the Office of the State Engineer.*

2. *The date set pursuant to paragraph (c) of subsection 1 as the deadline for the filing of proofs of appropriation must not be less than 60 days after the date on which the State Engineer commences the taking of proofs.*

3. The notice shall be published for a period of 4 consecutive weeks in one or more newspapers of general circulation within the boundaries of the stream system. ~~area being adjudicated.~~

4. Concurrently with the first publication required by subsection 3, the State Engineer shall provide the notice to each person whom the State Engineer knows or reasonably should know claims rights in or to the ~~source of surface water or groundwater.~~ stream system. The notice must be delivered in person or mailed by registered or certified mail not later than 30 days before the date on which the State Engineer commences the taking of proofs of appropriation.

5. The State Engineer shall include with each notice the form upon which a claimant must present the statement required by NRS 533.115.

Sec. 14. NRS 533.115 is hereby amended to read as follows:

533.115 ~~{The State Engineer shall, in addition, enclose with the notice to be mailed as provided in NRS 533.110, blank forms upon which the}~~

1. *To file a proof of appropriation, a claimant shall present in writing, on a form provided by the State Engineer ~~{,}~~ and signed under penalty of perjury, a statement of all particulars necessary for the determination of the claimant's right in or to the waters of the stream system. ~~{, the source of surface water or groundwater.}~~ The statement ~~{to}~~ must include the following:*

~~{1.}~~ (a) The name and ~~{post office}~~ mailing address of the claimant ~~{.~~

~~{2.}~~ ;

(b) The nature of the right or use on which the claim for appropriation is based ~~{.~~

~~{3.}~~ ;

(c) The ~~{time of the initiation of such right}~~ priority date that is claimed and a description of *the point of diversion and* works of diversion and distribution ~~{.~~

~~{4.}~~ ;

(d) The date ~~{of beginning of}~~ on which construction ~~{.~~

~~{5.}~~ began on works of diversion and distribution;

(e) The date ~~{when}~~ on which construction of works of diversion and distribution was completed ~~{.~~

~~{6.}~~ ;

(f) The dates ~~{of beginning and completion of}~~ on which construction of any enlargements ~~{.~~

~~{7.}~~ ~~The dimensions of the ditch as originally constructed and as enlarged.~~

~~{8.}~~ or modifications of works of diversion and distribution began and were completed;

(g) The date ~~{when}~~ on which the water was first used for irrigation or other beneficial purposes and, if used for irrigation, the ~~amount of land~~

~~reclaimed~~] number of acres irrigated the first year, the ~~[amount]~~ number of acres irrigated in subsequent years, ~~[with]~~ the dates of reclamation, and the area and location of the lands which ~~[are intended to be]~~ were irrigated ~~[-~~  
~~—9—~~ ;

(h) The character of the soil and the kind of crops cultivated, ~~the rate of diversion~~, the number of acre-feet of water per ~~[annum]~~ acre annually required to irrigate the land, and such other facts as will show the extent and nature of the right and compliance with the law in acquiring the same, as may be required by the State Engineer ~~[-]~~ ; and

(i) ~~If the diverted water was used for a beneficial purpose other than irrigation, the rate of diversion, the number of acre-feet of water used annually, and, if the diverted water was used for watering livestock, the number and type of livestock.~~

2. ~~The statement required by subsection 1 must be accompanied by a survey and map drawn by a state water right surveyor and any drawings that are required to support the claimed right.]~~ topographic map whose scale is not less than 1:24,000 or a map prepared by the United States Geological Survey covering a quadrangle of 7 1/2 minutes of latitude and longitude and by further identifying the location or extent by one-sixteenth sections within a numbered section, township and range.

3. ~~[The]~~ Upon the initiation of an adjudication of a claimed right, if the proof of appropriation is for a manner of use other than stock water, the map required by subsection 2 must be upgraded to be on mylar on a scale of not less than 1,000 feet to the inch and must show with substantial accuracy the following:

(a) If the claimed right is from a source of surface water, a survey of the course or location of the stream, stream system or spring system;

(b) The location of each point of diversion and each ditch or canal diverting water from each point of diversion;

(c) The area and outline of the place of use identified in the statement, by legal subdivision; and

(d) ~~[The]~~ If the manner of use of the claimed right is for irrigation, the type of culture or manner of use on each place of use.

4. ~~The [survey and] map required by subsection 2 or 3 must bear the affidavit of the state water right surveyor who draws the [survey and] map. [If the survey and map are made by different state water right surveyors, the map must bear the affidavit of each surveyor to demonstrate that the map as compiled agrees with the survey.]~~

5. ~~The [survey and] map required by subsection 2 or 3 must conform with the rules and regulations of the State Engineer.~~

6. ~~[The statement required by subsection 1 must be:~~

~~—(a) Accompanied by any additional map, survey, examination or inspection required by the State Engineer;~~

~~—(b) Accompanied by evidence supporting the claimed date of priority of the water right being claimed, a complete chain of title demonstrating the~~

~~claimant's ownership of the vested water right and a demonstration of continual use of the water by the claimant; and~~

~~(e) Made upon oath or affirmation of the claimant.~~

~~7.] A claimant must present a separate ~~[statement]~~ proof of appropriation for each source of surface water in and to which the claimant claims rights.~~

~~[8.] 7.~~ The State Engineer shall provide, free of charge, forms required for the submission of a proof of appropriation pursuant to this section.

Sec. 15. NRS 533.125 is hereby amended to read as follows:

533.125 1. The State Engineer shall commence the taking of proofs of appropriation on the date ~~[fixed and named]~~ set forth in the notice provided for in NRS ~~[533.110 for the commencement of the taking of proofs. The State Engineer shall proceed therewith during]~~ 533.095. Except as otherwise provided in this subsection, after the period fixed by the State Engineer and named ~~[date set forth]~~ in the notice ~~[, after which no]~~ by which proofs ~~[shall]~~ must be filed, no ~~[amendments to any]~~ proofs may be received by or filed by the State Engineer. The State Engineer may, in his or her discretion, for cause shown, extend the time in which proofs may be filed.

2. Upon neglect or refusal of any person to make proof of his or her claim or rights in or to the waters of such stream system, ~~[any source of surface water or groundwater]~~ as required by this chapter, prior to the expiration of the period fixed by the State Engineer during which proofs may be filed, the State Engineer ~~[shall]~~ may determine the right of such person from such evidence as the State Engineer may obtain or may have on file in the Office of the State Engineer in the way of maps, plats, surveys and transcripts, and ~~[exceptions in the order of determination entered pursuant to NRS 533.160.]~~ objections. Exceptions to such determination may be filed in court, as provided in this chapter.

Sec. 16. NRS 533.130 is hereby amended to read as follows:

533.130 1. Any person interested in the water of any stream ~~[source of surface water or groundwater being adjudicated]~~ upon whom no service of notice ~~[shall have been had of]~~ is made regarding the pendency of proceedings for the determination of the relative rights to the use of water of such stream system, ~~[the source of surface water or groundwater.]~~ and who ~~[shall have]~~ has no actual knowledge or notice of the pendency of the proceedings, may, at any time prior to the ~~[expiration of 6 months after the entry]~~ certification of the ~~[determinations of]~~ order of determination by the State Engineer ~~[,]~~ pursuant to NRS 533.160, file a petition to intervene in the proceedings.

2. Such petition shall be under oath and shall contain, among other things:

(a) All matters required by this chapter of claimants who have been duly served with notice of the proceedings; and

(b) A statement that the intervener had no actual knowledge of notice of the pendency of the proceedings.



3. ~~[Upon the filing of]~~ *If the petition [in intervention] to intervene is granted by the State Engineer, the petitioner shall be allowed to intervene upon such terms as may be equitable, and thereafter shall have all rights [vouchsafed] provided by this chapter to claimants who have been duly served.*

Sec. 17. NRS 533.135 is hereby amended to read as follows:

533.135 1. At the time of submission of proofs of appropriation, ~~[where the necessary maps are prepared by the State Engineer, the fee collected from any claimants must be the actual cost of the survey and the preparation of maps.]~~

~~—2. The~~ *the State Engineer shall collect a fee of [ \$60 ] \$100 for the filing of a proof of water used for watering livestock . [for wildlife purposes.] The State Engineer shall collect a fee of [ \$120 ] \$200 for a proof of any other [character of claim to water.] claimed manner of use.*

*2. The State Engineer shall collect a fee of \$100 for the filing of a corrected proof of appropriation submitted pursuant to section 5 of this act.*

3. All fees collected as provided in this section must be accounted for in detail and deposited with the State Treasurer into the Water Distribution Revolving Account created pursuant to NRS 532.210.

Sec. 18. NRS 533.140 is hereby amended to read as follows:

533.140 1. As soon as practicable after the expiration of the period ~~[fixed in]~~ *during which proofs of appropriation may be filed, the State Engineer shall assemble all proofs which have been filed [with the State Engineer,] and prepare, certify and have printed an abstract of all of the claims described in such proofs. The State Engineer shall also prepare from the proofs and evidence taken or given before the State Engineer, or obtained by the State Engineer, a preliminary order of determination establishing the [several] rights of claimants to the waters of the stream. [source of surface water or groundwater.]*

2. ~~[When]~~ *Except as otherwise provided in subsection 3, when the abstract of [proofs] claims and the preliminary order of determination [is] are completed, the State Engineer shall [then prepare a notice fixing and setting a time and place when and where the evidence taken by or filed with the State Engineer and the proofs of claims must be open to the inspection of all interested persons, the period of inspection to be not less than 20 days. The notice shall be deemed an order of the State Engineer as to the matters contained therein.]*

~~—3. A copy of the notice, together with] send by registered or certified mail, or serve personally, a [printed] copy of the preliminary order of determination and [a printed copy of] the abstract of [proofs, must be delivered by the State Engineer, or sent by registered or certified mail, at least 30 days before the first day of such period of inspection.] claims to each person who has [appeared and] filed a proof [as provided in this section.]~~

~~—4. The State Engineer shall be present at the time and place designated in the notice and allow, during that period, any] of appropriation.~~

3. *In lieu of sending or serving a copy of the preliminary order of determination and the abstract of claims pursuant to subsection 2, the State Engineer may:*

(a) *Make available a copy of the preliminary order of determination and the abstract of claims on the Internet website of the State Engineer; and*

(b) *Send or deliver, by registered or certified mail or by personal service, to each person who has filed a proof of appropriation notice that the preliminary order of determination and the abstract of claims are available online on the Internet website of the State Engineer.*

4. *Any persons interested ~~to~~ may inspect, at any time during regular office hours, such evidence and proof as have been filed with or taken by the State Engineer in accordance with this chapter.*

Sec. 19. NRS 533.145 is hereby amended to read as follows:

533.145 1. Any person claiming any interest in the stream system ~~source of surface water or groundwater~~ involved in the determination of relative rights to the use of water, whether claiming under vested right or under permit from the State Engineer, may object to any finding, part or portion of the preliminary order of determination ~~made by the State Engineer~~ by filing objections with the State Engineer within ~~30~~ 60 days after ~~the evidence and proofs, as provided in NRS 533.140, shall have been opened to public inspection,~~ the date on which a copy of the preliminary order of determination, or notice that the preliminary order of determination is available online, is sent or delivered pursuant to NRS 533.140, or within such further time as ~~for good cause shown~~ may be allowed by the State Engineer upon application ~~[-]~~ and a showing of good cause.

2. ~~Such objections~~ *Objections* shall be verified by the affidavit of the objector, or the objector's agent or attorney, and shall state with reasonable certainty the grounds of objection.

Sec. 20. NRS 533.150 is hereby amended to read as follows:

533.150 1. ~~The~~ *Unless the claimants waive the time limitations of this subsection or the requirement of such a hearing, the State Engineer shall* ~~fix~~ *set* a time and place for ~~the~~ a hearing ~~of~~ on objections, which ~~date~~ must not be less than ~~30 days nor more than 60~~ 120 days after the date ~~the notice is served on the persons who are, or may be, affected thereby. The notice~~ on which a copy of the preliminary order of determination, or notice that the preliminary order of determination is available online, is sent or delivered pursuant to NRS 533.140. Notice of the hearing may be sent by registered or certified mail to the persons to be affected by the objections, and the receipt therefor constitutes legal and valid proof of service. The notice may also be served by the State Engineer, or by any person, appointed by the State Engineer, qualified and competent to serve a summons in civil actions. Return thereof must be made in the same manner as in civil actions in the district courts of this state.

2. The State Engineer may adjourn hearings ~~from time to time~~ upon reasonable notice to all parties interested. Depositions may be taken by any

person authorized to administer oaths and designated by the State Engineer or the parties in interest, and oral testimony may be introduced in all hearings.

3. Witnesses are entitled to receive fees as in civil cases, to be paid by the party calling those witnesses.

4. ~~3.7~~ The evidence in the proceedings must be confined to the subjects enumerated in the objections and the preliminary order of determination. ~~Oral testimony may be introduced in all hearings.~~

~~4.7~~ 5. All testimony taken at the hearings must be reported and transcribed in its entirety ~~by a certified court reporter. The original and one copy of the transcript of the proceedings must be filed with the State Engineer.~~

~~5.7~~ 6. The claimants objecting to the preliminary order of determination shall pay, in equal portions, the fees for the appearance and travel expenses of the court reporter and for transcribing the portion of the hearing consisting of the comments of the State Engineer. Each such claimant shall pay a pro rata portion of the fees for the remaining portion of the hearing based on the percentage of the remaining portion of the hearing consisting of the case made by that claimant.

Sec. 21. NRS 533.160 is hereby amended to read as follows:

533.160 1. As soon as practicable after ~~the~~ a hearing ~~of~~ on objections to the preliminary order of determination, the State Engineer shall make and cause to be entered of record in the Office of the State Engineer an order of determination ~~by~~ defining the ~~several~~ rights to the waters of the stream or stream system. ~~source of surface water or groundwater.~~ The order of determination, when filed with the clerk of the district court as provided in NRS 533.165, has the legal effect of a complaint in a civil action.

2. The order of determination must be certified by the State Engineer . ~~who shall have printed as many copies of the order of determination as required. A]~~ Except as otherwise provided in subsection 3, a copy of the order of determination must be sent by registered or certified mail or delivered in person to each person who has filed a proof of ~~claim~~ appropriation and to each person who has become interested through intervention or through filing of objections under the provisions of NRS 533.130 or 533.145.

3. In lieu of sending or delivering a copy of the order of determination pursuant to subsection 2, the State Engineer may:

(a) Make available a copy of the order of determination on the Internet website of the State Engineer; and

(b) Send or deliver, by registered or certified mail or by personal service, to each person who has filed a proof of appropriation and to each person who has become interested through intervention or through the filing of objections notice that the order of determination is available online on the Internet website of the State Engineer.

Sec. 22. NRS 533.165 is hereby amended to read as follows:

533.165 1. As soon as practicable thereafter, a certified copy of the order of determination, together with ~~the original~~ *copies of the* evidence and *the* transcript of testimony filed with, or taken before, the State Engineer, duly certified by the State Engineer, shall be filed with the clerk of the county, as ex officio clerk of the district court, in which the stream system ~~source of surface water or groundwater~~ is situated, or, if in more than one county but all within one judicial district, then with the clerk of the county wherein reside the largest number of parties in interest.

2. If such stream system ~~shall be the source of surface water or groundwater~~ is in two or more judicial districts, ~~then~~ the State Engineer shall notify the district judge of each of such judicial districts of his or her intent to file such order of determination, whereupon, within 10 days after receipt of such notice, ~~such~~ the judges shall confer and agree where the court proceedings under this chapter shall be held and ~~upon the~~ which judge ~~who~~ shall preside, and on notification thereof the State Engineer shall file the order of determination, evidence and transcripts with the clerk of the court so designated.

3. If ~~such~~ the district judges fail to notify the State Engineer of their agreement, as provided in subsection 2, within 5 days after the expiration of ~~such~~ the 10 days, then the State Engineer may file ~~such~~ the order of determination, evidence and transcript with the clerk of any county the State Engineer may elect, and the district judge of ~~such~~ the county shall have jurisdiction over the proceedings in relation thereto.

4. If the judge so selected and acting shall retire from office, or be removed from office or be disqualified, for any cause, then the judge of the district court having jurisdiction of the proceedings shall act as the judge on the matter or shall select the judge to preside in such matter.

5. In all instances a certified copy of the order of determination shall be filed with the county clerk of each county in which such stream system, ~~the source of surface water or groundwater~~ or any part thereof, is situated.

6. Upon the filing of the certified copy of the order, evidence and transcript with the clerk of the court in which the proceedings are to be had, the State Engineer shall procure an order from the court setting the time for hearing. The clerk of ~~such~~ the court shall immediately furnish the State Engineer with a certified copy ~~thereof~~ of the order of the court. The State Engineer immediately thereupon shall mail a copy of ~~such~~ the certified order of the court, by registered or certified mail, addressed to each party in interest at the party's last known place of residence, and shall cause the same to be published at least once a week for 4 consecutive weeks in ~~some~~ a newspaper of general circulation published in each county in which such stream system ~~the source of surface water or groundwater~~ or any part thereof is located. The State Engineer shall file with the clerk of the court proof of ~~such~~ the service by registered or certified mail and by publication. ~~Such~~ The service by registered or certified mail and by publication shall be

deemed full and sufficient notice to all parties in interest of the date and purpose of ~~{such}~~ the hearing.

Sec. 23. NRS 533.170 is hereby amended to read as follows:

533.170 1. At least ~~{5}~~ 20 days prior to the date set for hearing, all parties in interest who are aggrieved or dissatisfied with the order of determination of the State Engineer shall file with the clerk of the court notice of exceptions to the order of determination of the State Engineer. The notice of exceptions shall state briefly the exceptions taken and the ~~{prayer for}~~ relief ~~{-}~~ requested. A copy ~~{thereof}~~ of the notice of exceptions shall be served upon or transmitted by registered or certified mail to the State Engineer ~~{by registered or certified mail.}~~ and to all other ~~{parties that could be affected by or have an interest in the exception. A party affected by or having an interest in the exception may file a response to the exception not later than 10 days after the date on which the copy of the notice is served upon or transmitted to the party.}~~ claimants.

2. The order of determination by the State Engineer and the ~~{statements or claims of claimants, and}~~ exceptions made to the order of determination ~~{and responses to the exceptions}~~ shall constitute the pleadings, and there shall be no other pleadings in the ~~{cause.}~~ case.

3. If no exceptions shall have been filed with the clerk of the court as provided in subsection 1, then on the day set for hearing the court may take further testimony if deemed proper, and shall then enter its findings of fact and judgment and decree.

4. On the day set for hearing, all parties in interest who have filed notices of exceptions ~~{for responses}~~ as provided in subsection 1, shall appear in person or by counsel, and the court shall hear the same or set the time for hearing, until ~~{such}~~ the exceptions are disposed of.

5. All proceedings thereunder, including the taking of testimony, shall be as nearly as may be in accordance with the Nevada Rules of Civil Procedure; but the provisions of the Nevada Rules of Civil Procedure and NRS 18.110 shall not apply respecting the service of proposed findings of fact and decree or service and filing of a cost bill, and service shall be made in the following manner. All claimants ~~{A claimant}~~ who have ~~{has}~~ filed exceptions ~~{an exception or objections to the final order of determination response as provided in subsection 1}~~ shall be served with a copy of the proposed findings of fact and decree by serving the attorney who appeared for such claimants ~~{the claimant}~~ in the proceedings ~~{-}~~, or by personally serving the claimant if no attorney appeared for the claimant in the proceedings. All claimants or water users who have not filed exceptions ~~{or objections responses}~~ to the final order of determination shall be served with a copy of the proposed findings of fact and decree by serving a copy thereof on the Attorney General. ~~{Such service.}~~ Service, in each instance, shall be made at least 30 days before the findings of fact and decree shall be signed by the court, and the court shall not sign any findings of fact therein prior to the expiration of such 30 days. The cost bill shall be prepared and filed with the

clerk of the court wherein the proceedings are pending, and it shall not be necessary to serve any of the exceptors, claimants or appropriators or their attorneys with a copy of the cost bill.

Sec. 24. NRS 533.180 is hereby amended to read as follows:

533.180 The court may, if necessary, refer the case or any part thereof for ~~[such]~~ further evidence to be taken by the State Engineer as it may direct, and may require a further determination by the State Engineer, subject to the court's instructions.

Sec. 25. NRS 533.185 is hereby amended to read as follows:

533.185 After the hearing the court shall enter a decree affirming or modifying the order *of determination* of the State Engineer. Within 30 days after the entry of final judgment by the district court, or if an appeal is taken, within 30 days after the entry of the final judgment by the appellate court or within 30 days after the entry of the final judgment after remand, the clerk of the court issuing the final judgment shall:

1. Deliver to the State Engineer a certified copy of the final judgment; and
2. Cause a certified copy of the final judgment to be filed in the office of the county recorder in each county in which the water adjudicated is applied to beneficial use and in each county in which the water adjudicated is diverted from its natural source.

Sec. 26. NRS 533.190 is hereby amended to read as follows:

533.190 1. At any time in the course of the hearings, the court may, in its discretion, by order assess and adjudge against any party such costs as it deems just and equitable or may so assess the costs in proportion to the amount of water right standing allotted at that time, or the court may assess and adjudge such costs and expenses in its final judgment upon the signing, entry and filing of its formal findings of fact, conclusions of law and decree adjudicating the water rights against any party as it deems just and equitable, or may so assess the costs in proportion to the amount of water right allotted and decreed in the final judgment.

2. After the making, entry and filing by the court of the first findings of fact, conclusions of law and decree made, entered and filed by the court in any ~~[such]~~ water adjudication as distinguished from the first proposed findings of fact, conclusions of law and decree, the court shall assess all costs and expenses against the loser or losers, in any and all subsequent proceedings in any such water adjudication.

3. If costs are assessed or allowed as provided for in this section and in NRS 533.170 and allotted, the State Engineer, within 60 days after such filing and entry, as above described, shall certify to the boards of county commissioners of the respective counties wherein the stream system ~~source of surface water or groundwater~~ is situate either the amount of acreage set forth in the order of determination to which water has been allotted, or the respective water rights against which such costs have been assessed by the court, and the charges against each water user in accordance with the court's

judgment and allocation of costs. Upon receipt of the certificate from the State Engineer by the board of county commissioners, the board of county commissioners shall certify the respective charges contained therein to the county assessor of the county in which the land or property served is situated. The county assessor shall enter the amount of the charge on the assessment roll against the claimant's property or acreage served.

4. The proper officer of the county shall collect the assessment as other assessments are levied and collected, and the assessment is a lien upon the property so served and must be collected in the same manner as other assessments are collected, but such costs must be collected in equal installments over 2 fiscal years.

5. When the assessments are collected, the person collecting the assessments shall transmit the money collected to the State Treasurer at the time that person transmits other assessments collected by him or her as provided by law, and the State Treasurer shall deposit the money in the Adjudication Emergency Account provided for in NRS 532.200, out of which costs and expenses must be paid in the manner provided by law.

Sec. 27. ~~NRS 533.195 is hereby amended to read as follows:~~  
~~533.195 1. Whenever a judge before whom a proceeding for the adjudication of a [stream system] *source of surface water or groundwater* is pending and not yet completed shall cease to be such judge from any cause whatsoever, his or her successor, to whom such proceeding may be assigned or a part of whose duty it becomes to preside in such proceeding, may do all things in and about such adjudication that may be necessary and proper, and may hear and decide all matters in connection therewith or relating thereto and make all orders, decisions, findings of fact, conclusions of law, judgments, decrees, and do all things necessary to complete the adjudication of [such stream system] *the source of surface water or groundwater* to the full extent and the same as though he or she had been the presiding judge in such proceeding from the commencement thereof.~~  
~~2. NRS 3.180 shall not apply to [such stream system adjudication] proceedings[.] *for the adjudication of a source of surface water or groundwater.* (Deleted by amendment.)~~

Sec. 28. NRS 533.200 is hereby amended to read as follows:

533.200 Appeals from ~~[such]~~ *the* decree may be taken to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution by the State Engineer or any party in interest in the same manner and with the same effect as in civil cases, except as to the following matters. Notice of appeal shall be served upon the attorneys of record for claimants who have filed exceptions ~~[or objections]~~ to the final order of determination of the State Engineer as provided in NRS 533.170 ~~[, and all]~~ *and upon all claimants who have filed exceptions but for whom there is no attorney of record. All claimants or water users who have not filed exceptions [or objections] to the final order of determination or appeared in the [cause] case by an attorney*

shall be served with a copy of notice of appeal by the service of a copy thereof on the Attorney General as their process agent.

Sec. 29. NRS 533.205 is hereby amended to read as follows:

533.205 Notice of intention to move for a new trial shall be served upon the attorneys of record for claimants who have filed exceptions ~~for objections~~ to the final order of determination of the State Engineer as provided in NRS 533.170 ~~[-, and all]~~ *and upon all claimants who have filed exceptions but for whom there is no attorney of record. All claimants or water users who have not filed exceptions for objections* to the final order of determination or appeared in the ~~cause~~ case by an attorney shall be served with a copy of notice of intention to move for a new trial by the service of a copy thereof on the Attorney General as their process agent.

Sec. 30. ~~[NRS 533.210 is hereby amended to read as follows:~~

~~533.210 1. The decree entered by the court, as provided by NRS 533.185, shall be final and shall be conclusive upon all persons and rights lawfully embraced within the adjudication; but the State Engineer or any party or adjudicated claimant upon any stream or stream system ~~source of surface water or groundwater~~ affected by such decree may, at any time within 3 years from the entry thereof, apply to the court for a modification of the decree, insofar only as the decree fixed the duty of water, and upon the hearing of such motion the court may modify such decree increasing or decreasing the duty of water, consistent with good husbandry, and consistent with the principle that actual and beneficial use shall be the measure and limit of the right.~~

~~2. Notice of application shall be given as in civil cases.] (Deleted by amendment.)~~

Sec. 31. ~~[NRS 533.215 is hereby amended to read as follows:~~

~~533.215 Whenever there are 10 or less appropriators or claimants upon a [stream system,] source of surface water or groundwater, and all of such claimants or appropriators in writing waive the provisions of this chapter with reference to notices and the service and publication thereof, as provided in preceding sections, the State Engineer may make an order of determination without the giving, serving or publication of any notices required in this chapter, and may file the same with the district court in the manner prescribed in NRS 533.165. Whereupon, the same steps and proceedings shall be taken and decree entered as if all preliminary notices had been given prior to the making, entering and filing of the order of determination.] (Deleted by amendment.)~~

Sec. 32. NRS 533.220 is hereby amended to read as follows:

533.220 1. From and after the filing of the order of determination in the district court, the distribution of water by the State Engineer or by any of the State Engineer's assistants or by the water commissioners or their assistants shall, at all times, be under the supervision and control of the district court. Such officers and each of them shall, at all times, be deemed to be officers of



the court in distributing water under and pursuant to the order of determination or under and pursuant to the decree of the court.

2. ~~¶The State Engineer may require, when such rotation can be made without an adverse effect to the lands enjoying an earlier priority:~~

~~(a) Water users owning lands to which water is appurtenant to rotate in the use of the supply of water to which they are collectively entitled; or~~

~~(b) A single water user, having lands to which water rights of a different priority are attached, to rotate in the use of the supply of water.~~

~~3.~~ Upon the neglect or refusal of any claimant to the use of water as provided in this chapter to carry out or abide by an order or decision of the State Engineer acting as an officer of the court, the State Engineer may petition the district court having jurisdiction of the matter for a review of such order and cause to be issued thereon an order to show cause why the order and decision should not be complied with.

3. ~~¶4.~~ The order to show cause shall be personally served on *or sent by registered or certified mail to* the claimant or claimants complained of, who shall appear and show cause on the day fixed in the court's order. ~~{so to do.}~~

4. ~~¶5.~~ The hearing on the petition and order to show cause shall be informal and summary in character, with full opportunity afforded each party to present his or her case.

5. ~~¶6.~~ Appeals from the judgment may be taken to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution in like manner as appeals in other civil cases; but notice of appeal must be served and filed within ~~[40]~~ 30 days from the entry of judgment.

Sec. 33. NRS 533.230 is hereby amended to read as follows:

533.230 From and after the filing of the order of determination, evidence and transcript with the county clerk, and during the time the hearing ~~{of}~~ on the order is pending in the district court, the division of water from the stream ~~{source of surface water or groundwater}~~ involved in such determination shall be made by the State Engineer in accordance with the order of determination.

Sec. 34. NRS 533.240 is hereby amended to read as follows:

533.240 1. In any suit brought in the district court for the determination of a right or rights to the use of water of any stream, ~~{source of surface water or groundwater}~~ all persons who claim the right to use the waters of such stream and the stream system ~~{the source of surface water or groundwater}~~ of which it is a part shall be made parties.

2. When the suit has been filed, the court shall direct the State Engineer to furnish a complete hydrographic survey *or investigation* of the stream system ~~{source of surface water or groundwater}~~ as provided in ~~[NRS 533.100]~~ *section 6 of this act* in order to obtain all physical data necessary to the determination of the rights involved.

3. The cost of the suit, including the costs on behalf of the State and of the surveys ~~{}~~ *or investigations*, shall be charged against each of the private

parties thereto based on a determination by the court of the relative merits of the claims made by each of the private parties. The court may assess and charge against any party at any time during the suit an equitable amount to pay the costs of the survey *or investigation* upon its approval of an itemized statement therefor submitted by the State Engineer.

4. The court may at any time transfer the suit to the State Engineer for determination as provided in this chapter.

Sec. 35. NRS 533.270 is hereby amended to read as follows:

533.270 1. The State Engineer ~~[shall]~~ *may* appoint, subject to confirmation by any court having jurisdiction, one or more water commissioners for any stream system ~~[source of surface water or groundwater]~~ or water district subject to regulation and control by the State Engineer. The duties and salaries of the water commissioners must be fixed by the State Engineer and their salaries must be paid by the State of Nevada out of the water distribution accounts. The water commissioners are exempt from the provisions of chapter 284 of NRS.

2. The State Engineer ~~[shall]~~ *may* appoint a district supervisor of water commissioners and fix the district supervisor's duties. The district supervisor is in the unclassified service of the State.

Sec. 36. NRS 533.275 is hereby amended to read as follows:

533.275 1. The State Engineer may appoint an engineer, who is qualified in hydrographic and water distribution experience, to work in a supervisory capacity on water distribution and regulation service upon all adjudicated stream systems ~~[sources of surface water or groundwater]~~ within the State.

2. While engaged in that work, the salary and expenses of the engineer must be charged to the holders of water rights from the particular adjudicated stream system ~~[source of surface water or groundwater]~~ receiving the service upon the basis of time occupied and expenses incurred in the work, and payment must be made out of the water distribution account provided for the adjudicated stream system ~~[source of surface water or groundwater]~~.

3. When the engineer is not engaged in water distribution, additional work may be allotted to the engineer by the State Engineer, and payment therefor must be from other money available to the Office of the State Engineer.

Sec. 37. NRS 533.280 is hereby amended to read as follows:

533.280 1. The State Engineer shall, between the first Monday of October and the first Monday of December of each year, prepare a budget of the amount of money estimated to be necessary to pay the expenses of the stream system or ~~[required to administer and regulate each decreed source of surface water or groundwater and]~~ each water district for the then current year.

2. The budget must show the following detail:

(a) The aggregate amount estimated to be necessary to pay the expenses of administering the stream system or ~~[required to administer and regulate]~~

~~each decreed source of surface water or groundwater and~~ each water district.

(b) The aggregate water rights in the stream system ~~source of surface water or groundwater~~ or water district as determined by the State Engineer or the court.

(c) The unit charge necessary to provide the money required.

(d) The charge against each water user, which must be based upon the proportion which the water right of that water user bears to the aggregate water rights in the stream system, ~~source of surface water or groundwater~~ but the minimum charge is \$1.

3. When the stream system ~~source of surface water or groundwater~~ lies in more than one county, a separate budget must be prepared for each county showing only the claimants and charges assessable within the county.

4. When the stream system ~~source of surface water or groundwater~~ irrigates more than 200,000 acres of land, the assessment for water distribution expenses must not exceed ~~[30]~~ 50 cents per acre-foot of water decreed.

~~5. As used in this section, "decreed source of surface water or groundwater" means a source of surface water or groundwater for which a final judgment affirming or modifying an order of determination of the State Engineer has been entered.~~

Sec. 38. ~~[NRS 533.290 is hereby amended to read as follows:~~

~~533.290 1. The assessments and charges provided for in NRS 533.285, when collected, must be deposited with the State Controller in the same manner as other special assessments, for credit to the Water District Account which is hereby created in the State General Fund.~~

~~2. All bills against the Water District Account must be certified by the State Engineer or an assistant thereof and, when certified and approved by the State Board of Examiners, the State Controller may draw his or her warrant therefor against the Account.~~

~~3. An advance must not be made from a [stream system] source of surface water or groundwater account that has been depleted until the advance is reimbursable from the proceeds of any assessments levied against the particular [stream system] source or water district for which any claims are presented.~~

~~4. Any money remaining in the Water District Account at the end of the current year must remain in the Account and be available for use in the following year.~~

~~5. The State Controller shall keep separate accounts of the money for each [stream system] source of surface water or groundwater or water district received from the various counties within which the [stream system] source or water district is located, and shall not draw warrants against an account until the State Controller has been notified by the State Engineer that assessments have been filed with the board of county commissioners, as required by NRS 533.285, that will return to the State of Nevada money~~

~~advanced by the State out of the Water Distribution Revolving Account provided for in NRS 532.210.] (Deleted by amendment.)~~

Sec. 39. NRS 533.295 is hereby amended to read as follows:

533.295 1. Except as otherwise provided in NRS 534.040, money in the Water District Account must be used exclusively for expenses incurred in the administration, operation and maintenance of the particular stream system ~~[source of surface water or groundwater]~~ from which the money is budgeted and collected.

2. The term "expenses" referred to in NRS 533.270 to 533.290, inclusive, includes salaries, hydrographic surveys, *investigations*, per diem expenses, car rental, equipment, including necessary automobiles, supplies and materials incidental to the proper administration and distribution of water.

Sec. 40. NRS 533.300 is hereby amended to read as follows:

533.300 1. The State Engineer ~~[shall]~~ *may* divide the State into water districts, to be so constituted as to insure the best protection for the water users, and the most economical water supervision on the part of the State. The water districts must not be created until a necessity therefor arises and must be created from time to time as the priorities and claims to the streams ~~[sources of surface water and groundwater]~~ of the State are determined.

2. Upon the creation of a water district the State Engineer may appoint an advisory board of representative citizens within the district to assist the State Engineer in formulating plans and projects for the conservation of the water resources and the use thereof in the district. The per diem and necessary travel and subsistence expenses of the appointive members of the board must be paid from the account provided for the district in NRS 533.290; but the total annual per diem, travel and subsistence expenses of the members for each district must not exceed ~~[\$800.]~~ \$1,500. The State Engineer may call such meetings of the board as in the opinion of the State Engineer may be necessary and expedient.

Sec. 41. NRS 533.305 is hereby amended to read as follows:

533.305 1. The State Engineer shall divide or cause to be divided the waters of the natural streams or other sources of supply ~~[surface water or groundwater]~~ in the State among the several ditches ~~and~~ and reservoirs ~~and any other facilities]~~ taking water therefrom, according to the rights of each, respectively, in whole or in part, and shall shut ~~close~~ or fasten, or cause to be shut ~~closed~~ or fastened, the headgates ~~and~~ or ditches, ~~wells or other facilities]~~ and shall regulate, or cause to be regulated, the controlling works of reservoirs, as may be necessary to insure a proper distribution of the waters thereof.

2. The State Engineer shall have authority to regulate the distribution of water among the various users under any ditch or reservoir, whose rights have been adjudicated, or whose rights are listed with the clerk of any district court of this state pursuant to the terms of this chapter, the actual cost of such regulation being paid by the ditch or reservoir ~~[user]~~ receiving such service.

3. Whenever, in pursuance of his or her duties, the water commissioner regulates a headgate to a ditch or the controlling works of reservoirs, ~~the water commissioner shall attach to such headgate or controlling works for wells or other facilities~~ a written notice properly dated and signed, setting forth the fact that such headgate ~~or~~ controlling works ~~has for wells or other facilities have~~ been properly regulated and ~~is for~~ wholly under the water commissioner's control. Such notice shall be a legal notice to all parties interested in the diversion and distribution of the water ~~of such ditch or reservoir~~. Such water commissioner shall have the right of ingress and egress across and upon public, private or corporate lands at all times in the exercise of his or her duties.

4. The ~~district attorney~~ *Attorney General* shall appear for or ~~in~~ on behalf of the State Engineer, or the duly authorized assistants of the State Engineer, in any case which may arise in the pursuance of the official duties of any such officer. ~~within the jurisdiction of the district attorney.~~

Sec. 42. NRS 533.310 is hereby amended to read as follows:

533.310 1. On any ~~stream source of surface water or groundwater~~ in this state on which the water rights have been adjudicated and determined and the final decree therefor entered, as between all persons who claimed the right to the use of the waters of ~~such stream, the source of surface water or groundwater~~ in a suit brought in the district court having jurisdiction of ~~such stream the source of surface water or groundwater~~ and in which suit the adjudication and determination was not had in the manner provided in NRS 533.090 to ~~533.265,~~ 533.320, inclusive, *and sections 5 to 8, inclusive, of this act*, and thereafter one or more of the parties as users of such adjudicated and determined rights or their successors in interest desire that the State Engineer take charge of the diversions and distribution of such rights and administer them in conformity with the final decree of the court, they may petition the district court which entered the decree requesting such administration.

2. Upon the filing of such petition, the district court shall direct that notice of the filing of the petition shall be given to each water user or claimant to a water right listed in the final decree. The notice shall be an order to show cause on the day fixed in the order by the court, ~~which day shall not be less than 10 days nor more than 25 days from and after the date of issuance thereof,~~ and ~~which~~ the order shall direct the person or persons therein named to attend before the court on that day and show cause, if any they or each of them may have, why the petition should not be granted. The court shall designate the form and direct the preparation of the order or orders to show cause and by its order direct the manner, mode and the payment of the cost of the service thereof.

3. For the purpose of the hearing on the petition, such petition shall be deemed in the nature of a complaint. Objections of the water users or claimants, or any of them, to the granting of the petition shall be in writing signed by such users or claimants, or by any attorneys thereof. No other

pleading shall be filed. Costs shall be paid as in civil cases brought in the district court, except by the State Engineer or the State. The practice in civil cases shall apply insofar as consistent with the summary character of the proceedings. The State Engineer shall be given notice of and, in person or by assistant or deputy state engineer, shall attend upon the hearing of the petition.

4. The court, prior to the final determination of the matter, may, by an order duly entered and served upon the State Engineer, direct the State Engineer to make a hydrographic survey of the stream system ~~source of surface water or groundwater~~ and to render to the court a written report, together with such maps and other necessary data as will enable the court to determine whether or not administration of such water rights by the State Engineer would be in the best interest of the water users.

5. If the district court finally determines the matter affirmatively, the court shall, by its judgment duly entered and served on the State Engineer, direct the State Engineer to distribute such waters in strict accordance with the decree, and from and after the filing of such judgment in the district court and service thereof on the State Engineer the administration of the decree and the distribution of the water thereunder shall be under the supervision and control of the district court, and the State Engineer, the State Engineer's deputies, assistants and water commissioners, when engaged in the administration of the final decree and the distribution of the water thereunder, shall be deemed officers of the district court only and subject only to its supervision and control.

6. Appeals may be taken from the judgment so entered to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution in the same manner and within the time as provided in NRS 533.450.

Sec. 43. ~~[NRS 533.315 is hereby amended to read as follows:~~  
~~533.315 The cost of the hydrographic survey of the [stream system] source of surface water or groundwater and the preparation of the reports and maps by the State Engineer necessary to advise the court in proceedings under NRS 533.310 shall be paid by the water users of the [stream] source of surface water or groundwater upon approval and order of the district court of an itemized statement therefor submitted by the State Engineer.] (Deleted by amendment.)~~

Sec. 44. ~~[NRS 533.320 is hereby amended to read as follows:~~  
~~533.320 The estimated cost of the administration of the final decree and the distribution of the waters of the [stream system] source of surface water or groundwater must be budgeted by the State Engineer in like manner and at the time as provided in NRS 533.280. The budget must be first submitted to the district court for approval. Upon approval thereof by the district court the budget must be submitted by the district court to the board of county commissioners of the proper county and thereupon all of the provisions of NRS 533.280 to 533.295, inclusive, govern with respect to the assessment~~

~~and collection of the costs, the deposits thereof in the Water District Account in the State General Fund, and the payment of claims for the costs of administration of the final decree and the distribution of water thereunder.]~~  
(Deleted by amendment.)

Sec. 45. NRS 533.324 is hereby amended to read as follows:

533.324 As used in NRS 533.325, 533.345 and 533.425, "water already appropriated" includes water for whose appropriation the State Engineer has issued a permit but which has not been applied to the intended use before an application to change the ~~[place]~~ point of diversion, manner of use or place of use is made.

Sec. 46. NRS 533.325 is hereby amended to read as follows:

533.325 Any person who wishes to appropriate any of the public waters, or to change the ~~[place]~~ point of diversion, manner of use or place of use of water already appropriated, shall, before performing any work in connection with such appropriation, change in ~~[place]~~ point of diversion or change in manner or place of use, apply to the State Engineer for a permit to do so.

Sec. 47. NRS 533.335 is hereby amended to read as follows:

533.335 Each application for a permit to appropriate water shall contain the following information:

1. The name and ~~[post-office]~~ mailing address of the applicant and, if the applicant is a corporation, the date and place of incorporation.
2. The name of the source ~~[of surface water or groundwater]~~ from which the appropriation is to be made.

3. The amount of water which it is desired to appropriate, expressed in terms of cubic feet per second ~~[ ]~~ and acre-feet ~~[ ]~~ per year, except ~~[in]~~ :

(a) In an application for a permit to store water, where the amount shall be expressed in acre-feet ~~[ ]~~ ; or

(b) For an application for a diversion rate only, where the amount shall be expressed in cubic feet per second.

4. The purpose for which the application is to be made.
5. A substantially accurate description of the location of the ~~[place]~~ point at which the water is to be diverted from its source and, if any of such water is to be returned to the source, a description of the location of the ~~[place]~~ point of return.

6. A description of the proposed works.
7. The estimated cost of such works.
8. The estimated time required to construct the works, and the estimated time required to complete the application of the water to beneficial use.
9. The signature of the applicant or a properly authorized agent thereof.

Sec. 48. NRS 533.345 is hereby amended to read as follows:

533.345 1. Every application for a permit to change the ~~[place]~~ point of diversion, manner of use or place of use of water already appropriated must contain such information as may be necessary to a full understanding of the proposed change, as may be required by the State Engineer.

2. If an applicant is seeking a temporary change of ~~[place]~~ *the point* of diversion, manner of use or place of use of water already appropriated, the State Engineer shall approve the application if:

- (a) The application is accompanied by the prescribed fees;
- (b) The temporary change is in the public interest; and
- (c) The temporary change does not impair the water rights held by other persons.

3. If the State Engineer determines that the temporary change may not be in the public interest, or may impair the water rights held by other persons, the State Engineer shall give notice of the application as provided in NRS 533.360 and hold a hearing and render a decision as provided in this chapter.

4. A temporary change may be granted for any period not to exceed 1 year.

Sec. 49. NRS 533.360 is hereby amended to read as follows:

533.360 1. Except as otherwise provided in subsection 4, NRS 533.345 and subsection 2 of NRS 533.370, when an application is filed in compliance with this chapter, the State Engineer shall, within 30 days, publish or cause to be published once a week for 4 consecutive weeks in a newspaper of general circulation ~~[and printed and published]~~ in the county where the ~~[water is sought to be appropriated,]~~ point of diversion is located, a notice of the application which sets forth:

- (a) That the application has been filed.
- (b) The date of the filing.
- (c) The name and address of the applicant.
- (d) The name of the source ~~[of surface water or groundwater]~~ from which the appropriation is to be made.
- (e) The location of the ~~[place]~~ *point* of diversion, described by legal subdivision or metes and bounds and by a physical description of that ~~[place]~~ *point* of diversion.

(f) The purpose for which the water is to be appropriated.

➡ The publisher shall add thereto the date of the first publication and the date of the last publication.

2. Except as otherwise provided in subsection 4, proof of publication must be filed within 30 days after the final day of publication. The State Engineer shall pay for the publication from the application fee. If the application is cancelled for any reason before publication, the State Engineer shall return to the applicant that portion of the application fee collected for publication.

3. If the application is for a proposed well:

- (a) For municipal, quasi-municipal or industrial use; and
  - (b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,
- ➡ the applicant shall mail a copy of the notice of application to each owner of real property containing a domestic well that is within 2,500 feet of the



proposed well, to the owner's address as shown in the latest records of the county assessor. If there are not more than six such wells, notices must be sent to each owner by certified mail, return receipt requested. If there are more than six such wells, at least six notices must be sent to owners by certified mail, return receipt requested. The return receipts from these notices must be filed with the State Engineer before the State Engineer may consider the application.

4. The provisions of this section do not apply to an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

Sec. 50. NRS 533.363 is hereby amended to read as follows:

533.363 1. Except as otherwise provided in subsection 2, if water for which a permit is requested is to be used in a county other than that county in which it is to be appropriated, or is to be diverted from or used in a different county than that in which it is currently being diverted or used, then the State Engineer shall give notice of the receipt of the request for the permit to:

(a) The board of county commissioners of the county in which the water for which the permit is requested will be appropriated or is currently being diverted or used; and

(b) The board of county commissioners of the county in which the water will be diverted or used.

2. The provisions of subsection 1 do not apply:

(a) To an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

(b) If:

(1) The water is to be appropriated and used; or

(2) Both the current and requested ~~place~~ point of diversion or use of the water are,

↪ within a single, contiguous parcel of real property.

3. A person who requests a permit to which the provisions of subsection 1 apply shall submit to each appropriate board of county commissioners a copy of the application and any information relevant to the request.

4. Each board of county commissioners which is notified of a request for a permit pursuant to this section shall consider the request at the next regular or special meeting of the board held not earlier than 3 weeks after the notice is received. The board shall provide public notice of the meeting for 3 consecutive weeks in a newspaper of general circulation in its county. The notice must state the time, place and purpose of the meeting. At the conclusion of the meeting the board may recommend a course of action to the State Engineer, but the recommendation is not binding on the State Engineer.

Sec. 51. NRS 533.364 is hereby amended to read as follows:

533.364 1. In addition to the requirements of NRS 533.370, before approving an application or a group of applications which collectively apply for an interbasin transfer of more than ~~{250-acre-feet-of-groundwater}~~

25 percent of the perennial yield or 1,000 acre feet of groundwater, whichever is less, from a basin which the State Engineer has not previously inventoried or for which the State Engineer has not conducted, or caused to be conducted, a study pursuant to NRS 532.165 or 533.368, the State Engineer or a person designated by the State Engineer shall conduct an inventory of the basin from which the water is to be exported. The inventory must include:

- (a) The total amount of surface water and groundwater appropriated in accordance with a decreed, certified, vested or permitted right;
- (b) An estimate of the amount and location of all surface water and groundwater that is available for appropriation in the basin; and
- (c) The name of each owner of record set forth in the records of the Office of the State Engineer for each decreed, certified or permitted right in the basin.

2. The provisions of this section do not:

- (a) Require the State Engineer to initiate or complete a determination of the surface water or groundwater rights pursuant to NRS 533.090 to 533.320, inclusive, *and sections 5 to 8, inclusive, of this act*, or to otherwise quantify any vested claims of water rights in the basin before approving an application for an interbasin transfer of groundwater from the basin; or
- (b) Prohibit the State Engineer from considering information received from or work completed by another person to include in the inventory, if the inventory is otherwise conducted in accordance with the provisions of subsection 1.

3. The State Engineer shall charge the applicant a fee to cover the cost of the inventory. The amount of the fee must not exceed the cost to the State Engineer of conducting the inventory.

4. The State Engineer shall complete any inventory conducted pursuant to subsection 1 within 1 year after commencing the inventory ~~[-]~~ unless the applicant waives the deadline.

Sec. 52. NRS 533.365 is hereby amended to read as follows:

533.365 1. Any person interested may, within 30 days after the date of last publication of the notice of application, file with the State Engineer a written protest against the granting of the application, setting forth with reasonable certainty the grounds of such protest, which, except as otherwise provided in subsection 2, must be verified by the affidavit of the protestant, or an agent or attorney thereof.

2. If the application is for a permit to change the ~~place~~ point of diversion, manner of use or place of use of water already appropriated within the same basin, a protest filed against the granting of such an application by a government, governmental agency or political subdivision of a government must be verified by the affidavit of:

- (a) Except as otherwise provided in paragraph (b), the director, administrator, chief, head or other person in charge of the government, governmental agency or political subdivision; or

(b) If the governmental agency or political subdivision is a division or other part of a department, the director or other person in charge of that department in this State, including, without limitation:

(1) The Regional Forester for the Intermountain Region, if the protest is filed by the United States Forest Service;

(2) The State Director of the Nevada State Office of the Bureau of Land Management, if the protest is filed by the Bureau of Land Management;

(3) The Regional Director of the Pacific Southwest Region, if the protest is filed by the United States Fish and Wildlife Service;

(4) The Regional Director of the Pacific West Region, if the protest is filed by the National Park Service;

(5) The Director of the State Department of Conservation and Natural Resources, if the protest is filed by any division of that Department; or

(6) The chair of the board of county commissioners, if the protest is filed by a county.

3. On receipt of a protest that complies with the requirements of subsection 1 or 2, the State Engineer shall advise the applicant whose application has been protested of the fact that the protest has been filed with the State Engineer, which advice must be sent by certified mail.

4. The State Engineer shall consider the protest, and may, in his or her discretion, hold hearings and require the filing of such evidence as the State Engineer may deem necessary to a full understanding of the rights involved. The State Engineer shall give notice of the hearing by *registered or* certified mail to both the applicant and the protestant. The notice must state the time and place at which the hearing is to be held and must be mailed at least 15 days before the date set for the hearing.

5. Each applicant and each protestant shall, in accordance with a schedule established by the State Engineer, provide to the State Engineer and to each protestant and each applicant information required by the State Engineer relating to the application or protest.

6. If the State Engineer holds a hearing pursuant to subsection 4, the State Engineer shall render a decision on each application not later than 240 days after the later of:

(a) The date all transcripts of the hearing become available to the State Engineer; or

(b) The date specified by the State Engineer for the filing of any additional information, evidence, studies or compilations requested by the State Engineer. The State Engineer may, for good cause shown, extend any applicable period.

7. The State Engineer shall adopt rules of practice regarding the conduct of a hearing held pursuant to subsection 4. The rules of practice must be adopted in accordance with the provisions of NRS 233B.040 to 233B.120, inclusive, and codified in the Nevada Administrative Code. The technical rules of evidence do not apply at such a hearing.

Sec. 53. NRS 533.3703 is hereby amended to read as follows:

533.3703 1. The State Engineer may consider the consumptive use of a water right and the consumptive use of a proposed beneficial use of water in determining whether a proposed change in the ~~[place]~~ point of diversion, manner of use or place of use complies with the provisions of subsection 2 of NRS 533.370.

2. The provisions of this section:

(a) Must not be applied by the State Engineer in a manner that is inconsistent with any applicable federal or state decree concerning consumptive use.

(b) Do not apply to any decreed, certified or permitted right to appropriate water which originates in the Virgin River or the Muddy River.

Sec. 54. NRS 533.380 is hereby amended to read as follows:

533.380 1. Except as otherwise provided in subsection ~~[5,]~~ 7, in an endorsement of approval upon any application, the State Engineer shall:

(a) Set a time before which the construction of the work must be completed, which must be within 5 years after the date of approval.

(b) Except as otherwise provided in this paragraph, set a time before which the complete application of water to a beneficial use must be made, which must not exceed 10 years after the date of the approval. The time set under this paragraph respecting an application for a permit to apply water to a municipal or quasi-municipal use on any land:

(1) For which a final subdivision map has been recorded pursuant to chapter 278 of NRS;

(2) For which a plan for the development of a project has been approved by the local government pursuant to NRS 278.010 to 278.460, inclusive; or

(3) On any land for which a plan for the development of a planned unit development has been recorded pursuant to chapter 278A of NRS,  
 ➔ must not be less than 5 years.

2. The State Engineer may limit the applicant to a smaller quantity of water, to a shorter time for the completion of work, and, except as otherwise provided in paragraph (b) of subsection 1, to a shorter time for the perfecting of the ~~[application than named in the application.]~~ water appropriation.

3. Except as otherwise provided in ~~[subsection 4]~~ subsections 5 and 6 and NRS 533.395 and 533.4377, the State Engineer may, for good cause shown, grant any number of extensions ~~[an extension]~~ of time within which construction work must be completed, or water must be applied to a beneficial use under any permit ~~[therefor]~~ issued by the State Engineer. ~~[but a]~~ A single extension of time for a municipal or quasi-municipal use for a public water system, as defined in NRS 445A.235, must not exceed 5 years, and any other single extension of time must not exceed 1 year ~~[from the required date for filing proofs as established in the permit or in a previous extension granted by the State Engineer.]~~ An application for the extension must in all cases be:

(a) Made within 30 days following notice by registered or certified mail that proof of the work is due as provided for in NRS 533.390 and 533.410; and

(b) Accompanied by proof and evidence of the *good faith and* reasonable diligence with which the applicant is pursuing the perfection of the ~~application.~~

→ ~~The~~ water appropriation.

4. *The failure to provide the proof and evidence required by subsection 3 is prima facie evidence that the holder is not proceeding in good faith and with reasonable diligence to perfect the* ~~application.~~ water appropriation.

5. *Except as otherwise provided in this subsection, the State Engineer shall not grant an extension of time unless the State Engineer determines from the proof and evidence so submitted that the applicant is proceeding in good faith and with reasonable diligence to perfect the* ~~application.~~ water appropriation. The failure to provide the proof and evidence required pursuant to this subsection is prima facie evidence that the holder is not proceeding in good faith and with reasonable diligence to perfect the ~~application.~~

~~—4.]~~ water appropriation. If the water right in question lies within a basin that is an area of active management or has been designated as a critical management area by the State Engineer, the State Engineer may consider the goals and progress of any approved groundwater management plan in determining whether to approve or deny an extension of time. ~~to effectuate the successful administration of the area of active management or critical management area.~~ *As used in this subsection, "area of active management" has the meaning ascribed to it in NRS 534.011.*

6. Except as otherwise provided in subsection ~~[5]~~ 7 and NRS 533.395, whenever the holder of a permit issued for any municipal or quasi-municipal use of water on any land referred to in paragraph (b) of subsection 1, or for any use which may be served by a county, city, town, public water district or public water company, requests an extension of time to apply the water to a beneficial use, the State Engineer shall, in determining whether to grant or deny the extension, consider, among other factors:

(a) Whether the holder has shown good cause for not having made a complete application of the water to a beneficial use;

(b) The number of parcels and commercial or residential units which are contained in or planned for the land being developed or the area being served by the county, city, town, public water district or public water company;

(c) Any economic conditions which affect the ability of the holder to make a complete application of the water to a beneficial use;

(d) Any delays in the development of the land or the area being served by the county, city, town, public water district or public water company which were caused by unanticipated natural conditions; and

(e) The period contemplated in the:

(1) Plan for the development of a project approved by the local government pursuant to NRS 278.010 to 278.460, inclusive; or

(2) Plan for the development of a planned unit development recorded pursuant to chapter 278A of NRS,

↪ if any, for completing the development of the land.

~~{5.}~~ 7. The provisions of subsections 1 and ~~{4}~~ 6 do not apply to an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

~~{6.}~~ 8. For the purposes of this section, the measure of reasonable diligence is the steady application of effort to perfect the application in a reasonably expedient and efficient manner under all the facts and circumstances. When a project or integrated system is composed of several features, work on one feature of the project or system may be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.

Sec. 55. NRS 533.382 is hereby amended to read as follows:

533.382 Except as otherwise provided in NRS 533.387, every conveyance of an application or permit to appropriate any of the public waters, a certificate of appropriation, an adjudicated or unadjudicated water right or an application or permit to change the ~~{place}~~ point of diversion, manner of use or place of use of water must be:

1. Made by deed;
2. Acknowledged in the manner provided in NRS 240.161 to 240.168, inclusive; and
3. Recorded in the office of the county recorder of each county in which the water is applied to beneficial use and in each county in which the water is diverted from its natural source.

Sec. 56. NRS 533.383 is hereby amended to read as follows:

533.383 1. The recording of a deed pursuant to NRS 533.382 shall be deemed to impart notice of the contents of the deed to all persons at the time the deed is recorded, and a subsequent purchaser or mortgagee shall be deemed to purchase and take with notice of the contents of the deed.

2. The deed of:

- (a) An application or permit to appropriate any of the public waters;
- (b) A certificate of appropriation;
- (c) An adjudicated or unadjudicated water right; or
- (d) An application or permit to change the ~~{place}~~ point of diversion, manner of use or place of use of water,

↪ that has not been recorded as required by NRS 533.382 shall be deemed void as against a subsequent purchaser who in good faith and for valuable consideration purchases the same application, right, certificate or permit, or any portion thereof, if the subsequent purchaser first records the deed in compliance with NRS 533.382.

Sec. 57. NRS 533.384 is hereby amended to read as follows:

533.384 1. A person to whom is conveyed an application or permit to appropriate any of the public waters, a certificate of appropriation, an adjudicated or unadjudicated water right or an application or permit to change the ~~[place]~~ point of diversion, manner of use or place of use of water, shall:

(a) File with the State Engineer, together with the prescribed fee, a report of conveyance which includes the following information on a form to be provided by the State Engineer:

- (1) An abstract of title;
- (2) Except as otherwise provided in subsection 2, a copy of any deed, written agreement or other document pertaining to the conveyance; and
- (3) Any other information requested by the State Engineer.

(b) If the place of use of the water is wholly or partly within the boundaries of an irrigation district, file with the irrigation district:

- (1) An abstract of title; and
- (2) Except as otherwise provided in subsection 2, a copy of any deed, written agreement or other document pertaining to the conveyance.

2. The governing body of any local government of this State and any public utility which is a purveyor of water within the State may submit an affidavit or other document upon oath in lieu of the documents otherwise required by subparagraph (2) of paragraphs (a) and (b) of subsection 1, if the State Engineer finds that:

(a) The affidavit clearly indicates that rights for diverting or appropriating water described in the affidavit are owned or controlled by the governing body or utility; and

(b) The affiant is qualified to sign the affidavit.

Sec. 58. NRS 533.386 is hereby amended to read as follows:

533.386 1. The State Engineer shall confirm that the report of conveyance required by paragraph (a) of subsection 1 of NRS 533.384 includes all material required by that subsection and that:

- (a) The report is accompanied by the prescribed fee;
- (b) No conflict exists in the chain of title that can be determined by the State Engineer from the conveyance documents or other information on file in the Office of the State Engineer; and
- (c) The State Engineer is able to determine the rate of diversion and the amount of water conveyed in acre-feet or million gallons from the conveyance documents or other information on file in the Office of the State Engineer.

2. If the State Engineer confirms a report of conveyance pursuant to subsection 1, the State Engineer shall in a timely manner provide a notice of the confirmation to the person who submitted the report of conveyance. The notice must include, without limitation:

(a) A statement indicating that neither the confirmation of the report of conveyance nor the report of conveyance, if the report sets forth the amount of water conveyed, guarantees that:

(1) The water right is in good standing with the Office of the State Engineer; or

(2) The amount of water referenced in the notice or in the report of conveyance is the actual amount of water that a person is entitled to use upon conveyance of the application or permit to appropriate any of the public waters, the certificate of appropriation, the adjudicated or unadjudicated water right, or the application or permit to change the ~~place~~ point of diversion, manner of use or place of use of water.

(b) A statement that the confirmation of the report of conveyance is not a determination of ownership and that only a court of competent jurisdiction may adjudicate conflicting claims to ownership of a water right.

3. If the State Engineer determines that the report of conveyance is deficient, the State Engineer shall reject the report of conveyance and return it to the person who submitted it, together with:

(a) An explanation of the deficiency; and

(b) A notice stating that the State Engineer will not confirm a report of conveyance that has been rejected unless the report is resubmitted with the material required to cure the deficiency. The notice must also include a statement of the provisions of subsection 5.

4. If, from the conveyance documents or other information in the Office of the State Engineer, it appears to the State Engineer that there is a conflict in the chain of title, the State Engineer shall reject the report of conveyance and return it to the person who submitted it, together with:

(a) An explanation that a conflict appears to exist in the chain of title; and

(b) A notice stating that the State Engineer will not take further action with respect to the report of conveyance until a court of competent jurisdiction has determined the conflicting claims to ownership of the water right and the determination has become final or until a final resolution of the conflicting claims has otherwise occurred. The notice must also include a statement of the provisions of subsection 5.

5. The State Engineer shall not consider or treat the person to whom:

(a) An application or permit to appropriate any of the public waters;

(b) A certificate of appropriation;

(c) An adjudicated or unadjudicated water right; or

(d) An application or permit to change the ~~place~~ point of diversion, manner of use or place of use of water,

is conveyed as the owner or holder of the application, right, certificate or permit for the purposes of this chapter, including, without limitation, all advisements and other notices required of the State Engineer and the granting of permits to change the ~~place~~ point of diversion, manner of use or place of use of water, until a report of the conveyance is confirmed pursuant to subsection 1.

6. If the State Engineer is notified that a court of competent jurisdiction has entered a judgment confirming ownership of a water right or resolving a conflict in a chain of title, and that the judgment has become final, the State



Engineer shall take such administrative action as is appropriate or necessary to conform the records of the Office of the State Engineer with the judgment of the court, including, without limitation, amending or withdrawing a permit or certificate that was previously approved by the State Engineer.

Sec. 59. NRS 533.387 is hereby amended to read as follows:

533.387 The provisions of NRS 533.382 to 533.386, inclusive, do not apply to the conveyance of shares of stock in a ditch company which owns:

1. An application or permit to appropriate any of the public waters;
2. A certificate of appropriation;
3. An adjudicated or unadjudicated water right; or
4. An application or permit to change the ~~place~~ point of diversion, manner of use or place of use of water.

Sec. 60. NRS 533.395 is hereby amended to read as follows:

533.395 1. If, at any time in the judgment of the State Engineer, the holder of any permit to appropriate the public water is not proceeding in good faith and with reasonable diligence to perfect the appropriation, the State Engineer shall require the submission of such proof and evidence as may be necessary to show a compliance with the law. If, in the judgment of the State Engineer, the holder of a permit is not proceeding in good faith and with reasonable diligence to perfect the appropriation, the State Engineer shall cancel the permit ~~[-]~~ and ~~advise~~ send notice to the holder of the permit advising the holder of its cancellation. The failure to provide the proof and evidence required pursuant to this subsection is prima facie evidence that the holder is not proceeding in good faith and with reasonable diligence to perfect the appropriation.

2. If any permit is cancelled under the provisions of this section or NRS 533.390 or 533.410, the holder of the permit may within 60 days of the cancellation of the permit file a written petition with the State Engineer requesting a review of the cancellation by the State Engineer at a public hearing. ~~For a permit cancelled under the provisions of this section, the petition must be filed within 60 days after the date the State Engineer sends notice to the holder of the permit advising the holder of its cancellation. For a permit cancelled under the provisions of NRS 533.390 or 533.410, the petition must be filed within 60 days after the date the State Engineer cancels the permit.~~

3. The State Engineer may, after receiving and considering evidence, affirm, modify or rescind the cancellation.

~~[-]~~ 4. If the decision of the State Engineer modifies or rescinds the cancellation of a permit, the effective date of the appropriation under the permit is vacated and replaced by the date of the filing of the written petition with the State Engineer.

~~[-]~~ 5. The cancellation of a permit may not be reviewed or be the subject of any judicial proceedings unless a written petition for review has been filed and the cancellation has been affirmed, modified or rescinded pursuant to subsection ~~[-]~~ 3.

~~{5-}~~ 6. For the purposes of this section, the measure of reasonable diligence is the steady application of effort to perfect the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances. When a project or integrated system is comprised of several features, work on one feature of the project or system may be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.

~~{6-}~~ 7. The appropriation of water or the acquisition or lease of appropriated water from any:

(a) Stream system ~~{Source of surface water or groundwater}~~ as provided for in this chapter; or

(b) Underground water as provided for in NRS 534.080,  
 ➔ by a political subdivision of this State or a public utility, as defined in NRS 704.020, to serve the present or the reasonably anticipated future municipal, industrial or domestic needs of its customers for water, as determined in accordance with a master plan adopted pursuant to chapter 278 of NRS or a plan approved by the State Engineer, must be considered when reviewing an extension of time.

Sec. 61. NRS 533.400 is hereby amended to read as follows:

533.400 1. Except as otherwise provided in subsection 2, on or before the date set in the endorsement of a permit for the application of water to beneficial use, or on the date set by the State Engineer under a proper application for extension, ~~{therefor,}~~ any person holding a permit from the State Engineer to appropriate the public waters of the State of Nevada, to change the ~~{place}~~ *point* of diversion or the manner or place of use, shall file with the State Engineer a statement under oath, on a form prescribed by the State Engineer. The statement must include:

(a) The name and ~~{post-office}~~ *mailing* address of the person making the proof.

(b) The number and date of the permit for which proof is made.

(c) The source of the water supply.

(d) The name of the canal or other works by which the water is conducted to the place of use.

(e) The name of the original person to whom the permit was issued.

(f) The purpose for which the water is used.

(g) If for irrigation, the actual number of acres of land upon which the water granted in the permit has been beneficially used, giving the same by 40-acre legal subdivisions when possible.

(h) An actual measurement taken by a licensed state water right surveyor or an official or employee of the Office of the State Engineer of the water diverted for beneficial use.

(i) The capacity of the works of diversion.

(j) If for power, the dimensions and capacity of the flume, pipe, ditch or other conduit.

(k) The average grade and difference in elevation between the termini of any conduit.

(l) The number of months, naming them, in which water has been beneficially used.

(m) The amount of water beneficially used, taken from actual measurements, together with such other data as the State Engineer may require to become acquainted with the amount of the appropriation for which the proof is filed.

2. The provisions of subsection 1 do not apply to a person holding an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

Sec. 62. NRS 533.425 is hereby amended to read as follows:

533.425 1. Except as otherwise provided in *subsection 3 and* NRS 533.503, as soon as practicable after satisfactory proof has been made to the State Engineer that any application to appropriate water or any application for permission to change the ~~[place]~~ point of diversion, manner or place of use of water already appropriated has been perfected in accordance with the provisions of this chapter, the State Engineer shall issue to the holder or holders of the permit a certificate setting forth:

- (a) The name ~~[and post office address]~~ of each holder of the permit.
- (b) The date, source, purpose and amount of appropriation.
- (c) If for irrigation, a description of the irrigated lands by legal subdivisions, when possible, to which the water is appurtenant.
- (d) The number of the permit under which the certificate is issued.

2. If the water is appropriated from an underground source, the State Engineer shall issue with the certificate a notice of the provisions governing the forfeiture and abandonment of such water rights. The notice must set forth the provisions of NRS 534.090.

3. *The State Engineer shall not issue a certificate based on a revocable permit issued pursuant to paragraph (a) of subsection 3 of NRS 534.120.*

~~4. The State Engineer shall cancel a permit if the holder or holders of the permit do not pay the fee required by NRS 533.435 for issuing and recording the certificate within 30 days after the State Engineer requests payment of the fee.~~

Sec. 63. NRS 533.430 is hereby amended to read as follows:

533.430 1. Every permit to appropriate water, and every certificate of appropriation granted under any permit by the State Engineer upon any stream or stream system ~~[source of surface water or groundwater]~~ which shall have been adjudicated under the provisions of NRS 533.090 to 533.235, inclusive, *and sections 5 to 8, inclusive, of this act*, shall be, and the same is hereby declared to be, subject to existing rights and to the decree and modifications thereof entered in such adjudication proceedings, and the same shall be subject to regulation and control by the State Engineer and the water commissioners in the same manner and to the same extent as rights which have been adjudicated and decreed under the provisions of this chapter.

Every such holder of a certificate or a permit shall in like manner be subject to all of the provisions of NRS 533.270 to 533.305, inclusive, 533.465, 533.475, 533.480, 533.481, 533.482, 535.050, 536.010, 536.020 and 536.030.

2. Upon any stream or stream system ~~source of surface water or groundwater~~ that has not been adjudicated and upon which the State Engineer has heretofore granted and may hereafter grant a permit or permits to appropriate water therefrom, any and all such permitted rights to the use of water so granted shall be subject to regulation and control by the State Engineer to the same extent and in the same manner as adjudicated and permitted rights upon streams and stream systems ~~sources of surface water or groundwater~~ heretofore adjudicated pursuant to the provisions of this chapter.

Sec. 64. NRS 533.435 is hereby amended to read as follows:

533.435 1. The State Engineer shall collect the following fees:

For examining and filing an application for a permit to appropriate water ..... \$360.00  
This fee includes the cost of publication, which is \$50.

For reviewing a corrected ~~[application]~~ *proof of appropriation ~~for~~, a map of a proof of appropriation, an application ~~for~~, a map ~~or both~~, or both an application and a map,* in connection with an application for a water right permit ..... 100.00

For examining and acting upon plans and specifications for construction of a dam..... 1,200.00

For examining and filing an application for each permit to change the point of diversion, manner of use or place of use of an existing right..... 240.00

This fee includes the cost of publication, which is \$50.

For examining and filing an application for a temporary permit to change the point of diversion, manner of use or place of use of an existing right ..... 180.00

For issuing and recording each permit to appropriate water for any purpose, except for generating hydroelectric power which results in nonconsumptive use of the water or wildlife purposes ..... 360.00  
plus \$3 per acre-foot approved or fraction thereof.

Except for generating hydroelectric power, *watering livestock* or wildlife purposes, for issuing and recording each permit to change an existing water right whether temporary or permanent for any purpose ..... 300.00  
plus \$3 per acre-foot approved or fraction thereof.

|                                                                                                                                                                                                                                              |        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| For issuing and recording each permit for additional rate of diversion <i>from a well</i> where no additional <del>[volume]</del> duty of water is granted .....                                                                             | 360.00 |
| <i>plus \$3 per acre-foot, up to a maximum of \$1,000.00 .</i>                                                                                                                                                                               |        |
| For issuing and recording each permit to change the point of diversion or place of use <del>[only]</del> of an existing right whether temporary or permanent for <del>[irrigational]</del> <i>irrigation</i> purposes, a maximum fee of..... | 750.00 |
| For issuing and recording each permit to appropriate or change the point of diversion or place of use of an existing right whether temporary or permanent for watering livestock or wildlife purposes .....                                  | 240.00 |
| <i>plus \$50 for each cubic foot per second of water approved or fraction thereof.</i>                                                                                                                                                       |        |
| For issuing and recording each permit to appropriate or change an existing right whether temporary or permanent for water for generating hydroelectric power which results in nonconsumptive use of the water.....                           | 480.00 |
| <i>plus \$50 for each <del>[second foot]</del> cubic foot per second of water approved or fraction thereof.</i>                                                                                                                              |        |
| For <del>[issuing]</del> <i>filing</i> a waiver in connection with an application to drill a well .....                                                                                                                                      | 120.00 |
| For filing and examining a notice of intent to drill a well.....                                                                                                                                                                             | 25.00  |
| For filing and examining an affidavit to relinquish water rights in favor of use of water for domestic wells.....                                                                                                                            | 300.00 |
| For filing a secondary application under a reservoir permit .....                                                                                                                                                                            | 300.00 |
| For approving and recording a secondary permit under a reservoir permit.....                                                                                                                                                                 | 540.00 |
| For reviewing each tentative subdivision map.....                                                                                                                                                                                            | 180.00 |
| <i>plus \$1 per lot.</i>                                                                                                                                                                                                                     |        |
| For reviewing and approving each final subdivision map.....                                                                                                                                                                                  | 120.00 |
| For storage approved under a dam permit for privately owned nonagricultural dams which store more than 50 acre-feet .....                                                                                                                    | 480.00 |
| <i>plus \$1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.</i>                                                                                                                       |        |
| For flood control detention basins.....                                                                                                                                                                                                      | 480.00 |
| <i>plus \$1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.</i>                                                                                                                       |        |
| For filing proof of completion of work .....                                                                                                                                                                                                 | 60.00  |
| For filing proof of beneficial use <u><i>under a revocable permit</i></u> .....                                                                                                                                                              | 60.00  |

|                                                                                                                                                                             |                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| For <u>filing proof of beneficial use</u> , issuing and recording a certificate upon approval of the proof of beneficial use .....                                          | <del>[350.00]</del> 410.00 |
| For filing proof of resumption of a water right .....                                                                                                                       | 360.00                     |
| For filing any protest.....                                                                                                                                                 | 30.00                      |
| For filing any application for extension of time within which to file proofs, of completion or beneficial use, for each year for which the extension of time is sought..... | 120.00                     |
| For filing any application for extension of time to prevent a forfeiture, for each year for which the extension of time is sought.....                                      | 120.00                     |
| For reviewing a cancellation of a water right pursuant to a petition for review.....                                                                                        | 360.00                     |
| For examining and filing a report of conveyance filed pursuant to paragraph (a) of subsection 1 of NRS 533.384 .....                                                        | 120.00                     |
| plus \$20 per conveyance document.                                                                                                                                          |                            |
| For filing any other instrument .....                                                                                                                                       | 10.00                      |
| For making a copy of any document recorded or filed in the Office of the State Engineer, for the first page.....                                                            | 1.00                       |
| For each additional page .....                                                                                                                                              | .20                        |
| For certifying to copies of documents, records or maps, for each certificate .....                                                                                          | 6.00                       |
| For each copy of any full size drawing or map .....                                                                                                                         | 6.00                       |
| For each color copy of any full size drawing or map (2' x 3').....                                                                                                          | 12.00                      |
| The minimum charge for a blueprint copy, per print .....                                                                                                                    | 3.00                       |
| For colored mylar plots.....                                                                                                                                                | 10.00                      |

2. When fees are not specified in subsection 1 for work required of the Office of the State Engineer, the State Engineer shall collect the actual cost of the work.

3. Except as otherwise provided in this subsection, all fees collected by the State Engineer under the provisions of this section must be deposited in the State Treasury for credit to the Water Distribution Revolving Account created pursuant to NRS 532.210. All fees received for blueprint copies of any drawing or map must be kept by the State Engineer and used only to pay the costs of printing, replacement and maintenance of printing equipment. Any publication fees received which are not used by the State Engineer for publication expenses must be returned to the persons who paid the fees. If, after exercising due diligence, the State Engineer is unable to make the refunds, the State Engineer shall deposit the fees in the State Treasury for credit to the Water Distribution Revolving Account created pursuant to NRS 532.210.

Sec. 65. NRS 533.440 is hereby amended to read as follows:

533.440 1. All applications for reservoir permits shall be subject to the provisions of NRS 533.324 to 533.435, inclusive, and *section 9 of this act*,

except those sections wherein proof of beneficial use is required to be filed. The person or persons proposing to apply to a beneficial use the water stored in any such reservoir shall file an application for a permit, to be known herein as the secondary permit, in compliance with the provisions of NRS 533.324 to 533.435, inclusive, *and section 9 of this act*, except that no notice of such application shall be published.

2. The application shall refer to the reservoir for a supply of water and shall show by documentary evidence that an agreement has been entered into with the owner of the reservoir for a permanent and sufficient interest in such reservoir to impound enough water for the purpose set forth in the application.

3. Effluent discharged from the point of the final treatment from within a sewage collection and treatment system shall be considered water as referred to in this chapter, and shall be subject to appropriation for beneficial use under the reservoir-secondary permit procedure described in this section. Nothing in this section shall preclude appropriation in accordance with and subject to the provisions of NRS 533.324 to 533.435, inclusive ~~[ ]~~, *and section 9 of this act*.

4. When beneficial use has been completed and perfected under the secondary permit, and after the holder thereof shall have made proofs of the commencement and completion of his or her work, and of the application of water to beneficial use, as in the case of other permits, as provided in this chapter, a final certificate of appropriation shall issue as other certificates are issued, except that the certificate shall refer to both the works described in the secondary permit and the reservoir described in the primary permit.

Sec. 66. ~~[NRS 533.455 is hereby amended to read as follows:~~

~~533.455 1. Whenever a decree determining and adjudicating the relative rights of the claimants to the use of water of a [stream or stream system] source of surface water or groundwater has been entered in the district court pursuant to the provisions of this chapter, and the decree becomes final and the State Engineer has brought in that court any proceeding, either civil or of a criminal nature, concerning the administration of and for the enforcement of the provisions of the decree, and wherein the validity of the decree or any of its provisions is drawn in question by adversary parties and the decision or judgment of the court is that the decree or a part thereof is invalid, the State Engineer shall be deemed a party in interest with the right to take an appeal from such decision or judgment to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution.~~

~~2. Such appeal may be taken in the same manner as appeals in civil cases.] (Deleted by amendment.)~~

Sec. 67. ~~[NRS 533.460 is hereby amended to read as follows:~~

~~533.460 [The unauthorized use of water to which another person is entitled, or the willful]~~

~~1. A person:~~

~~(a) Controlling surface water or groundwater shall not willfully waste [of water to the detriment of another, shall be a misdemeanor, and the possession] the water except to prevent a greater harm.~~

~~(b) Shall not possess or use [of] such water without legal right. [shall be prima facie evidence of the guilt of the person using or diverting it.]~~

~~2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.~~ (Deleted by amendment.)

Sec. 68. ~~[NRS 533.481 is hereby amended to read as follows:~~

~~533.481 1. In addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of this chapter or any permit, certificate, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120 to:~~

~~(a) Pay an administrative fine not to exceed \$10,000 per day for each violation as determined by the State Engineer.~~

~~(b) In the case of [an unauthorized] possession or use of water without legal right or willful waste of water in violation of NRS 533.460, [or] an unlawful diversion of water in violation of NRS 533.463, or any other violation of this chapter that, as determined by the State Engineer, results in an unlawful use, waste or diversion of water, replace not more than 200 percent of the water used, wasted or diverted.~~

~~2. If an administrative fine is imposed against a person pursuant to subsection 1 or the person is ordered to replace any water pursuant to that subsection, the State Engineer may require the person to pay the costs of the proceeding, including investigative costs and attorney's fees.~~

~~3. An order imposing an administrative fine or requiring the replacement of water or the payment of costs or fees pursuant to this section may be reviewed by a district court pursuant to NRS 533.450.] (Deleted by amendment.)~~

Sec. 69. NRS 533.492 is hereby amended to read as follows:

533.492 1. A subsisting right to water livestock may be proven by an owner of livestock by one or more of the following items of evidence for the number of livestock and date of priority:

(a) ~~1.1~~ As to water rights on open range, whether public lands or unfenced private lands or a combination of these:

(1) ~~1(a)~~ A statement of priority of use submitted to the Taylor Grazing Service, predecessor to the Bureau of Land Management, to show the numbers of livestock grazed upon the open range, for years from 1928 to 1934, inclusive, if accompanied by evidence of changes or absence of change since the date of the statement;

(2) ~~1(b)~~ A license issued by the Taylor Grazing Service for use upon the open range; or

(3) ~~1(c)~~ A statement of priority of use, or a license, issued by the United States Forest Service for the grazing of livestock before 1950.

(b) ~~2.2~~ As to water rights on other privately owned land:



(1) ~~[(a)]~~ An affidavit concerning the number and kind of livestock by a person familiar with the use made of the lands;

(2) ~~[(b)]~~ A record of livestock assessed to the claimant of the right, or the claimant's predecessor, by a county assessor;

(3) ~~[(c)]~~ A count of livestock belonging to the claimant or the claimant's predecessor made by a lender; or

(4) ~~[(d)]~~ An affidavit of a disinterested person.

2. The location of a subsisting right to water livestock and its extent along a stream may be shown by marking upon a topographic map whose scale is not less than ~~[1:100,000]~~ 1:24,000 or a map prepared by the United States Geological Survey covering a quadrangle of 7 1/2 minutes of latitude and longitude and by further identifying the location or extent by one-sixteenth sections within a numbered section, township and range . ~~[as certified by a registered state water right surveyor.]~~

Sec. 70. NRS 533.515 is hereby amended to read as follows:

533.515 1. No permit for the appropriation of water or application to change the point of diversion , *manner of use or place of use* under an existing water right may be denied because of the fact that the point of diversion described in the application for the permit, or any portion of the works in the application described and to be constructed for the purpose of storing, conserving, diverting or distributing the water are situated in any other state; but in all such cases where the place of intended use ~~[, or the lands,] or part of the [lands to be irrigated by means of the water, are]~~ *place of use* is situated within this state, the permit must be issued as in other cases, pursuant to the provisions of NRS 533.324 to 533.450, inclusive, and chapter 534 of NRS.

2. The permit must not purport to authorize the doing or refraining from any act or thing, in connection with the system of appropriation, not properly within the scope of the jurisdiction of this state and the State Engineer to grant.

Sec. 71. ~~[Chapter 534 of NRS is hereby amended by adding thereto the provisions set forth as sections 72 and 73 of this act.] (Deleted by amendment.)~~

Sec. 72. ~~["Perennial yield" means the maximum amount of groundwater available for appropriation from a hydrographic basin on an annual basis for an indefinite period of time, as determined by the State Engineer.] (Deleted by amendment.)~~

Sec. 73. ~~[Before a person may obtain a right to the use of groundwater from a basin, the person must ensure that wildlife which customarily uses spring sources in the basin which could be impaired by any groundwater pumping in the basin will continue to have access to those sources.] (Deleted by amendment.)~~

Sec. 74. ~~[NRS 534.010 is hereby amended to read as follows:~~

~~534.010 1. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 534.0105 to 534.0175,~~

~~inclusive, and section 72 of this act have the meanings ascribed to them in those sections.~~

~~2. As used in this chapter, the terms "underground water" and "groundwater" are synonymous.} (Deleted by amendment.)~~

Sec. 75. NRS 534.0165 is hereby amended to read as follows:

534.0165 "Waste" means causing ~~[, suffering=~~

~~1. Causing]~~ or permitting any ~~[artesian] well [water]~~ to discharge water unnecessarily for flow:

~~(a) Unnecessarily]~~ above or below the surface of the ground so that the waters thereof are ~~[water is]~~ lost for beneficial use ~~[;]~~ or in

~~[(b) In]~~ any canal or ditch conveying water from a well where the loss of water in transit is more than 20 percent of the amount of the water discharged from the well ~~[; or~~

~~2. Misusing water such that it discharges or flows:~~

~~(a) Unnecessarily above or below the surface of the ground so that the water is lost for beneficial use; or~~

~~(b) In any canal or ditch conveying water from a well where the loss of water in transit is more than 20 percent of the amount of the water discharged from the well.]~~

Sec. 76. ~~[NRS 534.040 is hereby amended to read as follows:~~

~~534.040 1. Upon the initiation of the administration of this chapter in any particular basin, and where the investigations of the State Engineer have shown the necessity for the supervision over the waters of that basin, the State Engineer may employ a well supervisor and other necessary assistants, who shall execute the duties as provided in this chapter under the direction of the State Engineer. The salaries of the well supervisor and [the] assistants [of the well supervisor] must be fixed by the State Engineer. The well supervisor and assistants are exempt from the provisions of chapter 284 of NRS.~~

~~2. The board of county commissioners shall levy a special assessment annually, or at such time as the assessment is needed, upon all taxable property situated within the confines of the area designated by the State Engineer to come under the provisions of this chapter in an amount as is necessary to pay those salaries, together with necessary expenses, including the compensation and other expenses of the Well Drillers' Advisory Board if the money available from the license fees provided for in NRS 534.140 is not sufficient to pay those costs. The assessments may be also used to pay for any services required in the area designated by the State Engineer to come under the provisions of this chapter, including, without limitation, the implementation of a groundwater management plan and oversight of an area of active management or an area designated as a critical management area by the State Engineer. In designated areas within which the use of groundwater is predominantly for agricultural purposes the levy must be charged against each water user who has a permit to appropriate water or a perfected water right, and the charge against each water user must be based~~

~~upon the proportion which his or her water right bears to the aggregate water rights in the designated area. The minimum charge is \$1.~~

~~3. The salaries and expenses may be paid by the State Engineer from the Water Distribution Revolving Account pending the levy and collection of the assessment as provided in this section.~~

~~4. The proper officers of the county shall levy and collect the special assessment as other special assessments are levied and collected, and the assessment is a lien upon the property.~~

~~5. The assessment provided for, when collected, must be deposited with the State Treasurer for credit to the Water District Account to be accounted for in basin well accounts.~~

~~6. Upon determination and certification by the State Engineer of the amount to be budgeted for the current or ensuing fiscal year for the purpose of paying the per diem and travel allowances of the groundwater board and employing consultants or other help needed to fulfill its responsibilities, the State Controller shall transfer that amount to a separate operating account for that fiscal year for the groundwater basin. Claims against the account must be approved by the groundwater board and paid as other claims against the State are paid. The State Engineer may use money in a particular basin well account to support an activity outside the basin in which the money is collected if the activity bears a direct relationship to the responsibilities or activities of the State Engineer regarding the particular groundwater basin.]~~  
(Deleted by amendment.)

*Sec. 76.5. NRS 534.070 is hereby amended to read as follows:*

534.070 1. No person controlling ~~[an artesian]~~ a well in any basin in Nevada shall suffer the waters therefrom to flow to waste, unless, and as far as reasonably necessary in the judgment of the State Engineer, to prevent the obstruction thereof, or to flow or be taken therefrom except for beneficial purposes.

2. The owner of any ~~[artesian]~~ well from which water is being unnecessarily wasted shall be guilty of a misdemeanor.

*Sec. 77. NRS 534.090 is hereby amended to read as follows:*

534.090 1. Except as otherwise provided in this section, failure for 5 successive years after April 15, 1967, on the part of the holder of any right, whether it is an adjudicated right, an unadjudicated right or a right for which a certificate has been issued pursuant to NRS 533.425, and further whether the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which the right is acquired or claimed, works a forfeiture of both undetermined rights and determined rights to the use of that water to the extent of the nonuse. If the records of the State Engineer or any other documents specified by the State Engineer indicate at least 4 consecutive years, but less than 5 consecutive years, of nonuse of all or any part of a water right which is governed by this chapter, the State Engineer shall notify the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or

certified mail that the owner has 1 year after the date of the notice in which to use the water right beneficially and to provide proof of such use to the State Engineer or apply for relief pursuant to subsection 2 to avoid forfeiting the water right. If, after 1 year after the date of the notice, proof of resumption of beneficial use is not filed in the Office of the State Engineer, the State Engineer shall, unless the State Engineer has granted a request to extend the time necessary to work a forfeiture of the water right, declare the right forfeited. ~~[within 30 days.]~~ Upon the forfeiture of a right to the use of groundwater, the water reverts to the public and is available for further appropriation, subject to existing rights. If, upon notice by registered or certified mail to the owner of record whose right has been declared forfeited, the owner of record fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the forfeiture becomes final. The failure to receive a notice pursuant to this subsection does not nullify the forfeiture or extend the time necessary to work the forfeiture of a water right.

2. The State Engineer may, upon the request of the holder of any right described in subsection 1, extend the time necessary to work a forfeiture under that subsection if the request is made before the expiration of the time necessary to work a forfeiture. The State Engineer may grant, upon request and for good cause shown, any number of extensions, but [a] any single [an] extension must not [to] exceed 1 year. [from the expiration of the time otherwise necessary to work a forfeiture.] In determining whether to grant or deny a request, the State Engineer shall, among other reasons, consider:

(a) Whether the holder has shown good cause for the holder's failure to use all or any part of the water beneficially for the purpose for which the holder's right is acquired or claimed;

(b) The unavailability of water to put to a beneficial use which is beyond the control of the holder;

(c) Any economic conditions or natural disasters which made the holder unable to put the water to that use;

(d) Any prolonged period in which precipitation in the basin where the water right is located is below the average for that basin or in which indexes that measure soil moisture show that a deficit in soil moisture has occurred in that basin;

(e) Whether a groundwater management plan has been approved for the basin pursuant to NRS 534.037; and

(f) Whether the holder has demonstrated efficient ways of using the water for agricultural purposes, such as center-pivot irrigation.

➡ The State Engineer shall notify, by registered or certified mail, the owner of the water right, as determined in the records of the Office of the State Engineer, of whether the State Engineer has granted or denied the holder's request for an extension pursuant to this subsection. If the State Engineer grants an extension pursuant to this subsection and, before the expiration of that extension, proof of resumption of beneficial use or another request for an

extension is not filed in the Office of the State Engineer, the State Engineer shall declare the water right forfeited ~~[within 30 days]~~ after the expiration of the extension granted pursuant to this subsection.

3. If the failure to use the water pursuant to subsection 1 is because of the use of center-pivot irrigation before July 1, 1983, and such use could result in a forfeiture of a portion of a right, the State Engineer shall, by registered or certified mail, send to the owner of record a notice of intent to declare a forfeiture. The notice must provide that the owner has at least 1 year after the date of the notice to use the water beneficially or apply for additional relief pursuant to subsection 2 before forfeiture of the owner's right is declared by the State Engineer.

4. A right to use underground water whether it is vested or otherwise may be lost by abandonment. If the State Engineer, in investigating a groundwater source, upon which there has been a prior right, for the purpose of acting upon an application to appropriate water from the same source, is of the belief from his or her examination that an abandonment has taken place, the State Engineer shall so state in the ruling approving the application. If, upon notice by registered or certified mail to the owner of record who had the prior right, the owner of record of the prior right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the alleged abandonment declaration as set forth by the State Engineer becomes final.

Sec. 78. NRS 534.120 is hereby amended to read as follows:

534.120 1. Within an area that has been designated by the State Engineer, as provided for in this chapter, where, in the judgment of the State Engineer, the groundwater basin is being depleted, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

2. In the interest of public welfare, the State Engineer is authorized and directed to designate preferred uses of water within the respective areas so designated by the State Engineer and from which the groundwater is being depleted, and in acting on applications to appropriate groundwater, the State Engineer may designate such preferred uses in different categories with respect to the particular areas involved within the following limits:

(a) Domestic, municipal, quasi-municipal, industrial, irrigation, mining and stock-watering uses; and

(b) Any uses for which a county, city, town, public water district or public water company furnishes the water.

3. Except as otherwise provided in subsection 5, the State Engineer may:

(a) Issue ~~[temporary]~~ *revocable* permits to appropriate groundwater which can be limited as to time and which may, except as limited by subsection 4, be revoked if and when water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

(b) Deny applications to appropriate groundwater for any use in areas served by such an entity.

(c) Limit the depth of domestic wells.

(d) Prohibit the drilling of wells for domestic use, as defined in NRS 534.013, in areas where water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

(e) In connection with the approval of a parcel map in which any parcel is proposed to be served by a domestic well, require the dedication to a city or county or a designee of a city or county, or require a relinquishment to the State Engineer, of any right to appropriate water required by the State Engineer to ensure a sufficient supply of water for each of those parcels, unless the dedication of the right to appropriate water is required by a local ordinance.

4. The State Engineer may revoke a ~~{temporary}~~ *revocable* permit issued pursuant to subsection 3 for residential use, and require a person to whom groundwater was appropriated pursuant to the permit to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

(a) The distance from the property line of any parcel served by a well pursuant to a ~~{temporary}~~ *revocable* permit to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and

(b) The well providing water pursuant to the ~~{temporary}~~ *revocable* permit needs to be redrilled or have repairs made which require the use of a well-drilling rig.

5. The State Engineer may ~~[, in an area in which have been issued temporary permits pursuant to subsection 3,]~~ limit the depth of a domestic well ~~[pursuant to paragraph (c) of subsection 3]~~ or prohibit repairs from being made to a well, and may require the person proposing to deepen or repair the well to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

(a) The distance from the property line of any parcel served by the well to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 ~~11,000~~ feet; and

(b) The deepening or repair of the well would require the use of a well-drilling rig.

6. For good and sufficient reasons, the State Engineer may exempt the provisions of this section with respect to public housing authorities.

7. *If a user of a domestic well is furnished water by an entity such as a water district or a municipality,* ~~if~~

~~(a) The water from the domestic well must not be used for the watering of a family garden or lawn or the watering of livestock or any domestic animals or household pets; and~~

~~(b) The~~, *the domestic well must be plugged pursuant to the provisions of any applicable regulations adopted by the State Engineer.*

8. The provisions of this section do not prohibit the State Engineer from revoking a ~~{temporary}~~ *revocable* permit issued pursuant to this section if any parcel served by a well pursuant to the ~~{temporary}~~ *revocable* permit is currently obtaining water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the area.

Sec. 79. NRS 534.125 is hereby amended to read as follows:

534.125 If the State Engineer issues a ~~{temporary}~~ *revocable* permit pursuant to NRS 534.120 or if a well for domestic use is drilled in an area in which the State Engineer has issued such a ~~{temporary}~~ *revocable* permit, the State Engineer shall file a notice with the county recorder of the county in which the permit is issued or the well is drilled. The notice must include a statement indicating that, if and when water can be furnished by an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area:

1. A ~~{temporary}~~ *revocable* permit may be revoked;
2. The owner of a domestic well may be prohibited from deepening or repairing the well; and
3. The owner of the property served by the well may be required to connect to this water source at his or her own expense.

Sec. 80. NRS 534.130 is hereby amended to read as follows:

534.130 The State Engineer, or the assistants or authorized agents of the State Engineer, ~~{and the Artesian Well Supervisor, or the assistants of the Artesian Well Supervisor, shall have the right to}~~ *may enter the {premises} land of any owner or proprietor where any well mentioned in this chapter is situated or where water is being used at any reasonable hour of the day for the purpose of investigating and carrying out {their} the duties {in the administration} of the State Engineer pursuant to this chapter.*

Sec. 81. NRS 534.140 is hereby amended to read as follows:

534.140 1. Every well driller, before engaging in the physical drilling of a well in this State for development of water, must annually apply to the State Engineer for a license to drill.

2. The applications for those licenses and all licenses issued for the drilling of wells must be in the form prescribed by the State Engineer.

3. All well-drilling licenses expire on June 30 following their issuance and are not transferable.

4. A fee of ~~{ \$100 }~~ *\$120* must accompany each application for a license and a fee of ~~{ \$50 }~~ *\$60* must be paid each year for renewal of the license.

5. Those license fees must be accounted for in the State Engineer's Water License Account and used to pay costs pertaining to licensing, the adoption and enforcement of regulations for well drilling and the compensation of the members of the Well Drillers' Advisory Board and their expenses.

6. The State Engineer, after consulting with the Well Drillers' Advisory Board, shall adopt regulations relating to continuing education for well drillers.

7. The State Engineer shall prepare and keep on file in the Office of the State Engineer regulations for well drilling.

8. Before engaging in the physical drilling of a well in this State for the development of water, every well driller who is the owner of a well-drilling rig, or who has a well-drilling rig under lease or rental, or who has a contract to purchase a well-drilling rig, must obtain a license as a well driller from the State Contractors' Board.

Sec. 82. NRS 534.180 is hereby amended to read as follows:

534.180 1. Except as otherwise provided in subsection 2 and as to the furnishing of any information required by the State Engineer, this chapter does not apply in the matter of obtaining permits for the development and use of underground water from a well for domestic purposes where the draught does not exceed 2 acre-feet per year.

2. The State Engineer may designate any groundwater basin or portion thereof as a basin in which the registration of a well is required if the well is drilled for the development and use of underground water for domestic purposes. A driller who drills such a well shall register the information required by the State Engineer within 10 days after the completion of the well. The State Engineer shall make available forms for the registration of such wells and shall maintain a register of those wells.

3. The State Engineer may require the plugging of ~~[such]~~ a *domestic* well ~~[which is drilled on or after July 1, 1981,]~~ at any time not sooner than 1 year after water can be furnished to the site by:

- (a) A political subdivision of this State; or
- (b) A public utility whose rates and service are regulated by the Public Utilities Commission of Nevada. ~~[~~  
~~→ but only if the charge for making the connection to the service is less than \$200.]~~

4. If the development and use of underground water from a well for an accessory dwelling unit of a single-family dwelling, as defined in an applicable local ordinance, qualifies as a domestic use or domestic purpose:

- (a) The owner of the well shall:
  - (1) Obtain approval for that use or purpose from the local governing body or planning commission in whose jurisdiction the well is located;
  - (2) Install a water meter capable of measuring the total withdrawal of water from the well; and
  - (3) Ensure the total withdrawal of water from the well does not exceed 2 acre-feet per year;
- (b) The local governing body or planning commission shall report the approval of the accessory dwelling unit on a form provided by the State Engineer;



(c) The State Engineer shall monitor the annual withdrawal of water from the well; and

(d) The date of priority for the use of the domestic well to supply water to the accessory dwelling unit is the date of approval of the accessory dwelling unit by the local governing body or planning commission.

Sec. 83. ~~[NRS 534.193 is hereby amended to read as follows:~~

~~534.193 1. Except as otherwise provided in NRS 534.280, 534.310 and 534.330 and in addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of this chapter or any permit, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120 to:~~

~~— (a) Pay an administrative fine not to exceed \$10,000 per day for each violation as determined by the State Engineer.~~

~~— (b) In the case of [an unlawful waste of water in violation of NRS 534.070 or] any [other] violation of this chapter that, as determined by the State Engineer, results in an unlawful use, waste or diversion of water, replace not more than 200 percent of the water used, wasted or diverted.~~

~~2. In determining violations of this chapter relating to the unauthorized use of water yielded from a well that is used pursuant to a permit issued by the State Engineer and that has 16 or fewer connections, the State Engineer has the burden of proving which user is withdrawing water in excess of the portion of water allotted to the connection of that user. The State Engineer may require any or all users of the well to install and maintain, at their own expense, a meter that measures the amount of water withdrawn from the well by each connection.~~

~~3. If an administrative fine is imposed against a person pursuant to subsection 1 or the person is ordered to replace any water pursuant to that subsection, the State Engineer may require the person to pay the costs of the proceeding, including investigative costs and attorney's fees.~~

~~4. An order imposing an administrative fine or requiring the replacement of water or payment of costs or fees pursuant to this section may be reviewed by a district court pursuant to NRS 533.450. (Deleted by amendment.)~~

Sec. 84. ~~[NRS 536.115 is hereby amended to read as follows:~~

~~536.115 1. In a county whose population is less than 100,000, the State Engineer shall, upon request of the owner of a ditch or a local governmental entity in whose jurisdiction a ditch is located, investigate a complaint involving a possible violation of the provisions of NRS 536.120 which involves the ditch if the ditch is located:~~

~~— (a) Within the boundaries of an adjudicated [stream system] source of surface water or groundwater for which the State Engineer has appointed an engineer to work in a supervisory capacity pursuant to NRS 533.275; and~~

~~— (b) Outside the boundaries of an irrigation district organized pursuant to chapter 539 of NRS.~~

~~2. For any complaint investigated pursuant to subsection 1, the State Engineer shall:~~

~~(a) Prepare a report concerning the investigation, including, without limitation, the condition of the ditch; and~~

~~(b) Make the report available to the person or local governmental entity that requested the investigation.~~

~~3. A person or local governmental entity that obtains a report pursuant to subsection 2 may submit a copy of the report with any report of a violation of the provisions of NRS 536.120 that is reported to a law enforcement agency.~~

~~4. As used in this section, "source of surface water or groundwater" has the meaning ascribed to it in section 3 of this act.] (Deleted by amendment.)~~

Sec. 85. NRS 538.171 is hereby amended to read as follows:

538.171 1. The Commission shall receive, protect and safeguard and hold in trust for the State of Nevada all water and water rights, and all other rights, interests or benefits in and to the waters described in NRS 538.041 to 538.251, inclusive, and to the power generated thereon, held by or which may accrue to the State of Nevada under and by virtue of any Act of the Congress of the United States or any agreements, compacts or treaties to which the State of Nevada may become a party, or otherwise.

2. Except as otherwise provided in this subsection, applications for the original appropriation of such waters, or to change the ~~{place}~~ point of diversion, manner of use or place of use of water covered by the original appropriation, must be made to the Commission in accordance with the regulations of the Commission. In considering such an application, the Commission shall use the criteria set forth in subsection 3 of NRS 533.370. The Commission's action on the application constitutes the recommendation of the State of Nevada to the United States for the purposes of any federal action on the matter required by law. The provisions of this subsection do not apply to supplemental water.

3. The Commission shall furnish to the State Engineer a copy of all agreements entered into by the Commission concerning the original appropriation and use of such waters. It shall also furnish to the State Engineer any other information it possesses relating to the use of water from the Colorado River which the State Engineer deems necessary to allow the State Engineer to act on applications for permits for the subsequent appropriation of these waters after they fall within the State Engineer's jurisdiction.

4. Notwithstanding any provision of chapter 533 of NRS, any original appropriation and use of the waters described in subsection 1 by the Commission or by any entity to whom or with whom the Commission has contracted the water is not subject to regulation by the State Engineer.

5. Any use of water from the Muddy River or the Virgin River for the creation of any developed shortage supply or intentionally created surplus does not require the submission of an application to the State Engineer to

change the ~~[place]~~ point of diversion, manner of use or place of use. As used in this subsection:

(a) "Developed shortage supply" has the meaning ascribed to it in NRS 533.030.

(b) "Intentionally created surplus" has the meaning ascribed to it in NRS 533.030.

Sec. 86. Chapter 540 of NRS is hereby amended by adding thereto the provisions set forth as sections 87 and 88 of this act.

Sec. 87. 1. *In addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of this chapter or any order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120 to pay an administrative fine not to exceed \$10,000 per day for each violation as determined by the State Engineer.*

2. *If an administrative fine is imposed against a person pursuant to subsection 1, the State Engineer may require the person to pay the costs of the proceeding, including investigative costs and attorney's fees.*

3. *An order imposing an administrative fine or payment of costs pursuant to this section may be reviewed by a district court pursuant to NRS 533.450.*

Sec. 88. 1. *The State Engineer may seek injunctive relief in any court of competent jurisdiction to prevent the continuance or occurrence of any act or practice which violates any provision of this chapter, or any order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120.*

2. *On a showing by the State Engineer that a person is engaged, or is about to engage, in any act or practice which violates or will violate any provision of this chapter, or any order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120, the court may issue, without a bond, any prohibitory or mandatory injunction that the facts may warrant, including a temporary restraining order issued ex parte or, after notice and hearing, a preliminary or permanent injunction.*

3. *The failure to establish the lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.*

4. *The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.*

5. *Any proceeding conducted or injunction or order issued pursuant to this section is in addition to, and not in lieu of, any other penalty or remedy available for a violation of this chapter.*

Sec. 89. NRS 540.141 is hereby amended to read as follows:

540.141 1. A plan or joint plan of water conservation submitted to the Section for review must include provisions relating to:

(a) Methods of public education to:

(1) Increase public awareness of the limited supply of water in this State and the need to conserve water.

(2) Encourage reduction in the size of lawns and encourage the use of plants that are adapted to arid and semiarid climates.

(b) Specific conservation measures required to meet the needs of the service area, including, but not limited to, any conservation measures required by law.

(c) The management of water to:

(1) Identify and reduce leakage in water supplies, inaccuracies in water meters and high pressure in water supplies; and

(2) Where applicable, increase the reuse of effluent.

(d) A contingency plan for drought conditions that ensures a supply of potable water.

(e) A schedule for carrying out the plan or joint plan.

~~{(f)}~~ 2. *In addition to the requirements of subsection 1, a plan or joint plan of water conservation submitted by a supplier of water providing service for 500 or more connections must include provisions relating to ~~f-~~*

~~*(a) Measures*~~ measures to evaluate the effectiveness of the plan or joint plan.

~~{(g)}~~ ~~*(b) For each conservation measure specified in the plan or joint plan, an estimate of the amount of water that will be conserved each year as a result of the adoption of the plan or joint plan, stated in terms of gallons of water per person per day.*~~

~~{2.}~~ 3. A plan or joint plan submitted for review must be accompanied by an analysis of:

(a) The feasibility of charging variable rates for the use of water to encourage the conservation of water.

(b) How the rates that are proposed to be charged for the use of water in the plan or joint plan will maximize water conservation, including, without limitation, an estimate of the manner in which the rates will affect consumption of water.

~~{3.}~~ 4. The Section shall review any plan or joint plan submitted to it within 30 days after its submission and approve the plan if it is based on the climate and living conditions of the service area and complies with the requirements of this section.

~~{4.}~~ 5. The Chief may exempt wholesale water purveyors from the provisions of this section which do not reasonably apply to wholesale supply.

~~{5.}~~ 6. To the extent practicable, the State Engineer shall provide on the Internet website of the State Engineer a link to the plans and joint plans that are submitted for review. In carrying out the provisions of this subsection, the State Engineer is not responsible for ensuring, and is not liable for failing to ensure, that the plans and joint plans which are provided on the Internet website are accurate and current.

Sec. 90. NRS 111.167 is hereby amended to read as follows:

111.167 Unless the deed conveying land specifically provides otherwise, all:

1. Applications and permits to appropriate any of the public waters;
  2. Certificates of appropriation;
  3. Adjudicated or unadjudicated water rights; and
  4. Applications or permits to change the ~~[place]~~ *point* of diversion, manner of use or place of use of water,
- ➔ which are appurtenant to the land are presumed to be conveyed with the land.

Sec. 91. NRS 533.100, 533.105, 533.110, 533.120, 533.155, 533.250, 533.260, 533.265 and 534.070 are hereby repealed.

Sec. 92. This act becomes effective on July 1, 2015.

#### LEADLINES OF REPEALED SECTIONS

533.100 Investigation of flow of stream and ditches by State Engineer; preparation of surveys and maps.

533.105 Use of data compiled by United States Geological Survey or other persons; remission of proportionate cost of preparation.

533.110 Notice of commencement of taking of proofs as to rights; time for filing; publication and mailing of notice.

533.120 Statements to be certified under oath; no fee for administering or furnishing blank form.

533.155 Daily deposit by each party.

533.250 Admissibility of maps, plats, surveys and evidence on file in office of State Engineer; notice by State Engineer of intention to consider evidence and submission of findings to court.

533.260 Regulations of State Engineer requiring blueprints from claimants to be attached to proofs.

533.265 State Engineer to issue certificates upon final determination of relative rights; contents of certificates; exceptions.

534.070 Waste of water from artesian well unlawful.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

This is a long bill that I worked on with about 25-30 interested parties in addition to the staff of the Division of Water Resources. Several sections that we could not reach agreement on were deleted. Some of the other changes proposed by the amendment are: revises the type of map that must be filed with a proof of appropriation in the Office of the State Engineer to reflect current practices; requires the State Engineer, unless the claimants waive certain time limitations, to set a time and place for a hearing on objections to a preliminary order of determination regarding the claimants of water rights not less than 120 days after the date of the preliminary order to allow sufficient time for the claimants to prepare; imposes a fee of \$410 for filing proof of beneficial use and increases the fee for issuing and recording a certificate upon approval of the proof of beneficial use from \$350 to \$410; and amends certain language that triggers a requirement for the State Engineer to conduct an inventory of the basin from which the water is to be exported before approving an application, or a group of applications, for certain inter basin transfers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 70.

Bill read second time.

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

Amendment No. 108.

SUMMARY—Revises provisions governing meetings of public bodies. (BDR 19-155)

AN ACT relating to public bodies; making various changes relating to meetings of public bodies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law only applies to meetings of a quorum of the members of certain public bodies. (NRS 241.016) "Quorum" is defined in existing law as "a simple majority of the constituent membership of a public body or another proportion established by law." Section 2 of this bill deletes the extraneous word "constituent" from this definition, thereby clarifying that a quorum consists of a simple majority of the members of the public body unless a different number is prescribed in law.

The Open Meeting Law specifies a certain number of working days by which a public body is mandated to comply with certain requirements with respect to its meetings, such as providing notice of its meetings and making available minutes or audio recordings of its meetings. (NRS 241.020, 241.033-241.035) Section 2 defines "working day" for purposes of these requirements as every day of the week except Saturday, Sunday and legal holidays prescribed in existing law. Therefore, if an agency has a 4-day workweek and is closed on Fridays, for example, Friday would nevertheless count as a working day for that agency for purposes of the requirements of the Open Meeting Law unless a particular Friday is a legal holiday.

Under existing law, any provision of law which provides that a meeting, hearing or other proceeding is not subject to the Open Meeting Law or otherwise authorizes or requires a closed meeting, hearing or proceeding prevails over the general provisions of the Open Meeting Law. (NRS 241.016) Section 3 of this bill lists examples of other such provisions of law that prevail over the general provisions of the Open Meeting Law.

Under existing law, if a public body will consider whether to take administrative action against a person during a public meeting, the agenda for the meeting is required to include the name of the person against whom the public body may take administrative action. (NRS 241.020) Section 4 of this bill broadens this requirement for agendas to apply to other types of administrative action that a public body may take that are not adverse to a person, such as, for example, appointment of the person to a position.

The Open Meeting Law sets forth the minimum public notice required for meetings of public bodies subject to the Open Meeting Law. (NRS 241.020) Section 4 of this bill requires such a public body to ~~certify~~ document in writing ~~on a form prescribed by the Attorney General,~~ its compliance with

the ~~requirements~~ requirement for minimum public notice to post a copy of the public notice at required locations for each of its meetings.

Under the Open Meeting Law, a member of a public body is prohibited from designating a person to attend a meeting of the public body in the place of the member unless the designation is expressly authorized by the legal authority pursuant to which the public body was created. (NRS 241.025) Section 5 of this bill extends this prohibition to the public body itself, thereby prohibiting a public body from designating a person to attend a meeting of the public body in the place of a member of the public body without specific legal authority.

Under the Open Meeting Law, a public body is required to keep written minutes of each of its meetings. (NRS 241.035) Section 6 of this bill requires a public body to approve the minutes of a meeting of the public body within 45 days after the meeting or at the next meeting of the public body, whichever occurs later, unless good cause ~~for delay~~ is shown.

With certain exceptions, the Attorney General is required under existing law to investigate and prosecute violations of the Open Meeting Law. (NRS 241.039) Section 7 of this bill authorizes the filing of a complaint alleging a violation of the Open Meeting Law with the Office of the Attorney General. Section 7 also makes ~~such a complaint a public record but makes any other record, document or~~ all documents and other information obtained by the Attorney General during compiled as a result of an investigation of a violation of the Open Meeting Law confidential until the investigation is closed, ~~+~~ except: (1) the complaint; (2) findings of fact and conclusions of law made by the Attorney General relating to the complaint; and (3) any document or information compiled as a result of the investigation that may be requested for inspection or copying from a governmental entity other than the Office of the Attorney General.

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

Section 1. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,

228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 598.0964, 598A.110, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any



person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 2. NRS 241.015 is hereby amended to read as follows:

241.015 As used in this chapter, unless the context otherwise requires:

1. "Action" means:

(a) A decision made by a majority of the members present, whether in person or by means of electronic communication, during a meeting of a public body;

(b) A commitment or promise made by a majority of the members present, whether in person or by means of electronic communication, during a meeting of a public body;

(c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the members present, whether in person or by means of electronic communication, during a meeting of the public body; or

(d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

2. "Deliberate" means collectively to examine, weigh and reflect upon the reasons for or against the action. The term includes, without limitation,

the collective discussion or exchange of facts preliminary to the ultimate decision.

3. "Meeting"

(a) Except as otherwise provided in paragraph (b), means:

(1) The gathering of members of a public body at which a quorum is present, whether in person or by means of electronic communication, to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) Any series of gatherings of members of a public body at which:

(I) Less than a quorum is present, whether in person or by means of electronic communication, at any individual gathering;

(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and

(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) Does not include a gathering or series of gatherings of members of a public body, as described in paragraph (a), at which a quorum is actually or collectively present, whether in person or by means of electronic communication:

(1) Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

4. Except as otherwise provided in NRS 241.016, "public body" means:

(a) Any administrative, advisory, executive or legislative body of the State or a local government consisting of at least two persons which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes an educational foundation as defined in subsection 3 of NRS 388.750 and a university foundation as defined in subsection 3 of NRS 396.405, if the administrative, advisory, executive or legislative body is created by:

(1) The Constitution of this State;

(2) Any statute of this State;

(3) A city charter and any city ordinance which has been filed or recorded as required by the applicable law;

(4) The Nevada Administrative Code;

(5) A resolution or other formal designation by such a body created by a statute of this State or an ordinance of a local government;

(6) An executive order issued by the Governor; or

(7) A resolution or an action by the governing body of a political subdivision of this State;

(b) Any board, commission or committee consisting of at least two persons appointed by:

(1) The Governor or a public officer who is under the direction of the Governor, if the board, commission or committee has at least two members who are not employees of the Executive Department of the State Government;

(2) An entity in the Executive Department of the State Government consisting of members appointed by the Governor, if the board, commission or committee otherwise meets the definition of a public body pursuant to this subsection; or

(3) A public officer who is under the direction of an agency or other entity in the Executive Department of the State Government consisting of members appointed by the Governor, if the board, commission or committee has at least two members who are not employed by the public officer or entity; and

(c) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201.

5. "Quorum" means a simple majority of the ~~constituent~~ membership of a public body or another proportion established by law.

6. *"Working day" means every day of the week except Saturday, Sunday and any day declared to be a legal holiday pursuant to NRS 236.015.*

Sec. 3. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, *including, without limitation, NRS 91.270, 239C.140, 281A.350, 281A.440, 281A.550, 284.3629, 286.150, 287.0415, 288.220, 289.387, 295.121, 360.247, 385.555, 386.585, 392.147, 392.467, 392.656, 392A.105, 394.1699, 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311, 630.336, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725*, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↪ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 4. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

- (a) The time, place and location of the meeting.
- (b) A list of the locations where the notice has been posted.
- (c) The name and contact information for the person designated by the public body from whom a member of the public may request the supporting material for the meeting described in subsection ~~4~~ 6 and a list of the locations where the supporting material is available to the public.

(d) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item or, if the item is placed on the agenda pursuant to NRS 241.0365, by placing the term "for possible corrective action" next to the appropriate item.

(3) Periods devoted to comments by the general public, if any, and discussion of those comments. Comments by the general public must be taken:

(I) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or

(II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

↪ The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). Regardless of whether a public body

takes comments from the general public pursuant to sub-subparagraph (I) or (II), the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action ~~against~~ regarding a person, the name of ~~the~~ that person. ~~[against whom administrative action may be taken.]~~

(6) Notification that:

(I) Items on the agenda may be taken out of order;

(II) The public body may combine two or more agenda items for consideration; and

(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting;

(b) Posting the notice on the official website of the State pursuant to NRS 232.2175 not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State; and

(c) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by

electronic mail sent not later than 9 a.m. of the third working day before the meeting.

~~4.1~~ 4. For each of its meetings, a public body shall ~~certify~~ document in writing ~~on a form prescribed by the Attorney General~~ that the public body complied with the minimum public notice required by ~~this~~ paragraph (a) of subsection ~~for the meeting~~.

~~4.1~~ 3. The documentation must be prepared by every person who posted a copy of the public notice and include, without limitation:

(a) The date and time when the person posted the copy of the public notice;

(b) The address of the location where the person posted the copy of the public notice; and

(c) The name, title and signature of the person who posted the copy of the notice.

5. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

~~5.1~~ 6. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection ~~6 or 7,~~ 7 or 8, as applicable, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➤ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

~~6.1~~ 7. A copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection ~~5.1~~ 6 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➔ If the requester has agreed to receive the information and material set forth in subsection ~~{5.}~~ 6 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

~~{7.}~~ 8. The governing body of a county or city whose population is 45,000 or more shall post the supporting material described in paragraph (c) of subsection ~~{5.}~~ 6 to its website not later than the time the material is provided to the members of the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting. Such posting is supplemental to the right of the public to request the supporting material pursuant to subsection ~~{5.}~~ 6. The inability of the governing body, as a result of technical problems with its website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.

~~{8.}~~ 9. A public body may provide the public notice, information or supporting material required by this section by electronic mail. Except as otherwise provided in this subsection, if a public body makes such notice, information or supporting material available by electronic mail, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept receipt by electronic mail. If a public body is required to post the public notice, information or supporting material on its website pursuant to this section, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept by electronic mail a link to the posting on the website when the documents are made available. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or supporting material or a link to a website required by this section to a person who has agreed to receive such notice, information, supporting material or link by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

~~{9.}~~ 10. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

Sec. 5. NRS 241.025 is hereby amended to read as follows:

241.025 1. ~~[A member of a public body may not designate a person to attend a meeting of the public body in the place of the member unless such]~~

Unless the designation is expressly authorized by the legal authority pursuant to which ~~the~~ a public body was created ~~[ ]~~ :

(a) The public body may not designate a person to attend a meeting of the public body in the place of a member of the public body; and

(b) A member of the public body may not designate a person to attend a meeting of the public body in his or her place.

2. Any ~~[such]~~ authorized designation must be made in writing or made on the record at a meeting of the public body.

~~[2.]~~ 3. A person who is designated ~~[pursuant to subsection 1:]~~ to attend a meeting of a public body in the place of a member of the public body:

(a) Shall be deemed to be a member of the public body for the purposes of determining a quorum at the meeting; and

(b) Is entitled to exercise the same powers as the regular members of the public body at the meeting.

Sec. 6. NRS 241.035 is hereby amended to read as follows:

241.035 1. Each public body shall keep written minutes of each of its meetings, including:

(a) The date, time and place of the meeting.

(b) Those members of the public body who were present, whether in person or by means of electronic communication, and those who were absent.

(c) The substance of all matters proposed, discussed or decided and, at the request of any member, a record of each member's vote on any matter decided by vote.

(d) The substance of remarks made by any member of the general public who addresses the public body if the member of the general public requests that the minutes reflect those remarks or, if the member of the general public has prepared written remarks, a copy of the prepared remarks if the member of the general public submits a copy for inclusion.

(e) Any other information which any member of the public body requests to be included or reflected in the minutes.

→ ~~[4.]~~ Unless good cause is shown, a public body shall approve the minutes of a meeting within 45 days after the meeting or at the next meeting of the public body, unless good cause for delay is shown, whichever occurs later.

2. Minutes of public meetings are public records. Minutes or ~~[audiotape recordings]~~ an audio recording of ~~[the meetings]~~ a meeting made in accordance with subsection 4 must be made available for inspection by the public ~~[, and a]~~ within 30 working days after adjournment of the meeting. A copy of the minutes or audio ~~[recordings]~~ recording must be made available to a member of the public upon request at no charge. ~~[, within 30 working days after the adjournment of the meeting at which taken.]~~ The minutes shall be deemed to have permanent value and must be retained by the public body for at least 5 years. Thereafter, the minutes may be transferred for archival preservation in accordance with NRS 239.080 to 239.125, inclusive. Minutes of meetings closed pursuant to:



(a) Paragraph (a) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters discussed no longer require confidentiality and the person whose character, conduct, competence or health was considered has consented to their disclosure. That person is entitled to a copy of the minutes upon request whether or not they become public records.

(b) Paragraph (b) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters discussed no longer require confidentiality.

(c) Paragraph (c) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters considered no longer require confidentiality and the person who appealed the results of the examination has consented to their disclosure, except that the public body shall remove from the minutes any references to the real name of the person who appealed the results of the examination. That person is entitled to a copy of the minutes upon request whether or not they become public records.

3. All or part of any meeting of a public body may be recorded on audiotape or any other means of sound or video reproduction by a member of the general public if it is a public meeting so long as this in no way interferes with the conduct of the meeting.

4. Except as otherwise provided in subsection 7, a public body shall, for each of its meetings, whether public or closed, record the meeting on audiotape or another means of sound reproduction or cause the meeting to be transcribed by a court reporter who is certified pursuant to chapter 656 of NRS. If a public body makes an audio recording of a meeting or causes a meeting to be transcribed pursuant to this subsection, the audio recording or transcript:

(a) Must be retained by the public body for at least 1 year after the adjournment of the meeting at which it was recorded or transcribed;

(b) Except as otherwise provided in this section, is a public record and must be made available for inspection by the public during the time the recording or transcript is retained; and

(c) Must be made available to the Attorney General upon request.

5. The requirement set forth in subsection 2 that a public body make available a copy of the minutes or audio recording of a meeting to a member of the public upon request at no charge does not:

(a) Prohibit a court reporter who is certified pursuant to chapter 656 of NRS from charging a fee to the public body for any services relating to the transcription of a meeting; or

(b) Require a court reporter who transcribes a meeting to provide a copy of any transcript, minutes or audio recording of the meeting prepared by the court reporter to a member of the public at no charge.

6. Except as otherwise provided in subsection 7, any portion of a public meeting which is closed must also be recorded or transcribed and the recording or transcript must be retained and made available for inspection

pursuant to the provisions of subsection 2 relating to records of closed meetings. Any recording or transcript made pursuant to this subsection must be made available to the Attorney General upon request.

7. If a public body makes a good faith effort to comply with the provisions of subsections 4 and 6 but is prevented from doing so because of factors beyond the public body's reasonable control, including, without limitation, a power outage, a mechanical failure or other unforeseen event, such failure does not constitute a violation of the provisions of this chapter.

Sec. 7. NRS 241.039 is hereby amended to read as follows:

241.039 1. *A complaint that alleges a violation of this chapter may be filed with the Office of the Attorney General.*

2. Except as otherwise provided in NRS 241.0365, the Attorney General shall investigate and prosecute any violation of this chapter.

~~{2.} 3. Except as otherwise provided in ~~[this]~~ subsection 6 and NRS 239.0115, ~~any record, document or other information obtained by the Attorney General during~~ all documents and other information compiled as a result of an investigation conducted pursuant to subsection 2 ~~is~~ are confidential until the investigation is closed. ~~[A complaint filed pursuant to subsection 1 is a public record.]~~~~

4. In any investigation conducted pursuant to subsection ~~{1.}~~ 2, the Attorney General may issue subpoenas for the production of any relevant documents, records or materials.

~~{3.}~~ 5. A person who willfully fails or refuses to comply with a subpoena issued pursuant to this section is guilty of a misdemeanor.

6. The following are public records:

(a) A complaint filed pursuant to subsection 1.

(b) Every finding of fact or conclusion of law made by the Attorney General relating to a complaint filed pursuant to subsection 1.

(c) Any document or information compiled as a result of an investigation conducted pursuant to subsection 2 that may be requested pursuant to NRS 239.0107 from a governmental entity other than the Office of the Attorney General.

Sec. 8. This act becomes effective upon passage and approval.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

The amendment requires a public body to include on its agenda the name of a person who may be the subject of any type of administrative action by the public body, including administrative actions that are not adverse to a person, such as, for example, appointment of the person to a position; deletes the requirement that a public body must document on a specific form prescribed by the Attorney General its compliance with the minimum public notice requirements as long as the documentation of the public body includes certain information; increases the amount of time for a public body to approve the minutes of a meeting; and clarifies certain documents obtained by the Attorney General during an investigation of an alleged violation of the Open Meeting Law are confidential until the investigation is closed, unless the information is obtainable from another source.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 110.

Bill read second time.

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

Amendment No. 113.

SUMMARY—Revises provisions governing the disposal of abandoned recreational vehicles. (BDR 43-609)

AN ACT relating to vehicles; authorizing a person to apply for ~~a letter of abandonment for an~~ title to an abandoned recreational vehicle in certain circumstances; providing that a person who owns or occupies private property on which a recreational vehicle has been abandoned has a lien on the recreational vehicle; requiring a municipal solid waste landfill to accept a recreational vehicle for disposal under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~sets forth the procedure for disposal of an abandoned vehicle. (NRS 487.205-487.300) Section~~ provides that certain persons who store, maintain, keep, repair or furnish facilities or services for certain vehicles have a lien on such a vehicle. After providing notice to the owner of a vehicle on which such a lien is held, the vehicle may be sold to satisfy the lien. Any proceeds from such a sale in excess of those necessary to satisfy the lien must be returned to the owner of the vehicle. (NRS 108.270-108.367) Section 1.4 of this bill provides that a person who owns or occupies private property on which a recreational vehicle is abandoned has a lien on the recreational vehicle. Sections 1 and 1.2 of this bill ~~authorizes an owner or occupant of private property who discovers an abandoned recreational vehicle on the property to apply for a letter of abandonment for the recreational vehicle. Section 1 also sets~~ set forth ~~the~~ a procedure ~~for obtaining a letter of abandonment for~~ by which a person may obtain title to a recreational vehicle ~~discovered~~ abandoned on private property ~~and after attempting to provide notice to the owner.~~

Existing law sets forth the procedure for disposal of an abandoned vehicle. (NRS 487.205-487.300) Section 2 of this bill requires a municipal solid waste landfill to accept a recreational vehicle for disposal if: (1) the person disposing of the recreational vehicle pays any applicable fee and provides the title to the recreational vehicle which indicates that he or she is the owner of the vehicle ; ~~for has obtained a letter of abandonment from the Department of Motor Vehicles;~~ and (2) accepting the recreational vehicle for disposal does not violate any applicable federal or state law concerning the operation of the municipal solid waste landfill.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who holds a lien on an abandoned recreational vehicle pursuant to NRS 108.270 may apply to the Department for title to the abandoned recreational vehicle upon the expiration of:

(a) Thirty days after the date on which the owner or occupant of the property where the abandoned recreational vehicle is located mails the registered or certified letter pursuant to paragraph (a) of subsection 1 of section 1.2 of this act, if such a letter is required; or

(b) Thirty days after the date of publication of the notice required by paragraph (b) of subsection 1 of section 1.2 of this act,  
↪ whichever is later.

2. An application for title to an abandoned recreational vehicle must contain:

(a) A completed application form prescribed by the Department;

(b) Proof that the letter required by paragraph (a) of subsection 1 of section 1.2 of this act was mailed at least 30 days before the submission of the application or, if no letter was sent, a detailed explanation of the steps taken to identify an owner of the abandoned recreational vehicle;

(c) Proof that notice was printed in a newspaper as required by paragraph (b) of subsection 1 of section 1.2 of this act at least 30 days before the submission of the application;

(d) A clear and accurate photograph of the abandoned recreational vehicle; and

(e) The serial number, vehicle identification number, registration number or any other identifying information relating to the abandoned recreational vehicle.

3. The Department may charge and collect a fee for issuing a certificate of title pursuant to this section, which must not exceed the actual cost to the Department of issuing the certificate of title.

4. Upon receipt of the materials and information required in subsection 2 and any fees required pursuant to subsection 3, the Department shall enter the application upon the records of its office and issue the certificate of title for the abandoned recreational vehicle.

5. A person to whom a certificate of title is issued pursuant to this section is not required to provide consideration for the recreational vehicle to the owner of the recreational vehicle.

6. The Department may adopt any regulations necessary to carry out the provisions of this section.

~~[Section 1.]~~ Sec. 1.2. Chapter ~~[487]~~ 108 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. In addition to the procedure for disposing of an abandoned vehicle set forth in NRS 487.205 to 487.300, inclusive, if a recreational vehicle is abandoned on private property and is discovered by the owner or occupant of the property, the person who discovers the recreational vehicle may apply~~

~~for a letter of abandonment for the recreational vehicle. The issuance of a letter of abandonment pursuant to this section divests any other person of any interest in the abandoned recreational vehicle.~~

~~2. Before applying for a letter of abandonment, the~~ An owner or occupant of the private property where the an abandoned recreational vehicle is located who claims a lien on the abandoned recreational vehicle shall:

(a) If the abandoned recreational vehicle has a serial number, vehicle identification number, registration number or other means of identifying any owner of the abandoned recreational vehicle, obtain the last known address of the owner and ~~notify~~ provide the owner with notice of the lien by registered or certified letter to the last known address of the owner. ~~that, if ownership is not claimed and the abandoned recreational vehicle is not removed within 30 days, the owner or occupant of the property where the abandoned recreational vehicle is located will apply for a letter of abandonment.~~ The owner or occupant of the property where the abandoned recreational vehicle is located is not required to send a registered or certified letter if an owner cannot be located or if an address for an owner cannot be ascertained.

(b) Place a notice of the lien in a newspaper of general circulation published in the county in which the abandoned recreational vehicle is located. ~~f, describing~~

2. The notice of the lien must contain:

(a) An itemized statement of the claim, showing the sum due at the time of the notice and the date when it became due.

(b) A description of the abandoned recreational vehicle and the location where the abandoned recreational vehicle was discovered and providing the serial number, vehicle identification number, registration number or any other identifying information relating to the abandoned recreational vehicle. ~~The owner or occupant of the property where the abandoned recreational vehicle is located shall state in the notice~~

(c) A demand that the amount of the claim as stated in the notice, and of any further claim as may accrue, must be paid on or before a date mentioned.

(d) A statement that, if ownership is not claimed and the abandoned recreational vehicle is not removed within 30 days after the publication date of the newspaper, the owner or occupant of the property where the abandoned recreational vehicle is located will advertise the recreational vehicle for sale and sell the recreational vehicle by auction at a specified time and place or apply for ~~a letter of abandonment.~~ title to the recreational vehicle as prescribed in section 1 of this act.

3. An owner or occupant of the property where the abandoned recreational vehicle is located may apply to the Department for a letter of abandonment upon the expiration of

~~— (a) Thirty days after the date on which the owner or occupant of the property where the abandoned recreational vehicle is located mails the registered or certified letter pursuant to paragraph (a) of subsection 2, if such a letter is required; or~~

~~— (b) Thirty days after the date of publication of the notice required by paragraph (b) of subsection 2;~~

~~— whichever is later.~~

~~1. An application for a letter of abandonment for an abandoned recreational vehicle must contain:~~

~~— (a) A completed application form prescribed by the Department;~~

~~— (b) Proof that the letter required by paragraph (a) of subsection 2 was mailed at least 30 days before the submission of the application or a detailed explanation of the unsuccessful steps taken to identify all owners of the abandoned recreational vehicle;~~

~~— (c) Proof that a notice was printed in a newspaper as required by paragraph (b) of subsection 2 at least 30 days before the submission of the application;~~

~~— (d) A clear and accurate photograph of the abandoned recreational vehicle; and~~

~~— (e) The serial number, vehicle identification number or registration number, if any, of the abandoned recreational vehicle.~~

~~5. The Department may charge and collect a fee for issuing a letter of abandonment pursuant to this section, which must not exceed the actual cost to the Department of issuing the letter of abandonment.~~

~~6. Upon receipt of the materials and information required in subsection 4 and any fees required pursuant to subsection 5, the Department shall enter the application upon the records of its office and issue to the applicant a letter of abandonment for the abandoned recreational vehicle.~~

~~7. As used in this section, "recreational vehicle" has the meaning ascribed to it in NRS 482.101.] The owner or occupant of the private property where the abandoned recreational vehicle is located shall determine a day for the purposes of the demand in paragraph (c) of subsection 2. The day mentioned must be:~~

~~— (a) Not less than 30 days after delivery of the letter pursuant to paragraph (a) of subsection 1, if any; and~~

~~— (b) Not less than 30 days after publication of the notice pursuant to paragraph (b) of subsection 1.~~

~~4. As used in this section, "private property" has the meaning ascribed to it in NRS 108.270.~~

Sec. 1.3. NRS 108.270 is hereby amended to read as follows:

108.270 Subject to the provisions of NRS 108.315:

1. A person engaged in the business of:

(a) Buying or selling automobiles;

(b) Keeping a garage or place for the storage, maintenance, keeping or repair of motor vehicles, motorcycles, motor equipment, trailers, mobile homes or manufactured homes, including the operator of a salvage pool; or

(c) Keeping a mobile home park, mobile home lot or other land for rental of spaces for trailers, mobile homes or manufactured homes,

➔ and who in connection therewith stores, maintains, keeps or repairs any motor vehicle, motorcycle, motor equipment, trailer, mobile home or manufactured home, or furnishes accessories, facilities, services or supplies therefor, at the request or with the consent of the owner or the owner's representatives, or at the direction of any peace officer or other authorized person who orders the towing or storage of any vehicle through any action permitted by law, has a lien upon the motor vehicle, motorcycle, motor equipment, trailer, mobile home or manufactured home or any part or parts thereof for the sum due for the towing, storing, maintaining, keeping or repairing of the motor vehicle, motorcycle, motor equipment, trailer, mobile home or manufactured home or for labor furnished thereon, or for furnishing accessories, facilities, services or supplies therefor, and for all costs incurred in enforcing such a lien.

2. Subject to the provisions of NRS 108.315, a person engaged in the business of keeping a recreational vehicle park who, at the request or with the consent of the owner of a recreational vehicle or the owner's representative, furnishes facilities or services in the recreational vehicle park for the recreational vehicle, has a lien upon the recreational vehicle for the amount of rent due for furnishing those facilities and services, and for all costs incurred in enforcing such a lien.

3. A person who at the request of the legal owner performed labor on, furnished materials or supplies or provided storage for any aircraft, aircraft equipment or aircraft parts is entitled to a lien for such services, materials or supplies and for the costs incurred in enforcing the lien.

4. A person who owns or occupies private property on which a recreational vehicle is abandoned has a lien upon the recreational vehicle for the amount of rent due for the use of the private property to store the recreational vehicle and for the costs incurred in enforcing the lien.

5. Any person who is entitled to a lien as provided in subsections 1 ~~[, 2 and 3]~~ to 4, inclusive, may, without process of law, detain the motor vehicle, motorcycle, motor equipment, trailer, recreational vehicle, mobile home, manufactured home, aircraft, aircraft equipment or aircraft parts at any time it is lawfully in the person's possession until the sum due is paid.

6. As used in this section, "private property" means any property not owned by a governmental entity or devoted to public use.

Sec. 1.4. NRS 108.272 is hereby amended to read as follows:

108.272 1. Except as otherwise provided in subsection 2, ~~and~~ section 1.2 of this act, the notice of a lien must be given by delivery in person or by registered or certified letter addressed to the last known place of business or abode of:

- (a) The legal owner and registered owner of the property.
- (b) Each person who holds a security interest in the property.
- (c) If the lien is on a mobile home or manufactured home, each person who is listed in the records of the Manufactured Housing Division of the Department of Business and Industry as holding an ownership or other interest in the home.

➡ If no address is known, the notice must be addressed to that person at the place where the lien claimant has his or her place of business.

2. Any person who claims a lien on aircraft, aircraft equipment or parts shall:

- (a) Within 120 days after the person furnishes supplies or services; or
- (b) Within 7 days after the person receives an order to release the property,

➡ whichever time is less, serve the legal owner by mailing a copy of the notice of the lien to the owner's last known address, or if no address is known, by leaving a copy with the clerk of the court in the county where the notice is filed.

3. ~~The~~ Except as otherwise provided in section 1.2 of this act, the notice must contain:

- (a) An itemized statement of the claim, showing the sum due at the time of the notice and the date when it became due.
- (b) A brief description of the motor vehicle, airplane, motorcycle, motor or airplane equipment, trailer, recreational vehicle, mobile home or manufactured home against which the lien exists.
- (c) A demand that the amount of the claim as stated in the notice, and of any further claim as may accrue, must be paid on or before a day mentioned.
- (d) A statement that unless the claim is paid within the time specified the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, trailer, recreational vehicle, mobile home or manufactured home will be advertised for sale, and sold by auction at a specified time and place.

4. The lienholder shall determine a day for the purposes of the demand in paragraph (c) of subsection 3. The day mentioned must be:

- (a) Not less than 10 days after the delivery of the notice if it is personally delivered; or
- (b) Not less than 10 days after the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail.

Sec. 1.5. NRS 108.290 is hereby amended to read as follows:

108.290 1. If property that is the subject of a lien which is acquired as provided in NRS 108.270 to 108.367, inclusive, and section 1.2 of this act is the subject of a secured transaction in accordance with the laws of this State, the lien:

- (a) In the case of a lien acquired pursuant to NRS 108.315, is a first lien.
- (b) In the case of a lien on a motor vehicle for charges for towing, storing and any related administrative fees:
  - (1) For the first 30 days of the lien:



- (I) If the amount of the lien does not exceed \$1,000, is a first lien.
- (II) If the amount of the lien exceeds \$1,000, is a second lien.
- (2) After the first 30 days of the lien:
  - (I) If the amount of the lien does not exceed \$2,500, is a first lien.
  - (II) If the amount of the lien exceeds \$2,500, is a second lien.
- (c) In all other cases, if the amount of the lien:
  - (1) Does not exceed \$1,000, is a first lien.
  - (2) Exceeds \$1,000, is a second lien.
- 2. The lien of a landlord may not exceed \$2,500 or the total amount due and unpaid for rentals and utilities, whichever is less.

*Sec. 1.6. NRS 108.310 is hereby amended to read as follows:*

108.310 Subject to the provisions of NRS 108.315, and section 1.2 of this act, the lien created in NRS 108.270 to 108.367, inclusive, may be satisfied as follows:

1. The lien claimant shall give written notice to the person on whose account the storing, maintaining, keeping, repairing, labor, fuel, supplies, facilities, services or accessories were made, done or given, and to any other person known to have or to claim an interest in the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home, upon which the lien is asserted, and to the:

(a) Manufactured Housing Division of the Department of Business and Industry with regard to mobile homes, manufactured homes and commercial coaches as defined in chapter 489 of NRS; or

(b) Department of Motor Vehicles with regard to all other items included in this section.

2. In accordance with the terms of a notice so given, a sale by auction may be held to satisfy any valid claim which has become a lien on the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home. The sale must be held in the place where the lien was acquired or, if that place is manifestly unsuitable for the purpose, at the nearest suitable place.

3. After the time for the payment of the claim specified in the notice has elapsed, an advertisement of the sale, describing the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home to be sold, and stating the name of the owner or person on whose account it is held, and the time and place of the sale, must be published once a week for 3 consecutive weeks in a newspaper published in the place where the sale is to be held, but if no newspaper is published in that place, then in a newspaper published in this State that has a general circulation in that place. The sale must not be held less than 22 days after the time of the first publication.

4. From the proceeds of the sale the lien claimant who furnished the services, labor, fuel, accessories, facilities or supplies shall satisfy the lien, including the reasonable charges of notice, advertisement and sale. The

balance, if any, of the proceeds must be delivered, on demand, to the person to whom the lien claimant would have been bound to deliver, or justified in delivering, the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home.

*Sec. 1.7. NRS 108.320 is hereby amended to read as follows:*

108.320 At any time before the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home is so sold ~~or~~ or before a certificate of title to an abandoned recreational vehicle is issued pursuant to section 1 of this act, any person claiming a right of property or possession therein may pay the lien claimant the amount necessary to satisfy the lien claimant's lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The lien claimant shall deliver the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home to the person making the payment if the person is entitled to the possession of the property on payment of the charges thereon.

*Sec. 1.8. NRS 108.330 is hereby amended to read as follows:*

108.330 The remedy for enforcing the lien provided in NRS 108.270 to 108.367, inclusive, and section 1.2 of this act does not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the lienholder's claim as is not paid by the proceeds of the sale of the property.

*Sec. 1.9. NRS 108.350 is hereby amended to read as follows:*

108.350 Nothing contained in NRS 108.270 to 108.367, inclusive, and section 1.2 of this act precludes:

1. The owner of any motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home; or

2. Any other person having an interest or equity in the property,   
 ➔ from contesting the validity of the lien. All legal rights and remedies otherwise available to the person are reserved to and retained, except that, after a sale has been made to an innocent third party, the lien claimant is solely responsible for loss or damage occasioned the owner, or any other person having an interest or equity in the property, by reason of the invalidity of the lien, or by reason of failure of the lien claimant to proceed in the manner provided in those sections.

*Sec. 2. Chapter 444 of NRS is hereby amended by adding thereto a new section to read as follows:*

*A municipal solid waste landfill shall accept a recreational vehicle for disposal if:*

1. *The person disposing of the recreational vehicle pays any applicable fee and provides ~~for~~*

~~(a) The title to the recreational vehicle, indicating that he or she is the owner. [-] or~~

~~(b) A letter of abandonment issued by the Department of Motor Vehicles pursuant to section 1 of this act; and~~

2. Accepting the recreational vehicle for disposal does not violate any applicable federal or state law or regulation relating to the operation of the municipal solid waste landfill.

Sec. 3. NRS 444.450 is hereby amended to read as follows:

444.450 As used in NRS 444.440 to 444.620, inclusive, *and section 2 of this act*, unless the context otherwise requires, the words and terms defined in NRS 444.460 to 444.501, inclusive, have the meanings ascribed to them in those sections.

Sec. 4. NRS 444.580 is hereby amended to read as follows:

444.580 *Except as otherwise provided in section 2 of this act:*

1. Any district board of health created pursuant to NRS 439.362 or 439.370 and any governing body of a municipality may adopt standards and regulations for the location, design, construction, operation and maintenance of solid waste disposal sites and solid waste management systems or any part thereof more restrictive than those adopted by the State Environmental Commission, and any district board of health may issue permits thereunder.

2. Any district board of health created pursuant to NRS 439.362 or 439.370 may adopt such other regulations as are necessary to carry out the provisions of NRS 444.440 to 444.620, inclusive ~~[-]~~, *and section 2 of this act*. Such regulations must not conflict with regulations adopted by the State Environmental Commission.

Sec. 5. This act becomes effective on July 1, 2015.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 113 to Senate Bill No. 110 replaces the previous provisions of the measure and provides: that a person who owns or occupies private property on which a recreational vehicle is abandoned has a lien on the recreational vehicle; a procedure by which a person may obtain title to a recreational vehicle abandoned on private property after attempting to notice the owner. The requirement for such a notification is specified.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 114.

Bill read second time.

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

Amendment No. 76.

SUMMARY—Makes changes relating to prescriptions for certain controlled substances. (BDR 40-239)

AN ACT relating to controlled substances; ~~requiring~~ allowing certain law enforcement officers to access the database of the computerized program to track prescriptions of controlled substances developed by the State Board of

Pharmacy and the Investigation Division of the Department of Public Safety ~~[to include certain information; authorizing access to such information]~~ for certain purposes; providing immunity from liability to certain persons and governmental entities for certain actions relating to the collection, transmission and maintenance of information included in the database in certain circumstances; requiring the Board, ~~and~~ the Division ~~[to use such information for certain purposes;]~~ or a law enforcement agency to notify a person of any unauthorized access to the information in the database; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to cooperatively develop a computerized program to track prescriptions for certain controlled substances that are filled by a pharmacy or dispensed by a practitioner that is registered with the Board. This program is required to be designed to provide certain information concerning the use of controlled substances, including data relating to the use of controlled substances that is not specific to a particular patient. The Board and Division use the program to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances and are required to report such activity to the appropriate law enforcement agency or occupational licensing board. (NRS 453.1545) ~~[This]~~ Section 1 of this bill ~~[expands the information that this computerized system is required to be designed to provide to also include data relating to the prescribing of controlled substances that is specific to a particular patient. This bill also requires the Board and the Division to monitor the prescription activity of prescribing practitioners for certain controlled substances and notify a practitioner if he or she has written a certain comparatively high number of such prescriptions. Finally, this bill authorizes access to information concerning particular patients to: (1) the Board and the Division for the purpose of such monitoring; and (2) a practitioner who has received such notice from the Board for the purpose of confirming the accuracy of information contained in the notice.]~~ requires the Board to allow a law enforcement officer to have Internet access to the database of the program if the employer of the officer approves and submits certification to the Board that the officer meets certain requirements. The officer is limited to accessing the database to investigate a crime related to prescription drugs. The employer is required to monitor the use of the database by the office, and establish appropriate disciplinary action for any misuse by an officer. Existing law makes it a misdemeanor to violate certain provisions relating to controlled substances. (NRS 453.552) That penalty would also apply to a violation of section 1. Section 2 of this bill requires the Board, the Division or a law enforcement agency to notify any person whose information has been intentionally accessed by an improper person or for an improper purpose.

Existing law provides that any practitioner who is authorized to write prescriptions and any person who is authorized to dispense controlled substances who acts with reasonable care when transmitting information to the Board or Division for inclusion in the database is immune from civil and criminal liability relating to such transmission. (NRS 453.1545) Section 2 instead provides that such persons are immune from such liability if they make a good faith effort to comply with applicable law. Section 2 also provides that the Board and Division and employees thereof are immune from criminal and civil liability concerning the collection, transmission and maintenance of information for purposes relating to the database if a good faith effort is made to comply with applicable law.

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

Section 1. Chapter 453 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, the Board shall allow a law enforcement officer to have Internet access to the database of the computerized program developed pursuant to NRS 453.1545 if:

(a) The primary responsibility of the law enforcement officer is to conduct investigations of crimes relating to prescription drugs;

(b) The law enforcement officer has been approved by his or her employer to have such access;

(c) The law enforcement officer has completed the course of training developed pursuant to subsection 7 of NRS 453.1545; and

(d) The employer of the law enforcement officer has submitted the certification required pursuant to subsection 2 to the Board.

2. Before a law enforcement officer may be given access to the database pursuant to subsection 1, the employer of the officer must certify to the Board that the law enforcement officer has been approved to be given such access and meets the requirements of subsection 1. Such certification must be made on a form provided by the Board and renewed annually.

3. When a law enforcement officer accesses the database of the computerized program pursuant to this section, the officer must enter a unique user name assigned to the officer and the case number corresponding to the investigation being conducted by the officer.

4. A law enforcement officer who is given access to the database of the computerized program pursuant to subsection 1 may access the database to investigate a crime related to prescription drugs and for no other purpose.

5. The employer of a law enforcement officer who is provided access to the database of the computerized program pursuant to this section shall monitor the use of the database by the law enforcement officer and establish appropriate disciplinary action to take against an officer who violates the provisions of this section.

6. The Board or the Division may suspend or terminate access to the database of the computerized program pursuant to this section if a law

enforcement officer or his or her employer violates any provision of this section.

7. As used in this section, "law enforcement officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

~~[Section 1.]~~ Sec. 2. NRS 453.1545 is hereby amended to read as follows:

453.1545 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III and IV to pharmacies, practitioners and appropriate state and local governmental agencies, including, without limitation, law enforcement agencies and occupational licensing boards, to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient ~~;~~ and

~~(3) Data relating to the prescribing of those controlled substances that is specific to a particular patient, access to which must be restricted to persons who are authorized to access such information for the purposes set forth in subsections 3, 4 and 5.~~

(b) Be administered by the Board, the Investigation Division, the Division of Public and Behavioral Health of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Investigation Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

(d) Include the contact information of each person who elects to access the database of the program pursuant to subsection 2, including, without limitation:

(1) The name of the person;

(2) The physical address of the person;

(3) The telephone number of the person; and

(4) If the person maintains an electronic mail address, the electronic mail address of the person.

2. The Board shall provide Internet access to the database of the program established pursuant to subsection 1 to each practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV who:

(a) Elects to access the database of the program; and

(b) Completes the course of instruction described in subsection 7. ~~#9.~~

3. ~~f4~~ ~~A practitioner who is provided Internet access to the database of the program pursuant to subsection 2 must, for the purposes of complying with the provisions of subsection 5, be provided access to information specific to the prescriptions for controlled substances listed in schedule II, III or IV written by the practitioner, including, without limitation, the name of each patient for whom the practitioner has written such a prescription and, for each such patient:~~

- ~~—(a) The date on which the prescription was written by the practitioner;~~
- ~~—(b) The name, dosage and amount of the controlled substance prescribed by the practitioner; and~~
- ~~—(c) The number of refills authorized and filled for the controlled substance.~~

~~4.f~~ The Board and the Division must have access to the program established pursuant to subsection 1 to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

~~4.f5. The Board and the Division shall access the program established pursuant to subsection 1 to monitor the prescription activity of practitioners authorized to write prescriptions for controlled substances listed in schedule II, III or IV, and to tabulate and compare the number of such prescriptions written monthly by each practitioner in a particular medical specialty or other category established by the Board for this purpose. When the number of such prescriptions written in a month by any practitioner exceeds the monthly average of 95 percent of the other practitioners in that specialty or category, the Board shall notify the practitioner in writing and via electronic mail, if available. Within 10 days after receiving such notice from the Board, the practitioner shall:~~

- ~~—(a) Review the information described in subsection 3 to determine the accuracy of the information; and~~
- ~~—(b) Submit a written report to the Board, on a form approved by the Board, of the accuracy of the information or identifying any inaccuracies in the information.~~

~~6.f~~ The Board or the Division shall report any activity it reasonably suspects may be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board with the relevant information obtained from the program for further investigation.

5. ~~f7.f~~ The Board and the Division may cooperatively enter into a written agreement with an agency of any other state to provide, receive or exchange information obtained by the program with a program established in that state which is substantially similar to the program established pursuant to subsection 1, including, without limitation, providing such state access to the database of the program or transmitting information to and receiving information from such state. Any information provided, received or exchanged as part of an agreement made pursuant to this section may only be used in accordance with the provisions of this chapter.

6. ~~8.~~ Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section and NRS 239.0115, must not be disclosed to any person. That information must be disclosed:

(a) Upon the request of a person about whom the information requested concerns or upon the request on behalf of that person by his or her attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

7. ~~9.~~ The Board and the Division shall cooperatively develop a course of training for persons who elect to access the database of the program pursuant to subsection 2 and require each such person to complete the course of training before the person is provided with Internet access to the database pursuant to subsection 2.

8. ~~10.~~ A practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV who ~~acts with reasonable care~~ *makes a good faith effort to comply with applicable laws and regulations* when transmitting to the Board or the Division a report or information required by this section or a regulation adopted pursuant thereto is immune from civil and criminal liability relating to such action.

9. ~~11.~~ *The Board, the Division and each employee thereof are immune from civil and criminal liability for any action relating to the collection, maintenance and transmission of information pursuant to this section if a good faith effort is made to comply with applicable laws and regulations.*

10. The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

11. *If the Board, the Division or a law enforcement agency determines that the database of the program has been intentionally accessed by a person or for a purpose not authorized pursuant to this section or section 1 of this act, the Board, Division or law enforcement agency, as applicable, must notify any person whose information was accessed by an unauthorized person or for an unauthorized purpose.*

Sec. 3. NRS 453.552 is hereby amended to read as follows:

453.552 1. Any penalty imposed for violation of NRS 453.011 to 453.551, inclusive, and section 1 of this act is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

2. Any violation of the provisions of NRS 453.011 to 453.551, inclusive, and section 1 of this act where no other penalty is specifically provided, is a misdemeanor.

Senator Hardy moved the adoption of the amendment.

Remarks by Senators Hardy and Denis.



SENATOR HARDY:

Amendment No. 76 to Senate Bill No. 114 replaces the current provisions of the measure with the following provisions. The amendment first requires the State Board of Pharmacy to allow a law enforcement officer to have Internet access to the database of the program if the employer of the officer approves and submits certification to the Board that the officer meets certain requirements. The officer is limited to accessing the database to investigate a crime related to prescription drugs. The employer is required to monitor the use of the database by the office and establish appropriate disciplinary action for any misuse by an officer.

It specifies that a violation of the requirement for accessing the system by law enforcement may be subject to a misdemeanor, which is similar to violating certain provisions relating to controlled substances.

Next, it requires the Board, the Division or a law enforcement agency to notify any person whose information has been intentionally accessed by an improper person or for an improper purpose.

It specifies that practitioners authorized to write prescriptions and dispense controlled substances are immune from civil and criminal liability only if they make a good faith effort to comply with applicable laws and regulations.

It further specifies that the State Board of Pharmacy or the Investigation Division and employees thereof are immune from criminal and civil liability concerning the collection, transmission and maintenance of information for purposes relating to the database if a good faith effort is made to comply with applicable law.

SENATOR DENIS:

This bill will allow, if they have an active investigation, the ability to go in and search the database, but they cannot go out fishing for stuff.

SENATOR HARDY:

Yes, you are absolutely right. You cannot fish.

Amendment adopted.

The following amendment was proposed by Senator Hardy:

Amendment No. 164.

SUMMARY—Makes changes relating to prescriptions for certain controlled substances. (BDR 40-239)

AN ACT relating to controlled substances; requiring the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to provide access to the computerized program to track prescriptions of controlled substances developed by the [State] Board [of Pharmacy] and the [Investigation] Division [of the Department of Public Safety to include certain information; authorizing access to such information for] to certain [purposes;] occupational licensing boards; requiring the Board and the Division to [use such] provide information [for certain purposes;] concerning the inappropriate use of a controlled substance by a patient to the occupational licensing board of a practitioner who prescribes the controlled substance to the patient; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to cooperatively develop a computerized program to track prescriptions for certain controlled substances that are filled by a pharmacy or dispensed by a practitioner that is registered

with the Board. This program is required to be designed to provide certain information concerning the use of controlled substances, including data relating to the use of controlled substances that is not specific to a particular patient. The Board and Division use the program to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances and are required to report such activity to the appropriate law enforcement agency or occupational licensing board. (NRS 453.1545) This bill ~~expands the information that this computerized system is required to be designed to provide to also include data relating to the prescribing of controlled substances that is specific to a particular patient. This bill also requires the Board and the Division to monitor the prescription activity of prescribing practitioners for certain controlled substances and notify a practitioner if he or she has written a certain comparatively high number of such prescriptions. Finally, this bill authorizes access to information concerning particular patients to: (1) the Board and the Division for the purpose of such monitoring; and (2) a practitioner who has received such notice from the Board for the purpose of confirming the accuracy of information contained in the notice.]~~ requires the Board and the Division to report to the occupational licensing board of a practitioner who prescribes a controlled substance to a patient any activity that may indicate that the patient is using the controlled substance inappropriately. This bill also requires the Board and the Division to give access to the database of the program to the occupational licensing boards of practitioners for the purpose of investigating such inappropriate use, if the occupational licensing board determines that an investigation is warranted.

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

Section 1. NRS 453.1545 is hereby amended to read as follows:

453.1545 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III and IV to pharmacies, practitioners and appropriate state agencies and occupational licensing boards to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient ~~;~~ and

~~(3) Data relating to the prescribing of those controlled substances that is specific to a particular patient, access to which must be restricted to persons who are authorized to access such information for the purposes set forth in subsections 3, 4 and 5.]~~

(b) Be administered by the Board, the Investigation Division, the Division of Public and Behavioral Health of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Investigation Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

(d) Include the contact information of each person who elects to access the database of the program pursuant to subsection 2, including, without limitation:

- (1) The name of the person;
- (2) The physical address of the person;
- (3) The telephone number of the person; and

(4) If the person maintains an electronic mail address, the electronic mail address of the person.

2. The Board shall provide Internet access to the database of the program established pursuant to subsection 1 to : ~~each~~

~~(a) Each~~ practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV who:

~~(a)~~ (1) Elects to access the database of the program; and

~~(b)~~ (2) Completes the course of instruction described in subsection 7 ~~(9)~~

~~(b) An occupational licensing board that licenses any practitioner who is authorized to write prescriptions for controlled substances listed in schedule II, III or IV.~~

3. ~~A practitioner who is provided Internet access to the database of the program pursuant to subsection 2 must, for the purposes of complying with the provisions of subsection 5, be provided access to information specific to the prescriptions for controlled substances listed in schedule II, III or IV written by the practitioner, including, without limitation, the name of each patient for whom the practitioner has written such a prescription and, for each such patient:~~

~~(a) The date on which the prescription was written by the practitioner;~~

~~(b) The name, dosage and amount of the controlled substance prescribed by the practitioner; and~~

~~(c) The number of refills authorized and filled for the controlled substance.~~

~~4.~~ The Board and the Division must have access to the program established pursuant to subsection 1 to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

~~5. The Board and the Division shall access the program established pursuant to subsection 1 to monitor the prescription activity of practitioners authorized to write prescriptions for controlled substances listed in schedule II, III or IV, and to tabulate and compare the number of such prescriptions~~

~~written monthly by each practitioner in a particular medical specialty or other category established by the Board for this purpose. When the number of such prescriptions written in a month by any practitioner exceeds the monthly average of 95 percent of the other practitioners in that specialty or category, the Board shall notify the practitioner in writing and via electronic mail, if available. Within 10 days after receiving such notice from the Board, the practitioner shall:~~

~~—(a) Review the information described in subsection 3 to determine the accuracy of the information; and~~

~~—(b) Submit a written report to the Board, on a form approved by the Board, of the accuracy of the information or identifying any inaccuracies in the information.~~

~~6.7~~ The Board or the Division shall report any activity it reasonably suspects may ~~be~~ :

(a) Be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board with the relevant information obtained from the program for further investigation.

(b) Indicate the inappropriate use by a patient of a controlled substance to the occupational licensing board of each practitioner who has prescribed the controlled substance to the patient. The occupational licensing board may access the database of the program established pursuant to subsection 1 to determine which practitioners are prescribing the controlled substance to the patient. The occupational licensing board may use this information for any purpose it deems necessary, including, without limitation, alerting a practitioner that a patient may be fraudulently obtaining a controlled substance or determining whether a practitioner is engaged in unlawful or unprofessional conduct. This paragraph shall not be construed to require an occupational licensing board to conduct an investigation or take any action against a practitioner upon receiving information from the Board or the Division.

5. ~~7.7~~ The Board and the Division may cooperatively enter into a written agreement with an agency of any other state to provide, receive or exchange information obtained by the program with a program established in that state which is substantially similar to the program established pursuant to subsection 1, including, without limitation, providing such state access to the database of the program or transmitting information to and receiving information from such state. Any information provided, received or exchanged as part of an agreement made pursuant to this section may only be used in accordance with the provisions of this chapter.

6. ~~8.7~~ Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section and NRS 239.0115, must not be disclosed to any person. That information must be disclosed:

(a) Upon the request of a person about whom the information requested concerns or upon the request on behalf of that person by his or her attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

7. ~~10.1~~ The Board and the Division shall cooperatively develop a course of training for persons who elect to access the database of the program pursuant to subsection 2 and require each such person to complete the course of training before the person is provided with Internet access to the database pursuant to subsection 2.

8. ~~10.1~~ A practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV who acts with reasonable care when transmitting to the Board or the Division a report or information required by this section or a regulation adopted pursuant thereto is immune from civil and criminal liability relating to such action.

9. ~~11.1~~ The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

Senator Hardy moved the adoption of the amendment.

Remarks by Senators Hardy, Kieckhefer and Denis.

SENATOR HARDY:

Amendment No. 164 to Senate Bill No. 114 requires the State Board of Pharmacy and the Investigation Division to: 1) report to the occupational licensing board of a practitioner who prescribes a controlled substance to a patient any activity that may indicate that the patient is using the controlled substance inappropriately; and 2) provide access to the prescription drug monitoring program database to the occupational licensing board of practitioners for the purpose of investigating such inappropriate use, if the occupational licensing board determines that an investigation is warranted.

SENATOR KIECKHEFER:

Does this substantively change anything in the bill as amended by Amendment No. 76 that we just adopted?

SENATOR HARDY:

It envelops all of it into one.

SENATOR DENIS:

Since this is similar to the other one, I have the same question. Does this allow them to go fishing?

SENATOR HARDY:

No fishing allowed.

SENATOR DENIS:

Because they have access to it, will they also be required to do the training and the other things that are required of those who prescribe?

SENATOR HARDY:

A sheriff's office might have specific people who are designated to look at certain crimes. Those people who are designated to look at certain crimes will be the ones who are allowed, and no one else, so they will be specifically identified. If they are not specifically identified, and they go fishing or even look at a specific crime, they are guilty of a misdemeanor. This allows the

Pharmacy Board to find out if there is a patient who looks like they are using more than the normal course of a patient. This would allow the Pharmacy Board to then notify the Board of Medicine, the Board of Osteopathic Medicine, the Physician Assistant or the APRN. Those people can then see if they need to investigate other than just notifying the primary-care provider that there may be a problem in which the primary-care provider could say to him or herself there may be a problem and a person is using too much. There is not an investigation triggered, necessarily, until there is something identified. There is no fishing allowed.

SENATOR DENIS:

You mentioned the Pharmacy Board in that description. Would they be the ones to report to one of these other people if they think there is a problem?

SENATOR HARDY:

That is correct, with the caveat that if there is a crime being investigated, the specific people identified by the Sheriff's Department would have access to the database.

Senator Kieckhefer moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 3:44 p.m.

#### SENATE IN SESSION

At 3:45 p.m.

President Hutchison presiding.

Quorum present.

Senator Hardy moved that the bill be taken from its position on the Second Reading File and placed at the bottom of the Second Reading File.

Motion carried.

Senate Bill No. 125.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 264.

SUMMARY—Makes various changes related to recruiting, retaining, stabilizing and expanding regional commercial air service in this State. (BDR 18-610)

AN ACT relating to economic development; creating the Nevada Air Service Development Commission; setting forth the duties of the Commission; creating the Nevada Air Service Development Fund; requiring the Commission to administer the Fund; establishing the criteria for awarding grants to certain ~~airports~~ air carriers from the Fund; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Constitution contains a provision commonly known as a "gift clause" which restricts the State, under certain circumstances, from donating or loaning the State's money or credit to any company, association or corporation, except corporations formed for educational or charitable

purposes. (Nev. Const. Art. 8, § 9) The State does not donate, loan or "gift" its money in violation of this constitutional provision when the State dispenses state funds for a public purpose and the State receives a valuable benefit or fair consideration in exchange for the dispensation of such funds. (Lawrence v. Clark County, 127 Nev. Adv. Op. 32, 254 P.3d 606, 616 (2011)) In most cases, the courts generally will give great weight and due deference to the Legislature's finding that a particular dispensation of state funds serves a public purpose and the State receives a valuable benefit or fair consideration in exchange for the dispensation. (Washoe County Water Conserv. Dist. v. Beemer, 56 Nev. 104, 115 (1935); Cauble v. Beemer, 64 Nev. 77, 82-85 (1947); McLaughlin v. Hous. Auth. of Las Vegas, 68 Nev. 84, 93 (1951); State ex rel. Brennan v. Bowman, 89 Nev. 330, 332-33 (1973); Lawrence v. Clark County, 127 Nev. Adv. Op. 32, 254 P.3d 606, 612 (2011))

Sections 2-10 of this bill create the: (1) Nevada Air Service Development Commission, which consists of the Executive Director of the Office of Economic Development within the Office of the Governor and the members of the Commission on Tourism of the Department of Tourism and Cultural Affairs; and (2) Nevada Air Service Development Fund. The Commission will administer the Fund and award grants to ~~the operators of~~ air carriers who will serve, or enhance service to, small airports in this State for the purpose of recruiting, retaining, stabilizing and expanding regional air service in this State. [Airports that receive grants] Grants from the Fund must ~~use the grants~~ be used to pay the costs associated with an agreement entered into between the ~~airport~~ Commission and an air carrier for the air carrier to commence or continue air service to the airport in exchange for a guarantee of receiving certain revenue or subsidies from the ~~airport operator or the local government that has jurisdiction over the airport.~~ Commission. Section 10 of this bill ~~requires~~ provides that : (1) a grant from the Commission must pay 80 percent of the cost of the guarantee; and (2) a local air service development entity, an airport ~~which receives such a grant~~ receiving service or increased service or the governing body of the local government having jurisdiction over such an airport must pay 20 percent of the cost of such a guarantee ~~, but does not indicate how such costs will be apportioned. Therefore, the governing body of such a local government could be required to pay for up to 20 percent of the cost of a guarantee even if the governing body did not consent to the application for or the acceptance of a grant.~~ in the form of in-kind contributions.

Section 11 of this bill makes an appropriation to the Nevada Air Service Development Fund.

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

*Section 1. 1. The Legislature hereby finds and declares that:*

(a) Section 9 of Article 8 of the Nevada Constitution contains a provision commonly known as a "gift clause" which restricts the State under certain

circumstances from donating or loaning the State's money or credit to any company, association or corporation, except corporations formed for educational or charitable purposes.

(b) In Employers Insurance Company of Nevada v. State Board of Examiners, 117 Nev. 249, 258 (2001), the Nevada Supreme Court held that the State loans its credit in violation of Section 9 of Article 8 of the Nevada Constitution only when the State acts as a surety or guarantor for the debts of a company, corporation or association.

(c) In Lawrence v. Clark County, 127 Nev. Adv. Op. 32, 254 P.3d 606, 616 (2011), the Nevada Supreme Court held that the State does not donate, loan or "gift" its money in violation of Section 9 of Article 8 of the Nevada Constitution when the State dispenses state funds for a public purpose and the State receives a valuable benefit or fair consideration in exchange for the dispensation of the state funds.

(d) In McLaughlin v. Housing Authority of the City of Las Vegas, 68 Nev. 84, 93 (1951), and Lawrence v. Clark County, 127 Nev. Adv. Op. 32, 254 P.3d 606, 616 (2011), the Nevada Supreme Court held that when the Legislature authorizes a state agency to dispense state funds:

(1) The courts will carefully examine whether the Legislature made an informed and appropriate finding that dispensation of the state funds serves a public purpose and the State receives a valuable benefit or fair consideration in exchange for the dispensation;

(2) The courts will give great weight and due deference to the Legislature's finding, and the courts will uphold the Legislature's finding unless it clearly appears to be erroneous and without reasonable foundation; and

(3) The courts will closely examine whether the dispensing state agency reviews all facts, figures and necessary information when making the dispensation, and when the state agency has done so, it will not be second-guessed by the courts.

2. The Legislature further finds and declares that:

(a) The state program developed and carried into effect pursuant to this act will not result in the State acting as a surety or guarantor of the debts of an air carrier receiving a grant.

(b) The purpose of this act is to develop and carry into effect a state program to encourage air carriers to resume, retain or enhance the provision of commercial air service to and from small hub airports and nonhub airports that serve rural communities in this State.

(c) The provisions of this act are intended to serve an important public purpose and ensure that the State receives valuable benefits and fair consideration in exchange for each grant from the program because:

(1) The program requires the dispensing state agency to review all facts, figures and necessary information when making each grant from the program to determine whether the grant will provide economic benefit to this State;



(2) The provision of air transportation service to and from small hub airports and nonhub airports enables the citizens and businesses of this State to travel more efficiently and at lower cost, to and from the rural communities in this State; and

(3) The dispensing state agency may not make a grant from the program unless the agency receives a commitment from the air carrier receiving the grant to commence or continue air service to a designated small hub airport or nonhub airport.

~~[Section 1.]~~ Sec. 1.5. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 ~~f~~, 4 and 5 ~~f~~ to 5.7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Air carrier" means a person who provides commercial air transportation to passengers.*

Sec. 4. *"Commission" means the Nevada Air Service Development Commission created by section 6 of this act.*

Sec. 5. *"Fund" means the Nevada Air Service Development Fund created by section 8 of this act.*

Sec. 5.3. *1. "Local air service development entity" means a regional development authority, an organization formed to encourage increased air service for small communities in this State or any other person who receives the benefit of increased air service for small communities in this State.*

*2. As used in this section, "regional development authority" has the meaning ascribed to it in NRS 231.009.*

Sec. 5.5. *"Nonhub airport" has the meaning ascribed to it in 49 U.S.C. § 47102.*

Sec. 5.7. *"Small hub airport" has the meaning ascribed to it in 49 U.S.C. § 47102.*

Sec. 6. *1. There is hereby created the Nevada Air Service Development Commission, consisting of:*

- (a) The Executive Director of the Office of Economic Development; and*
- (b) The members of the Commission on Tourism appointed pursuant to NRS 231.170.*

*2. At the first meeting of each fiscal year, the Commission shall elect from among its members a Chair, a Vice Chair and a Secretary.*

*3. The Commission shall meet at least once each calendar quarter and at other times on the call of the Chair or a majority of its members.*

*4. A majority of the members of the Commission constitutes a quorum for the transaction of all business.*

Sec. 7. *The Commission shall:*

- 1. Administer the Fund; and*

2. Adopt any regulations necessary or convenient to carry out the provisions of sections 2 to 10, inclusive, of this act.

Sec. 8. 1. There is hereby created as a special revenue fund in the State Treasury a Nevada Air Service Development Fund. The Commission may accept gifts, grants and donations from any source for deposit in the Fund.

2. The money in the Fund must be invested as other state funds are invested. All interest earned on the deposit or investment of the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

3. The Commission may make grants of money from the Fund to ~~airports~~ air carriers that satisfy the criteria set forth in section 9 of this act.

Sec. 9. 1. ~~[An airport may apply for a grant from the Commission if the airport:~~

~~(a) Is] The Commission shall develop a program to provide grants of money from the Fund to an air carrier that will service or provide enhanced air service to a commercial service airport that ~~does not have more~~ passenger boardings on an annual basis than a] is:~~

~~(a) A small hub airport ~~or~~ or nonhub airport; and~~

~~(b) ~~Is certified~~ Certified by the Federal Aviation Administration pursuant to 14 C.F.R. Part 139. ~~or~~~~

~~(c) Is located more than 150 miles from the nearest medium hub airport or large hub airport; and~~

~~(d) Demonstrates to the Commission that air carriers charge unreasonably high fees to service the airport or provide insufficient service to the airport.]~~

2. An application for a grant from the Fund must be in the form prescribed by the Commission and must include, without limitation:

(a) A statement designating the small hub airport or nonhub airport for which the air carrier will commence or continue air service if the grant is awarded;

~~(b) Commitments from ~~and~~ the air carrier ~~and the airport~~ that if the Commission awards the grant to the ~~airport,~~ air carrier, the ~~two parties~~ air carrier will enter into a written agreement with the Commission that provides for the air carrier to commence or continue air service to the airport designated in the application in exchange for receiving from the Commission one of the guarantees set forth in subsection ~~11~~ 2 of section 10 of this act;~~

~~[(b) The cost and terms of the agreement between the air carrier and the airport,] and~~

(c) The amount of the in-kind contribution from ~~the airport~~ a local air service development entity, the airport designated in the application or the governing body of the local government that has jurisdiction over the airport

pursuant to subsection ~~[2]~~ 3 of section 10 of this act and the method in which the ~~money for such a~~ contribution will be ~~generated; and~~

~~(d) The amount of the grant for which the airport is applying.~~

~~3. As used in this section, the terms "large hub airport," "medium hub airport," "passenger boardings" and "small hub airport" have the meanings ascribed to them in 49 U.S.C. § 47102.] provided.~~

Sec. 10. 1. ~~[A grant awarded]~~ The Commission may make a grant if the Commission finds that the grant will enable an air carrier to commence or continue air service to a small hub airport or nonhub airport and provide economic benefit to this State.

2. The Commission may make a grant from the Fund ~~[may]~~ only ~~be~~ used by an airport] to:

(a) Guarantee that an air carrier will receive an agreed amount of revenue per flight that the air carrier operates in to or out of the airport ~~[.]~~ designated in the application pursuant to paragraph (a) of subsection 2 of section 9 of this act;

(b) Guarantee that the air carrier will charge a reduced or subsidized price to customers who use the air carrier to travel to or from the airport ~~[.]~~ designated in the application pursuant to paragraph (a) of subsection 2 of section 9 of this act; or

(c) Guarantee a profit goal for the air carrier that is established by agreement between the air carrier and the ~~airport.~~

~~2. An airport that receives a] Commission.~~

3. A grant awarded from the Fund must pay ~~[with the grant]~~ 80 percent of the cost of a guarantee described in subsection 1. The remaining 20 percent of the cost of the guarantee must be paid by ~~[the airport or]~~ a local air service development entity, the airport designated in the application pursuant to paragraph (a) of subsection 2 of section 9 of this act or the governing body of the local government that has jurisdiction over the airport.

4. The contribution to the cost of the guarantee pursuant to subsection 2 from the local air service development entity, airport or governing body ~~[of the local government must]~~, as applicable:

(a) Must not violate federal law or any regulations or guidelines adopted by the Federal Aviation Administration of the United States Department of Transportation; and

(b) Must be in the form of ~~[money or in kind, or both. An]~~ an in-kind contribution ~~[may be in the form of]~~

~~(a)]~~, which may include, without limitation:

(1) A waiver or reduction in favor of the air carrier:

~~[(1)]~~ (I) Of rent for use of the terminal;

~~[(2)]~~ (II) For landing fees; or

~~[(3)]~~ (III) For other airport charges or taxes; or

~~[(b)]~~ (2) Marketing and advertising services provided by the local air service development entity, airport or local government to the air carrier.

Sec. 11. 1. There is hereby appropriated from the State General Fund to the Nevada Air Service Development Commission created by section 6 of this act the following sums for deposit in the Nevada Air Service Development Fund created by section 8 of this act:

|                                     |             |
|-------------------------------------|-------------|
| For the Fiscal Year 2015-2016 ..... | \$1,000,000 |
| For the Fiscal Year 2016-2017 ..... | \$1,000,000 |

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2016, and September 15, 2017, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2016, and September 15, 2017, respectively.

Sec. 12. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 13. This act becomes effective upon passage and approval.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senators Goicoechea and Ford.

SENATOR GOICOECHEA:

Amendment No. 264 to Senate Bill No. 125 removes the potential for an unfunded mandate to be imposed on a local government and restructures the bill to allow the Nevada Air Service Development Commission, rather than an airport, to provide up to 80 percent of the cost of a guarantee in the form of a grant directly to an air transportation company.

The remaining 20 percent of the cost of the guarantee must be paid by either a local air service development entity, the airport designated in the application required pursuant to the bill or the governing body of the local government that has jurisdiction over the airport.

The term "local air service development entity" is defined as either a regional development authority, an organization formed to encourage increased air service for small communities in this State or any other person who receives the benefit of increased air service for small communities in this State.

The amendment clarifies that the contribution to the cost of the guarantee made by an airport or the governing body of a local government must not violate federal law or any regulations or guidelines adopted by the FAA and must be in the form of an in-kind contribution.

Finally, the amendment provides a legislative declaration to establish that the provisions of the bill are intended to serve an important public purpose and ensure that the State receives valuable benefits and fair consideration in exchange for each grant from the program. This relates to small hub airports which includes Reno.

SENATOR FORD:

Do I understand the sponsor to say this amendment removes the unfunded mandate? I believe this may be inaccurate as the amendment, on the front page, says it maintains the unfunded mandate. Would you please clarify that for me.

SENATOR GOICOECHEA:

The bottom line is the government is responsible for the 20 percent, the 80 percent comes in the form of a grant and that would be acquired through an appropriation from the State.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 3:49 p.m.

# SENATE IN SESSION

At 3:50 p.m.

President Hutchison presiding.

Quorum present.

Senator Goicoechea moved that the bill be taken from its position on the Second Reading File and placed at the bottom of the Second Reading File.

Motion carried.

Senate Bill No. 146.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy:

Amendment No. 481.

SUMMARY—Revises provisions relating to the payment of wages to certain employees. (BDR 53-629)

AN ACT relating to wages; authorizing ~~an employer~~ certain employers and ~~employee~~ employees to enter into a written agreement to exclude from ~~the~~ an employee's wages ~~a regularly scheduled sleeping period under certain circumstances;~~ payment for certain specified periods; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an employer to pay an employee wages for each hour the employee works. (NRS 608.016) Existing federal regulations allow employees who work shifts of 24 hours or more to agree to not be paid for a sleeping period not to exceed 8 hours under certain circumstances. (29 C.F.R. § 785.22) This bill provides that an employee who is employed in a certain residential facility and who works for 24 hours or more may agree to not be paid for a sleeping period not to exceed 8 hours if ~~the~~ adequate sleeping facilities are provided by the employer; ~~and (2) the employee can normally enjoy 8 hours of uninterrupted sleep while on duty.~~

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

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If an employee specified in paragraph (a) of subsection 3 is required to be on duty for 24 hours or more, the employer and employee may agree in writing to exclude from the employee's wages a regularly scheduled sleeping period not to exceed 8 hours if* ~~the~~

~~(a) Adequate~~ adequate *sleeping facilities are furnished by the employer.* ~~the~~

~~(b) The employee can normally enjoy 8 hours of uninterrupted sleep while on duty.~~

2. If the sleeping period is interrupted by any call for service by the employer, the interruption must be counted as hours worked. If the sleeping period is interrupted by any call for service by the employer to such an extent that the sleeping period is less than 5 hours, the employee must be paid for the entire sleeping period.

3. The provisions of subsections 1 and 2:

(a) Apply only to an employee who is on duty at a residential facility for a group of similarly situated persons who require supervision, care or other assistance from employees at the residential facility; and

(b) Do not apply to a firefighter, a member of a rescue or emergency services crew or a peace officer, including, without limitation, a correctional officer.

4. As used in this section ~~f="on"]~~:

(a) "A group of similarly situated persons" includes, without limitation, a group of:

(1) Persons with a mental illness;

(2) Persons with a physical disability;

(3) Persons with an intellectual disability;

(4) Persons who are elderly;

(5) Persons recovering from alcohol or drug abuse;

(6) Children in foster care; and

(7) Children in a program to address emotional or behavioral problems.

(b) "On duty" means any period during which an employee is working or is required to remain on the premises of the employer.

(c) "Residential facility" means:

(1) A dormitory, any structure similar to a dormitory or any structure similar to a private residence in which a group of similarly situated persons reside for the purpose of receiving supervision, care or other assistance from employees on duty at the residential facility. Any such dormitory or structure similar to a dormitory may include a studio apartment for the use of the employees.

(2) In the case of a program for children to address emotional or behavioral problems, any structure which provides for residential living for the children and employees.

Sec. 2. NRS 608.016 is hereby amended to read as follows:

608.016 ~~{An}~~ Except as otherwise provided in section 1 of this act, an employer shall pay to the employee wages for each hour the employee works. An employer shall not require an employee to work without wages during a trial or break-in period.

Sec. 3. This act becomes effective on July 1, 2015.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settlemeyer.

Amendment No. 481 provides that an employee who is employed in a certain residential facility who works for more than 24 hours may agree not to be paid for a sleeping period not to exceed 8 hours if adequate sleeping facilities are provided by the employer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 157.

Bill read second time.

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

Amendment No. 381.

SUMMARY—Enacts the State and Local Government Cooperation Act. (BDR 22-706)

AN ACT relating to governmental administration; enacting the State and Local Government Cooperation Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts the State and Local Government Cooperation Act.

Section 7 of this bill provides that the purpose of the Act is to ~~facilitate~~ encourage communication, cooperation and ~~coordination~~ coordinated working relationships between state agencies and local governments. ~~to:~~ (1) provide consistency in interpretive rulings made by state agencies and local governments; and (2) encourage communication and foster positive working relationships between the Executive Department of State Government and local governments. To carry out this purpose, section 7 provides that state agencies and local governments should, to the extent practicable: (1) inform each other of certain plans or amendments thereto; (2) solicit and consider comments from each other; and (3) consider whether the state agency or local government, as applicable, can make the proposed plan or amendment consistent with certain other plans.

Sections ~~[4-6]~~ 5-6 of this bill define ~~["interpretive ruling,"]~~ "local government," ~~[""]~~ "plan" and "state agency." ~~[""]~~ for the purposes of the Act. ~~[Section 8 of this bill requires a state agency, before making an interpretive ruling that may affect an interpretive ruling of a local government, to:~~ (1) inform and solicit comments from the local governments that may be affected; (2) allow a reasonable time for each such local government to submit comments; (3) consider any comments received from affected local governments in preparing its interpretive ruling; and (4) inform in writing each affected local government that submitted comments of the state agency's proposed interpretive ruling. Section 8 also authorizes a local government to submit a request to the Governor, or his or her designee, to consider any inconsistency between the proposed interpretive ruling of the state agency and an interpretive ruling of a local government. If the

~~Governor, or his or her designee, considers such a request, he or she may recommend sustaining or amending the state agency's ruling.]~~

Section 9 of this bill provides that nothing in the Act shall be interpreted to ~~[(1)]~~ limit the power of a state agency or local government to carry out its statutory duties and responsibilities ~~[(2)]~~ ~~supersede any law providing for the right of any party to seek administrative or judicial review in a contested case; or (3) otherwise affect the right of any party to seek such review.]~~

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

Section 1. Chapter 277 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. *Sections 2 to 9, inclusive, of this act may be cited as the State and Local Government Cooperation Act.*

Sec. 3. *As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~f~~~~4~~ 5, 5.5 and 6 of this act have the meanings ascribed to them in those sections.*

Sec. 4. ~~["Interpretive ruling" means a statement of the construction or interpretation of a statute, regulation, rule or policy according to the specific facts before it by a:~~

- ~~1. State agency; or~~
- ~~2. Local government.]~~ (Deleted by amendment.)

Sec. 5. *"Local government" means any ~~political subdivision of this State, including, without limitation, any~~ county ~~f~~ or city ~~. f, town, board, airport authority, regional transportation commission, fire protection district, general improvement district, irrigation district, water district, water conservancy district, school district, hospital district or other district authorized by statute to perform a governmental function.]~~*

Sec. 5.5. *"Plan" means:*

- 1. In the case of a local government, a master plan adopted by the local government pursuant to NRS 278.160 or any part thereof.*
- 2. In the case of a state agency, a plan adopted by the state agency that may affect a master plan, or any part thereof, adopted by the local government pursuant to NRS 278.160.*

Sec. 6. *"State agency" means an agency, bureau, board, commission, department, division or any other unit of the Executive Department of State Government.*

Sec. 7. *1. It is the purpose of the State and Local Government Cooperation Act to ~~facilitate cooperation and coordination between state agencies and local governments to:~~*

- ~~1. Provide consistency in interpretive rulings made by state agencies and local governments.~~
- ~~2. Encourage] encourage communication, cooperation and foster positive] coordinated working relationships between ~~the Executive Department of State Government]~~ state agencies and local governments.~~
- 2. To carry out the purposes set forth in subsection 1:*



(a) If a state agency intends to adopt a plan or an amendment thereto, the state agency should, to the extent practicable:

(1) Inform local governments that may be affected of the state agency's intent to adopt a plan or amendment thereto.

(2) Solicit and consider comments from local governments that may be affected by the plan or amendment thereto.

(3) If a local government informs the state agency that the proposed plan or amendment thereto will be inconsistent or incompatible with a plan of the local government, consider whether the state agency can make the proposed plan or amendment consistent or compatible with the plan of the local government.

(b) If a local government intends to adopt a plan or an amendment thereto, the local government should, to the extent practicable:

(1) Inform state agencies that may be affected of the local government's intent to adopt a plan or amendment thereto.

(2) Solicit and consider comments from state agencies that may be affected by the plan or amendment thereto.

(3) If a state agency informs the local government that the proposed plan or amendment thereto will be inconsistent or incompatible with a plan of the state agency, consider whether the local government can make the proposed plan or amendment consistent or compatible with the plan of the state agency.

~~Sec. 8. [1. Before a state agency makes an interpretive ruling that may affect an interpretive ruling of a local government, the state agency must:~~

~~(a) Inform and solicit comments from each local government that may be affected;~~

~~(b) Allow a reasonable amount of time for each local government informed pursuant to paragraph (a) to submit comments;~~

~~(c) Consider any comments received from an affected local government in preparing its interpretive ruling so that, to the extent practicable, the interpretive ruling of the state agency is consistent with any interpretive ruling of the local government; and~~

~~(d) Inform in writing each local government that submitted comments pursuant to paragraph (b) of the proposed interpretive ruling of the state agency.~~

~~2. Upon receiving a proposed interpretive ruling pursuant to paragraph (d) of subsection 1, if an inconsistency exists between an interpretive ruling of the state agency and an interpretive ruling of a local government, the local government may submit a request to the Governor, or his or her designee, to consider the inconsistency. If the Governor, or his or her designee, accepts the request, he or she may recommend sustaining or amending the proposed interpretive ruling of the state agency.] (Deleted by amendment.)~~

Sec. 9. Nothing in the State and Local Government Cooperation Act shall be interpreted to ~~fr~~

~~1. Limit limit the power of a state agency or local government to carry out its statutory duties and responsibilities . f;~~

~~2. Supersede any law providing for the right of any party to seek administrative or judicial review in a contested case; or~~

~~3. Otherwise affect the right of any party to seek such review.]~~

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

There are no mandates in this whatsoever. The amendment deletes most of the bill and instead provides that the State and Local Government Cooperation Act is to encourage communication, cooperation and coordinated working relationships between State agencies and local government.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 163.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 181.

SUMMARY—Creates the ~~[Advisory]~~ Council on Nevada Wildlife Conservation and Education ~~[.]~~ within the Department of Wildlife. (BDR 45-616)

AN ACT relating to wildlife; creating the ~~[Advisory]~~ Council on Nevada Wildlife Conservation and Education ~~[.]~~ within the Department of Wildlife; prescribing the membership and duties of the Council; ~~for creating the Account for Nevada Wildlife Conservation and Education;~~ authorizing the Department to fund the activities of the Council from the Wildlife Heritage Trust Account; requiring the Board of Wildlife Commissioners to maintain a list of qualified candidates for appointment to the Council; ~~imposing a fee for the issuance of certain hunting, fishing and trapping licenses for the purpose of funding the Account;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the management of wildlife in this State, including the regulation of hunting, fishing, trapping and the taking of game. (Title 45 of NRS) Section 3 of this bill creates the ~~[Advisory]~~ Council on Nevada Wildlife Conservation and Education within the Department of Wildlife and prescribes the composition of the members of the Council. Section 5 of this bill requires the Council , in cooperation with the Department, to develop and implement a public information program for the purpose of promoting and educating the general public on the history and benefits of wildlife and wildlife preservation in this State, and the importance of hunting, fishing, trapping and the taking of game [.] in this State. Section 5 further requires the Council to prepare an operational plan to meet the future goals of the Council and to report certain information to the Board of

Wildlife Commissioners. ~~[Section]~~ Sections 6, 9.3 and 9.7 of this bill ~~[creates the Account for Nevada Wildlife Conservation and Education for the purpose of funding]~~ authorize the Department to fund the activities of the Council ~~[ ]~~ from the Wildlife Heritage Trust Account. Section 8 of this bill requires the Board of Wildlife Commissioners to maintain a list of qualified candidates for appointment to the Council. ~~[For the purpose of funding the Account, section 9 of this bill requires the payment of a wildlife conservation and education fee in connection with the issuance of certain hunting, fishing and trapping licenses.]~~

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

Section 1. Chapter 501 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. "Council" means the ~~[Advisory]~~ Council on Nevada Wildlife Conservation and Education created by section 3 of this act.

Sec. 3. 1. There is hereby created within the Department the ~~[Advisory]~~ Council on Nevada Wildlife Conservation and Education. The Council consists of the following seven members:

(a) The Director; ~~for his or her designee;~~ and

(b) The following members to be appointed by the Governor with the advice of the Chair of the Commission ~~and the Director:~~

(1) One member of the Commission ~~and~~ or his or her designee;

(2) Three residents of this State who are selected from the list of candidates compiled pursuant to subsection 9 of NRS 501.181;

(3) One resident of this State who represents small businesses that are substantially affected by hunting, fishing and trapping in this State; and

(4) One resident of this State who is not an employee of the Department and who has a background in media or marketing sufficient to advise the Council in carrying out its duties pursuant to section 5 of this act.

2. The Governor shall, to the extent practicable, ensure that the membership of the Council represents all geographic areas of this State.

3. After the initial terms, each member of the Council appointed pursuant to paragraph (b) of subsection 1 serves a term of 4 years.

4. A vacancy in the appointed membership of the Council must be filled in the same manner as the original appointment for the remainder of the unexpired term.

5. An appointed member of the Council may be reappointed, but must not serve more than two full terms.

6. Each member of the Council:

(a) Serves without compensation; and

(b) While engaged in the business of the Council, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. The Governor may remove any appointed member of the Council for good cause.

Sec. 4. 1. ~~At the first meeting of each calendar year, the Council, the Council shall elect from its members a Chair, a Vice Chair, and a Secretary, and a Treasurer, and shall adopt the rules and procedures~~ bylaws of the Council. Upon the expiration of the term of an officer elected pursuant to this subsection, the Council shall, at the next subsequent meeting of the Council, elect an officer to fill the vacated position.

2. The Council shall meet at least once each calendar quarter and at other times upon the call of the Chair or a majority of its members.

3. A majority of the members of the Council constitutes a quorum for the transaction of business, and a quorum may exercise any power or authority conferred on the Council.

4. Meetings of the Council must be conducted in accordance with chapter 241 of NRS.

5. Except as otherwise provided by specific statute, the documents and other information compiled by the Council in the course of its business are public records.

Sec. 5. 1. ~~The Council shall, in cooperation with the Department:~~

(a) ~~Develop and implement, in collaboration with a marketing or advertising agency, a comprehensive media-based public information program to educate the general public on the history of wildlife in Nevada, the benefits of wildlife to its citizens and the benefits of wildlife management and wildlife recreational opportunities in Nevada. The program must promote the essential role that sportsmen and sportswomen play in furthering wildlife conservation in this State and to educate the general public about hunting, fishing, trapping and the taking of game in this State. The public information program must include, without limitation, education to teach that hunting, fishing, trapping and the taking of game are:~~

(1) Necessary for the conservation, preservation and management of the natural resources of this State;

(2) A valued and integral part of the cultural heritage of this State that must forever be preserved; and

(3) An important part of the economy of this State.

(b) Not later than 120 days after the Council's first meeting of each year, prepare an operational plan with strategic goals and milestones in furtherance of the duties of the Council.

(c) Prepare a request for proposals for the purpose of selecting a marketing or advertising agency.

(d) Establish criteria for grading and selecting a marketing or advertising agency based on the submission of proposals.

(e) Conduct surveys for the purpose of developing a marketing campaign and determining the effectiveness of a campaign.

2. ~~The Council may, for the purposes of carrying out the duties prescribed by subsection 1, give preference to a marketing or advertising agency that is located in this State.~~

~~3. The Council may expend money in the Account for Nevada Wildlife Conservation and Education, created by section 6 of this act, for any purpose for which the Account was created.~~

~~4. shall review and approve each annual budget for the Council and review any periodic financial reports provided by the Department that are related to the activities of the Council.~~

3. The Council shall, on or before December 31 of each even-numbered year, prepare a report to the Commission outlining the public information program implemented and the operational plan prepared pursuant to subsection 1 and the expenditures of the Council.

Sec. 6. 1. ~~{There is hereby created the Account for Nevada Wildlife Conservation and Education in the State General Fund. The Director shall administer the Account.}~~ The activities of the Council must be funded by allocations of money from the Wildlife Heritage Trust Account that are made in accordance with the provisions of subsection 4 of NRS 501.3575.

2. The Director and the Council may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source ~~{for deposit into the Account}~~.

~~3. The interest and income earned on the money deposited into the Account pursuant to section 9 of this act, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of each fiscal year does not revert to the State General Fund, and any balance in the Account must be carried forward to the next fiscal year.~~

~~4. The money in the Account must be used only to defray the costs and expenses of the Council in carrying out its duties pursuant to sections 2 to 6, inclusive, of this act, and to defray the actual costs of the Director for administering the Account.}~~ to fund the activities of the Council. Any such money received by the Director or the Council must be forwarded to the Department for deposit into the Wildlife Heritage Trust Account and accounted for separately.

Sec. 7. NRS 501.001 is hereby amended to read as follows:

501.001 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 501.003 to 501.097, inclusive, and ~~section 4 of this act~~ section 2 of this act have the meanings ascribed to them in those sections.

Sec. 8. NRS 501.181 is hereby amended to read as follows:

501.181 The Commission shall:

1. Establish broad policies for:

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.

(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.

(c) The promotion of uniformity of laws relating to policy matters.

2. Guide the Department in its administration and enforcement of the provisions of this title and of chapter 488 of NRS by the establishment of such policies.

3. Establish policies for areas of interest including:

(a) The management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.

(b) The control of wildlife depredations.

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.

(d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

(e) The control of nonresident hunters.

(f) The introduction, transplanting or exporting of wildlife.

(g) Cooperation with federal, state and local agencies on wildlife and boating programs.

(h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.

4. Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including:

(a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. The regulations must be established after first considering the recommendations of the Department, the county advisory boards to manage wildlife and others who wish to present their views at an open meeting. Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued for big game and, if necessary, other game species.

5. Adopt regulations requiring the Department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations:

(a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.

(b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.

7. Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129.

8. Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.

9. *Maintain a list of qualified candidates for appointment to the Council that is compiled from recommendations by any Nevada sportsmen's organization, ~~in this State.~~ The Commission shall not include a person on the list of candidates unless the person has been a resident of this State for at least ~~7~~ 5 years and has held a hunting, fishing or trapping license, or any combination of such licenses, in this State for at least ~~5~~ 3 of the immediately preceding ~~7~~ 5 years.*

Sec. 9. ~~[Chapter 502 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~In addition to any fee charged and collected for an annual hunting, trapping, fishing or combined hunting and fishing license pursuant to NRS 502.240, a wildlife conservation and education fee of \$3 must be paid. Revenue from the wildlife conservation and education fee must be deposited with the State Treasurer for credit to the Account for Nevada Wildlife Conservation and Education created by section 6 of this act.] (Deleted by amendment.)~~

Sec. 9.3. NRS 501.3575 is hereby amended to read as follows:

501.3575 1. The Wildlife Heritage Trust Account is hereby created in the State General Fund. The money in the Account must be used by the Department as provided in this section for:

(a) The protection, propagation, restoration, transplantation, introduction and management of any game fish, game mammal, game bird or fur-bearing mammal in this State; ~~and~~

(b) The management and control of predatory wildlife in this State ~~and~~;

(c) Funding the activities of the Council.

2. Except as otherwise provided in NRS 502.250, money received by the Department from:

(a) A bid, auction, Silver State Tag Drawing or Partnership in Wildlife Drawing conducted pursuant to NRS 502.250; ~~and~~

(b) A gift of money made by any person to the Wildlife Heritage Trust Account ~~;~~ and

(c) The Director or Council pursuant to subsection 2 of section 6 of this act,

must be deposited with the State Treasurer for credit to the Account. Any money received pursuant to paragraph (c) must be accounted for separately.

3. The interest and income earned on the money in the Wildlife Heritage Trust Account, after deducting any applicable charges, must be credited to the Account.

4. For the period beginning on July 1, 2015, and ending on June 30, 2019, the Department may annually expend from the Wildlife Heritage Trust Account an amount of money not greater than 25 percent of the amount of money deposited in the Account pursuant to subsection 2 during the previous year and the total amount of interest earned on the money in the Account during the previous year, except that such expenditure must not exceed \$250,000 per fiscal year, to fund the activities of the Council.

5. The Department may annually expend from the Wildlife Heritage Trust Account an amount of money not greater than 75 percent of the money deposited in the Account pursuant to subsection 2 during the previous year and the total amount of interest earned on the money in the Account during the previous year. ~~The~~

6. Except for expenditures made pursuant to subsection 4, the Commission shall review and approve expenditures from the Account ~~[- No]~~, and no money may be expended from the Account without the prior approval of the Commission.

~~5.7~~ 7. The Commission shall administer the provisions of this section and may adopt any regulations necessary for that purpose.

Sec. 9.7. Section 9.3 of this act is hereby amended to read as follows:

Sec. 9.3. NRS 501.3575 is hereby amended to read as follows:

501.3575 1. The Wildlife Heritage Trust Account is hereby created in the State General Fund. The money in the Account must be used by the Department as provided in this section for:

(a) The protection, propagation, restoration, transplantation, introduction and management of any game fish, game mammal, game bird or fur-bearing mammal in this State;

(b) The management and control of predatory wildlife in this State; and

(c) Funding the activities of the Council.

2. Except as otherwise provided in NRS 502.250, money received by the Department from:

(a) A bid, auction, Silver State Tag Drawing or Partnership in Wildlife Drawing conducted pursuant to NRS 502.250;

(b) A gift of money made by any person to the Wildlife Heritage Trust Account; and



(c) The Director or Council pursuant to subsection 2 of section 6 of this act,

↪ must be deposited with the State Treasurer for credit to the Account. Any money received pursuant to paragraph (c) must be accounted for separately.

3. The interest and income earned on the money in the Wildlife Heritage Trust Account, after deducting any applicable charges, must be credited to the Account.

4. ~~[For the period beginning on July 1, 2015, and ending on June 30, 2019, the]~~ The Department may annually expend from the Wildlife Heritage Trust Account an amount of money not greater than 25 percent of the amount of money deposited in the Account pursuant to subsection 2 during the previous year and the total amount of interest earned on the money in the Account during the previous year ~~[, except that such expenditure must not exceed \$250,000 per fiscal year,]~~ to fund the activities of the Council.

5. The Department may annually expend from the Wildlife Heritage Trust Account an amount of money not greater than 75 percent of the money deposited in the Account pursuant to subsection 2 during the previous year and the total amount of interest earned on the money in the Account during the previous year.

6. Except for expenditures made pursuant to subsection 4, the Commission shall review and approve expenditures from the Account, and no money may be expended from the Account without the prior approval of the Commission.

7. The Commission shall administer the provisions of this section and may adopt any regulations necessary for that purpose.

Sec. 10. ~~[NRS 502.066 is hereby amended to read as follows: 502.066 1. The Department shall issue an apprentice hunting license to a person who:~~

~~— (a) Is 12 years of age or older;~~

~~— (b) Has not previously been issued a hunting license by the Department, another state, an agency of a Canadian province or an agency of any other foreign country, including, without limitation, an apprentice hunting license; and~~

~~— (c) Except as otherwise provided in subsection 5, is otherwise qualified to obtain a hunting license in this State.~~

~~2. Except as otherwise provided in this subsection, the Department shall not impose a fee for the issuance of an apprentice hunting license. For each apprentice hunting license issued, the applicant or the mentor hunter for the applicant shall pay:~~

~~— (a) Any service fee required by a license agent pursuant to NRS 502.040;~~

~~— (b) The habitat conservation fee required by NRS 502.242; [and]~~

~~— (c) The wildlife conservation and education fee required by section 9 of this act; and~~

~~—(d) Any transaction fee that is set forth in a contract of this State with a third party electronic services provider for each online transaction that is conducted with the Department.~~

~~—3. An apprentice hunting license authorizes the apprentice hunter to hunt in this State as provided in this section.~~

~~—4. It is unlawful for an apprentice hunter to hunt in this State unless a mentor hunter accompanies and directly supervises the apprentice hunter at all times during a hunt. During the hunt, the mentor hunter shall ensure that:~~

~~—(a) The apprentice hunter safely handles and operates the firearm or weapon used by the apprentice hunter; and~~

~~—(b) The apprentice hunter complies with all applicable laws and regulations concerning hunting and the use of firearms.~~

~~—5. A person is not required to complete a course of instruction in the responsibilities of hunters as provided in NRS 502.340 to obtain an apprentice hunting license.~~

~~—6. The issuance of an apprentice hunting license does not:~~

~~—(a) Authorize the apprentice hunter to obtain any other hunting license;~~

~~—(b) Authorize the apprentice hunter to hunt any animal for which a tag is required pursuant to NRS 502.130; or~~

~~—(c) Exempt the apprentice hunter from any requirement of this title.~~

~~—7. The Commission may adopt regulations to carry out the provisions of this section.~~

~~—8. As used in this section:~~

~~—(a) "Accompanies and directly supervises" means maintains close visual and verbal contact with, provides adequate direction to and maintains the ability readily to assume control of any firearm or weapon from an apprentice hunter.~~

~~—(b) "Apprentice hunter" means a person who obtains an apprentice hunting license pursuant to this section.~~

~~—(c) "Mentor hunter" means a person 18 years of age or older who holds a hunting license issued in this State and who accompanies and directly supervises an apprentice hunter. The term does not include a person who holds an apprentice hunting license pursuant to this section. (Deleted by amendment.)~~

Sec. 11. 1. The Governor shall:

(a) Appoint the initial members to the ~~[Advisory]~~ Council on Nevada Wildlife Conservation and Education in accordance with paragraph (b) of subsection 1 of section 3 of this act not later than October 1, 2015.

(b) Call the first meeting of the Council, which must take place on or before December 31, 2015.

2. At the first meeting of the Council, the six members initially appointed by the Governor pursuant to paragraph (a) of subsection 1 shall choose their terms of office by lot, in the following manner:

(a) Two ~~[member]~~ members for terms of 2 years;

(b) Two members for terms of 3 years; and

(c) Two members for terms of 4 years.

Sec. 12. 1. This section and sections 1 to 9.3, inclusive, and 11 of this act ~~becomes~~ become effective on July 1, 2015.

2. Section 9.7 of this act becomes effective on July 1, 2019.

Senator Gustavson moved the adoption of the amendment.

Remarks by Senator Gustavson.

This bill removes the term "Advisory" from the name of the Council on Nevada Wildlife Conservation and Education, created within the Department of Wildlife. It provides that upon the expiration of the term of an officer, the Council shall, at the subsequent meeting, elect an officer to fill the vacant position.

It requires the Council, in cooperation with the Department, to develop and implement a program to educate the general public on the history of wildlife in Nevada, the benefits of wildlife and wildlife management, and wildlife recreation opportunities in this State.

The bill provides that the Council will prepare request for proposals, establish criteria for selecting a marketing or advertising agency, and conduct surveys to determine the effectiveness of the program.

Finally, it provides that the activities of the Council are to be funded by allocations from the Wildlife Heritage Trust Account and provides limits on the expenditure that may be made annually by the Department to fund the activities of the Council.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 203.

Bill read second time.

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

Amendment No. 525.

SUMMARY—Revises provisions relating to elections. (BDR 24-573)

AN ACT relating to elections; ~~authorizing, under certain circumstances, a county or city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person on the day of certain elections;~~ authorizing county and city clerks to prepare rosters for early voting in an electronic format; requiring the Secretary of State to create and maintain certain application software for use on mobile devices; ~~establishing procedures by which a voter registration agency may transmit electronically certain information in order to register persons to vote or to correct information contained in the statewide voter registration list;~~ providing for voter preregistration by certain persons ~~[between the ages of 16 and 18] who are 17 years~~ [-; authorizing an elector to register to vote on the day of certain elections and setting forth requirements for such registration; requiring] of age; authorizing the preparation and use of electronic rosters and election board registers; ~~requiring an election board register to be prepared in an electronic format;~~ authorizing [a] election officials to establish systems for registered [voter] voters to elect to receive a sample ballot by electronic [mail; extending the deadline for a covered voter to use a federal postcard application to register to vote and request a military overseas ballot;] means; allowing registered voters who participate in such systems to elect to have

their electronic mail addresses withheld from the public; making various other changes relating to elections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires a county clerk to establish the boundaries of election precincts and authorizes election precincts to be combined into election districts. (NRS 293.205-293.207) Existing law prohibits a person from applying for or receiving a ballot at any election precinct or district other than the one at which the person is entitled to vote. (NRS 293.730)~~

~~— Section 2 of this bill authorizes a county clerk to establish, with the approval of the board of county commissioners, one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of a primary or general election. Section 3 of this bill requires: (1) each board of county commissioners to provide criteria to be used for selecting such a polling place; and (2) that each such polling place be approved by the board of county commissioners. Section 4 of this bill requires the county clerk to publicize the location of any such polling place. Section 5~~ Existing law requires a county and city clerk to: (1) establish polling places for early voting where any person entitled to vote early by personal appearance in the county or city may do so for early voting; and (2) prepare a roster for early voting for each such polling place. (NRS 293.3561, 293C.3561) Sections 5 and 52 of this bill ~~[requires]~~ authorize the county and city clerk to prepare ~~[an election board register for any such polling place. Section 6 of this bill sets forth the procedure for a person to vote in person at any such polling place.]~~

~~— Sections 49-53 of this bill set forth corresponding provisions authorizing city clerks to establish polling places where any person who is entitled to vote in the city by personal appearance may do so on the day of a primary city or general city election.~~

~~— Under existing law, registration for any primary, primary city, general or general city election closes on the third Tuesday before the election. (NRS 293.560, 293C.527) Sections 15 and 54 of this bill authorize an elector to register for a primary, primary city, general or general city election on the day of the election. Under sections 15 and 54, the county or city clerk shall, with the approval of the board of county commissioners or governing body of the city, as applicable, designate one or more polling places in the county or city as a site for registering to vote on election day. To register to vote, an elector must appear at such a site, complete an application to register to vote and provide proof of identity and residence. Upon completion of the application, the elector is deemed registered to vote and may vote in that election only at the polling place at which he or she registered to vote.~~

~~— Existing law designates the offices of certain governmental entities, including the Department of Motor Vehicles, as voter registration agencies which are required to offer applications to register to vote to persons who apply for or receive services from the agency, to assist applicants in~~

~~completing the applications and to forward the applications to the county clerk. (NRS 293.504) Sections 8 13 and 77 82 of this bill establish procedures by which a person applying for or receiving services from a voter registration agency who meets the qualifications to vote in this State will have his or her information electronically transmitted to the Secretary of State, and subsequently to county clerks, for the purpose of registering the person to vote or updating his or her voter registration information unless the person affirmatively declines to have his or her information transmitted. The procedures must be implemented by the Department of Motor Vehicles effective January 1, 2016, and by all other voter registration agencies effective January 1, 2017. Sections 31 and 32 of this bill require each county clerk to collect, for submission to the Secretary of State, certain information regarding persons who apply to register to vote or update their voter registration information through a voter registration agency.] a roster for early voting in an electronic format.~~

Existing law requires the Secretary of State to maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections. (NRS 293.4687) Section 7 of this bill requires the Secretary of State to create and maintain application software that is designed for use on a mobile device and which must include all information on the Internet website of the Secretary of State and allow a person to submit any information or form related to elections that may be submitted electronically to the Secretary of State.

Section 14 of this bill authorizes certain persons who are ~~[between the ages of 16 and 18]~~ 17 years of age to preregister to vote in this State. Sections 20 and 47 of this bill make conforming changes.

Existing law defines the terms "election board register," "roster" and "sample ballot" for the purposes of elections. (NRS 293.053, 293.095, 293.097) Sections 16, 16.5 and 17 of this bill clarify that such items may be electronic. Sections 25 and 58 make conforming changes.

Existing law requires: (1) the preparation of an election board register for each precinct or district that contains certain information from applications to register to vote; and (2) a voter to sign an election board register when he or she applies to vote at a polling place. (NRS 293.053, 293.275, 293.277, 293.285, 293.287, 293.510) Sections 16, ~~{24, 26,}~~ 27, 34, 35, 43, ~~{57, 59,}~~ 60 and 65 of this bill make various changes to provide that an election board register ~~{must}~~ may be prepared in an electronic format and a person who applies to vote in person ~~{must}~~ may sign the register electronically.

Existing law requires each county and city clerk to mail a sample ballot to each registered voter in the applicable county or city. (NRS 293.565, 293C.530) Sections 44 and 64 of this bill ~~{require}~~ authorize each county and city clerk to establish a system to distribute a sample ballot by electronic ~~{mail}~~ means to each registered voter who elects to receive sample ballots in that manner. ~~{Existing law authorizes a covered voter to register to vote or request a military overseas ballot by using a federal postcard application, as~~

~~prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2). (NRS 293D.230, 293D.300) Sections 67 and 68 of this bill provide that a covered voter may use the federal postcard application to register to vote or request a military overseas ballot if the application is received by the appropriate elections official not later than 7 days before the election.} Such a system must be approved by the Secretary of State and may include, without limitation, electronic mail or electronic access through an Internet website.~~

Existing law provides that a registered voter may submit a written request to the county clerk to have his or her address and telephone number withheld from the public. (NRS 293.558) Section 41.5 of this bill allows a registered voter who participates in a system to distribute sample ballots by electronic means to elect to have his or her electronic mail address withheld from the public.

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 the provisions set forth as sections 2 to 15, inclusive, of this act.

~~Sec. 2. {1. A county clerk may, with the approval of the board of county commissioners, establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election. Any such polling place must be at a location selected pursuant to section 3 of this act.~~

~~2. Any person entitled to vote in the county by personal appearance may do so at any polling place established pursuant to subsection 1.} (Deleted by amendment.)~~

~~Sec. 3. {1. Each board of county commissioners shall provide by ordinance for the criteria to be used to select a polling place described in section 2 of this act.~~

~~2. A polling place established pursuant to section 2 of this act must:~~

~~(a) Satisfy the criteria provided by the board of county commissioners pursuant to subsection 1; and~~

~~(b) Be approved by the board of county commissioners at a public meeting.} (Deleted by amendment.)~~

~~Sec. 4. {1. If the county clerk establishes one or more polling places pursuant to section 2 of this act, the county clerk shall publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.~~

~~2. The county clerk shall post a list of the locations established pursuant to section 2 of this act, if any, on any bulletin board used for posting notice of meetings of the board of county commissioners. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The county clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.~~

~~3. No additional polling place may be established pursuant to section 2 of this act after the publication pursuant to this section.] (Deleted by amendment.)~~

Sec. 5. For each polling place ~~established pursuant to section 2 of this act,~~ for early voting by personal appearance selected pursuant to NRS 293.3561, the county clerk shall prepare ~~an election board register that contains, for every registered voter in the county, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and a place for the voter's signature.]~~ a roster for early voting. The county clerk may prepare the rosters for early voting in an electronic format.

Sec. 6. ~~[1. Upon the appearance of a person to cast a ballot at a polling place established pursuant to section 2 of this act, the election board officer shall:~~

~~(a) Determine that the person is a registered voter in the county and has not already voted in the election;~~

~~(b) Instruct the voter to sign electronically the election board register; and~~

~~(c) Verify the signature of the voter against that contained on the original application to register to vote or a facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification.~~

~~2. The county clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted in the election.~~

~~3. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.~~

~~4. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:~~

~~(a) Prepare the mechanical voting device for the voter;~~

~~(b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and~~

~~(c) Allow the voter to cast a vote.~~

~~5. A voter applying to vote at a polling place established pursuant to section 2 of this act may be challenged pursuant to NRS 293.303.] (Deleted by amendment.)~~

Sec. 7. 1. The Secretary of State shall create and maintain application software that is designed for use on a mobile device, including, without limitation, a smartphone or tablet computer. The application software must:

(a) Include, without limitation, all information that is available on the Internet website of the Secretary of State.

(b) Allow a person to submit any information or form related to elections that a person may otherwise submit electronically to the Secretary of State,

including, without limitation, an application to register to vote, a request for an absent ballot and a request for a military-overseas ballot.

2. As used in this section, "military-overseas ballot" has the meaning ascribed to it in NRS 293D.050.

~~Sec. 8. {1. The Secretary of State, the Department of Motor Vehicles and each county clerk shall cooperatively establish a system by which voter registration information that is collected pursuant to section 10 of this act by the Department from a person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department may be transmitted electronically to the Secretary of State for the purposes of registering the person to vote or correcting the statewide voter registration list pursuant to NRS 293.530.~~

~~2. The system established pursuant to subsection 1 must be designed to:~~

~~(a) Ensure the secure electronic storage of information collected pursuant to section 10 of this act, the secure transmission of such information to the Secretary of State and county clerks and the secure electronic storage of such information by the Secretary of State and county clerks;~~

~~(b) Provide for the destruction of records by the Department as required by subsection 2 of section 11 of this act; and~~

~~(c) Enable the Secretary of State to receive, view and collate the information into individual electronic documents pursuant to paragraph (c) of subsection 1 of section 12 of this act.} (Deleted by amendment.)~~

~~Sec. 9. {1. The Department of Motor Vehicles shall follow the procedures described in this section and sections 10 and 11 of this act if a person applies in person at an office of the Department for the issuance or renewal of any type of driver's license or identification card issued by the Department.~~

~~2. Using language approved by the Secretary of State and before concluding the person's transaction with the Department, the Department shall notify each person described in subsection 1:~~

~~(a) Of the qualifications to vote in this State, as provided by NRS 293.185;~~

~~(b) That, unless the person affirmatively declines by submitting a written form that meets the requirements of 52 U.S.C. § 20506(a)(6), if the person meets the qualifications to vote in this State, the Department will transmit to the Secretary of State all information required to register the person to vote pursuant to this chapter or to update the voter registration information of the person for the purpose of correcting the statewide voter registration list pursuant to NRS 293.530;~~

~~(c) That providing information to be used to register the person to vote or to update the voter registration information of the person is voluntary;~~

~~(d) That:~~

~~(1) Indicating a political party affiliation or indicating that the person is not affiliated with a political party is voluntary;~~

~~(2) The person may indicate a political party affiliation; and~~



~~(3) A person who does not indicate a major political party affiliation will be registered as nonpartisan and will not be able to vote at a primary election or primary city election for candidates for partisan office of a major political party unless the person updates his or her voter registration information to indicate a major political party affiliation; and~~  
~~(c) Of the provisions of subsections 1 and 2 of section 13 of this act.]~~  
 (Deleted by amendment.)

Sec. 10. ~~[1. If a person does not affirmatively decline to have his or her information transmitted to the Secretary of State, the Department shall collect from the person:~~

~~(a) An affirmation signed electronically under penalty of perjury that the person is eligible to vote;~~

~~(b) An electronic facsimile of the signature of the person;~~

~~(c) Any personal information which the person has not already provided to the Department and which is required for the person to register to vote or to update the voter registration information of the person, including:~~

~~(1) The first or given name and the surname of the person;~~

~~(2) The address at which the person actually resides, as set forth in NRS 293.186, and, if different, the address at which the person may receive mail, including, without limitation, a post office box or general delivery;~~

~~(3) The date of birth of the person;~~

~~(4) Subject to the provisions of subsection 2, one of the following:~~

~~(I) The number indicated on the person's current and valid driver's license issued by the Department, if the person has such a driver's license; or~~

~~(II) The last four digits of the person's social security number, if the person does not have a driver's license issued by the Department and has a social security number; and~~

~~(5) The political party affiliation, if any, indicated by the person or, if applicable, a notation that the person has failed to indicate such an affiliation; and~~

~~(d) The electronic form, if any, completed by the person and indicating his or her political affiliation.~~

~~2. If the person does not have the identification set forth in subparagraph (4) of paragraph (c) of subsection 1, the person must sign electronically an affidavit stating that he or she does not have a current and valid driver's license issued by the Department or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the person which must be the same number as the unique identifier assigned to the person for purposes of the statewide voter registration list.]~~  
 (Deleted by amendment.)

Sec. 11. ~~[1. The Department of Motor Vehicles shall electronically transmit to the Secretary of State the information collected from a person pursuant to section 10 of this act:~~

~~(a) Except as otherwise provided in paragraph (b), not later than 5 days after collecting the information; and~~

~~(b) During the 2 weeks immediately preceding the fifth Sunday preceding an election, not later than 1 day after collecting the information.~~

~~2. The Department shall destroy any record with information collected pursuant to section 10 of this act that is not otherwise collected by the Department in the normal course of business immediately after transmitting the information to the Secretary of State pursuant to subsection 1.~~ (Deleted by amendment.)

Sec. 12. ~~[1. If a person does not affirmatively decline to have his or her information transmitted to the Secretary of State:~~

~~(a) The person shall be deemed an applicant to register to vote;~~

~~(b) Any act by the person pursuant to section 10 of this act shall be deemed an act of applying to register to vote;~~

~~(c) Upon receipt of the information collected from the person and transmitted by the Department of Motor Vehicles, the Secretary of State shall collate the information into an individual electronic document, which shall be deemed an application to register to vote; and~~

~~(d) Unless the applicant is already registered to vote, the date on which the person applied in person at an office of the Department for the issuance or renewal of a driver's license or identification card shall be deemed the date on which the applicant is registered to vote.~~

~~2. Except as otherwise provided in subsection 5, the Secretary of State shall electronically transmit each application to register to vote to the appropriate county clerk.~~

~~3. If the county clerk determines that the application is complete and that the applicant is eligible to vote pursuant to NRS 293.485, the name of the applicant must appear on the statewide voter registration list and the appropriate election board register, and the person must be provided all sample ballots and any other voter information provided to registered voters.~~

~~4. For each applicant who is registered to vote by the county clerk pursuant to this section, the electronic facsimile of the signature of the applicant shall be deemed to be the facsimile of the signature to be used for the comparison purposes of NRS 293.277.~~

~~5. If an applicant is already registered to vote, the Secretary of State shall use the voter registration information of the applicant received pursuant to this section to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.~~ (Deleted by amendment.)

Sec. 13. ~~[1. Whether a person declines to have his or her information transmitted to the Secretary of State must not affect the provision of services or assistance to the person by the Department, and the fact of a person registering to vote or declining to do so must not be disclosed to the public.~~

~~2. Any information collected pursuant to sections 8 to 13, inclusive, of this act must not be used for any purpose other than voter registration.~~

~~3. The Secretary of State shall adopt regulations necessary to carry out the provisions of sections 8 to 13, inclusive, of this act.~~ (Deleted by amendment.)

Sec. 14. 1. Every citizen of the United States who is ~~16~~ 17 years of age ~~for older~~ and has continuously resided in this State for 30 days or longer may preregister to vote by any of the means available for a person who is entitled to vote at an election pursuant to NRS 293.485 to register to vote pursuant to this chapter. A person eligible to preregister to vote pursuant to this section is deemed to be preregistered to vote upon the submission of a completed application to preregister.

2. Except as otherwise provided in subsection 3, a person who preregisters to vote pursuant to this section shall be deemed to be registered to vote on his or her 18th birthday and the county clerk shall issue to the person a voter registration card as described in subsection 6 of NRS 293.517 as soon as practicable after his or her 18th birthday.

3. The preregistration to vote of a person may be cancelled by any of the means and for any of the reasons for cancelling a registration pursuant to this chapter.

4. The preregistration information of a person may be updated by any of the means for updating the registration information of a person pursuant to this chapter.

5. The Secretary of State shall adopt regulations providing for preregistration to vote pursuant to this section. The regulations:

(a) Must include, without limitation, provisions to ensure that any person who preregisters to vote pursuant to this section is issued a voter registration card; and

(b) Must not require a county clerk to provide to a person who preregisters to vote pursuant to this section sample ballots or any other voter information provided to registered voters unless the person will be eligible to vote at the election for which the sample ballots or other information is provided.

Sec. 15. ~~1. Each county clerk shall:~~

~~— (a) With the approval of the board of county commissioners, designate one or more polling places in the county as a site for an elector of the county to register to vote on the day of a primary election or general election.~~

~~— (b) Publish during the week before the election in a newspaper of general circulation a notice of the location of each polling place in the county that has been established pursuant to paragraph (a).~~

~~— (c) Post a list of the locations established pursuant to paragraph (a) on any bulletin board used for posting notice of meetings of the board of county commissioners. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The county clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.~~

~~2. An elector who is not registered to vote by the close of registration may register to vote on the day of the primary election or general election at~~

~~any polling place designated pursuant to subsection 1 by the county clerk of the county where the elector resides.~~

~~3. To register to vote on the day of the primary election or general election, an elector must:~~

~~(a) Appear before the close of the polls at a polling place designated by the county clerk pursuant to subsection 1 as a site for registering to vote on the day of the election;~~

~~(b) Complete the application to register to vote; and~~

~~(c) Provide proof of his or her residence and identity as described in subsections 4 and 5.~~

~~4. The following forms of identification may be used to identify an elector applying to register to vote pursuant to this section:~~

~~(a) A driver's license;~~

~~(b) An identification card issued by the Department of Motor Vehicles;~~

~~(c) A military identification card; or~~

~~(d) Any other form of identification issued by a governmental agency which contains the signature and a physical description or picture of the elector.~~

~~5. The following documents may be used to establish the residency of an elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:~~

~~(a) Any form of identification set forth in subsection 4;~~

~~(b) A utility bill, including, without limitation, a bill for electricity, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television;~~

~~(c) A bank or credit union statement;~~

~~(d) A paycheck;~~

~~(e) An income tax return;~~

~~(f) A statement concerning the mortgage, rental or lease of a residence;~~

~~(g) A motor vehicle registration;~~

~~(h) A property tax statement;~~

~~(i) Any other document issued by a governmental agency; or~~

~~(j) Any other official document which the county clerk, field registrar or other person designated by the county clerk to accept applications to register to vote pursuant to this section determines, in his or her discretion, to be a reliable indication of the true residential address of the elector.~~

~~6. An elector who registers pursuant to this section shall be deemed to be registered to vote upon the completion of an application to register to vote and the verification of the elector's identity and residency.~~

~~7. An elector who registers to vote pursuant to this section:~~

~~(a) May vote in the primary election or general election only at the polling place at which the elector registers to vote; and~~

~~(b) If he or she applies to vote at the polling place at which he or she registers to vote, must sign electronically his or her name in an election board register designated for electors who register to vote pursuant to this section.~~ (Deleted by amendment.)

Sec. 16. NRS 293.053 is hereby amended to read as follows:

293.053 "Election board register" means the ~~felectronic~~ record of registered voters in printed or electronic form that is provided to election boards.

Sec. 16.5. NRS 293.095 is hereby amended to read as follows:

293.095 "Roster" means the ~~form~~ record in printed or electronic form furnished to election board officers ~~to be~~ which contains a list of eligible voters that is used for obtaining the signature of each person applying for a ballot.

Sec. 17. NRS 293.097 is hereby amended to read as follows:

293.097 1. "Sample ballot" means a document distributed by a county or city clerk upon which is ~~printed~~ included a list of the offices, candidates and ballot questions that will appear on a ballot.

2. The term includes , without limitation, any such document which is ~~printed by~~ prepared on a computer [-] and distributed by mail or electronic mail. means pursuant to NRS 293.565 or 293C.530.

Sec. 18. ~~NRS 293.1277 is hereby amended to read as follows:~~

~~293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. Within 9 days, excluding Saturdays, Sundays and holidays, after notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.~~

~~2. Except as otherwise provided in subsection 3, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater. If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.~~

~~3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification.~~

~~The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.~~

~~4. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in subsection 5, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.~~

~~5. If:~~

~~(a) Pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer; [or]~~

~~(b) A person registers to vote pursuant to NRS 293D.230 and signs his or her application to register to vote using a digital signature or an electronic signature [;]; or~~

~~(c) A person registers to vote pursuant to section 10 of this act;~~

~~the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.~~

~~6. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.~~

~~7. Except as otherwise provided in subsection 9, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.~~

~~8. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.~~

~~9. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.~~

~~10. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.] (Deleted by amendment.)~~

Sec. 19. [NRS 293.2546 is hereby amended to read as follows:

~~293.2546 The Legislature hereby declares that each voter has the right:~~

~~1. To receive and cast a ballot that:~~

~~(a) Is written in a format that allows the clear identification of candidates; and~~

~~(b) Accurately records the voter's preference in the selection of candidates.~~

~~2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.~~

~~3. To vote without being intimidated, threatened or coerced.~~

~~4. To vote on election day if the voter is waiting in line to vote before 7 p.m. at [his or her] a polling place at which he or she is entitled to vote [before 7 p.m.] and the voter has not already cast a vote in that election.~~

~~5. To return a spoiled ballot and is entitled to receive another ballot in its place.~~

~~6. To request assistance in voting, if necessary.~~

~~7. To a sample ballot which is accurate, informative and delivered in a timely manner.~~

~~8. To receive instruction in the use of the equipment for voting during early voting or on election day.~~

~~9. To have nondiscriminatory equal access to the elections system, including, without limitation, a voter who is elderly, disabled, a member of a minority group, employed by the military or a citizen who is overseas.~~

~~10. To have a uniform, statewide standard for counting and recounting all votes accurately.~~

~~11. To have complaints about elections and election contests resolved fairly, accurately and efficiently.] (Deleted by amendment.)~~

Sec. 20. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers to vote by mail or computer ~~[to vote in this State or registers to vote pursuant to section 10 of this act,] or a person who preregisters to vote pursuant to~~

*section 14 of this act and is subsequently deemed registered*, and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person, which shows his or her physical address; or

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

➡ If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.

2. The provisions of subsection 1 do not apply to a person who:

(a) Registers to vote by mail *or computer, or preregisters to vote pursuant to section 14 of this act by mail or computer*, and submits with an application to register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517;

(b) Except as otherwise provided in subsection 3, registers to vote by mail or computer and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) ~~*Registers to vote pursuant to section 10 of this act and, at the time the person applied to the Department of Motor Vehicles for the issuance or renewal of a driver's license or identification card, presented to the Department:*~~

~~*(1) A copy of a current and valid photo identification;*~~

~~*(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; or*~~



~~—(3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;~~

~~—(d)~~ Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

~~(d)~~ ~~Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or~~

~~(e)~~ ~~Is entitled to vote otherwise than in person under any other federal law.~~

3. The provisions of subsection 1 apply to a person described in paragraph (b) of subsection 2 if the voter registration card issued to the person pursuant to subsection 6 of NRS 293.517 is mailed by the county clerk to the person and returned to the county clerk by the United States Postal Service.

Sec. 21. ~~[NRS 293.2725 is hereby amended to read as follows:~~

~~—293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers to vote by mail or computer or registers to vote pursuant to section 10 of this act, or a person who preregisters to vote pursuant to section 14 of this act and is subsequently deemed registered, and who has not previously voted in an election for federal office in this State:~~

~~—(a) May vote at a polling place only if the person presents to the election board officer at the polling place:~~

~~—(1) A current and valid photo identification of the person, which shows his or her physical address; or~~

~~—(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; and~~

~~—(b) May vote by mail only if the person provides to the county or city clerk:~~

~~—(1) A copy of a current and valid photo identification of the person, which shows his or her physical address; or~~

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

~~→ If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.~~

~~—2. The provisions of subsection 1 do not apply to a person who:~~

~~—(a) Registers to vote by mail or computer, or preregisters to vote pursuant to section 14 of this act by mail or computer, and submits with an application to register to vote;~~

~~— (1) A copy of a current and valid photo identification; or~~  
~~— (2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517;~~  
~~— (b) Except as otherwise provided in subsection 3, registers to vote by mail or computer and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;~~  
~~— (e) Registers to vote pursuant to section 10 of this act and, at the time the person applied to [the Department of Motor Vehicles for the issuance or renewal of a driver's license or identification card,] a voter registration agency, presented to the [Department,] agency;~~  
~~— (1) A copy of a current and valid photo identification;~~  
~~— (2) A copy of a current utility bill, bank statement, paycheck, or document issued by a government entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; or~~  
~~— (3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;~~  
~~— (d) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;~~  
~~— (e) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or~~  
~~— (f) Is entitled to vote otherwise than in person under any other federal law.~~  
~~3. The provisions of subsection 1 apply to a person described in paragraph (b) of subsection 2 if the voter registration card issued to the person pursuant to subsection 6 of NRS 293.517 is mailed by the county clerk to the person and returned to the county clerk by the United States Postal Service.] (Deleted by amendment.)~~

Sec. 22. ~~[NRS 293.273 is hereby amended to read as follows:~~

~~293.273 1. Except as otherwise provided in [subsection 2 and] NRS 293.305, at all elections held under the provisions of this title, the polls must open at 7 a.m. and close at 7 p.m.~~

~~2. [Whenever at any election all the votes of the precinct or district, as shown on the roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed.~~

~~— 3.] Upon opening the polls, one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.~~

~~— [4.] 3. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this title.] (Deleted by amendment.)~~

Sec. 23. ~~[NRS 293.275 is hereby amended to read as follows:~~  
~~293.275 [No]~~

~~— 1. Except as otherwise provided in subsection 2, no election board may perform its duty in serving registered voters at any precinct or district polling place in any election provided for in this title, unless it has before it the election board register for its precinct or district.~~

~~— 2. If a county clerk or city clerk establishes a polling place pursuant to section 2 or 49 of this act, respectively, the election board may perform its duty in serving registered voters at the polling place in an election if the election board has before it the election board register for the county or city, as applicable.] (Deleted by amendment.)~~

Sec. 24. ~~[NRS 293.277 is hereby amended to read as follows:~~

~~— 293.277 1. Except as otherwise provided in NRS 293.541, if a person's name appears in the election board register or if the person provides an affirmation pursuant to NRS 293.525, the person is entitled to vote and must sign electronically his or her name in the election board register when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's original application to register to vote or one of the forms of identification listed in subsection 2.~~

~~— 2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:~~

~~— (a) The card issued to the voter at the time he or she registered to vote;~~

~~— (b) A driver's license;~~

~~— (c) An identification card issued by the Department of Motor Vehicles;~~

~~— (d) A military identification card; or~~

~~— (e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.~~

~~— 3. The county clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted in the election.] (Deleted by amendment.)~~

Sec. 25. NRS 293.283 is hereby amended to read as follows:

293.283 Any registered voter who is unable to sign his or her name must be identified by answering questions covering the personal data which is reported on the original application to register to vote. The officer in charge

of the roster shall ~~[stamp, write or print]~~ indicate "Identified as" next to ~~[the left of]~~ the voter's name.

Sec. 26. ~~[NRS 293.285 is hereby amended to read as follows:~~

~~293.285 A registered voter applying to vote shall state his or her name to the election board officer in charge of the election board register, and the officer shall immediately announce the name and take the registered voter's electronic signature [...] after confirming pursuant to the procedure prescribed pursuant to subsection 3 of NRS 293.277 that the registered voter has not already voted in the election.] (Deleted by amendment.)~~

Sec. 26.5. NRS 293.301 is hereby amended to read as follows:

293.301 1. The county clerk of each county shall require an election board officer to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the county. Except as otherwise provided in NRS 293.5002 and 293.558, the alphabetical listing must include the name, address and political affiliation of each voter ~~and~~ and the electronic mail address of the voter if provided by the voter pursuant to NRS 293.565 or 293C.530. Not less than four times during the hours in which the polling place is open, an election board officer shall identify the name of each voter that voted since the last identification.

2. Each page of the alphabetical listing must contain a notice which reads substantially as follows:

It is unlawful for any person to remove, tear, mark or otherwise deface this alphabetical listing of registered voters except an election board officer acting pursuant to subsection 1 of NRS 293.301.

3. Any person who removes, tears, marks or otherwise defaces an alphabetical listing posted pursuant to this section with the intent to falsify or prevent others from readily ascertaining the name, address, electronic mail address or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor.

Sec. 27. NRS 293.303 is hereby amended to read as follows:

293.303 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election. A registered voter who initiates a challenge pursuant to this paragraph must submit an affirmation that is signed under penalty of perjury and in the form prescribed by the Secretary of State stating that the challenge is based on the personal knowledge of the registered voter.

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not belong to the political party designated upon the register, "I swear or affirm under penalty of perjury that I belong to the political party designated upon the register";

(b) If the challenge is on the ground that the register does not show that the challenged person designated the political party to which he or she claims to belong, "I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong";

(c) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the election board register, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the election board register";

(d) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(e) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this election board register."

➡ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. Except as otherwise provided in subsection 4, if the challenged person refuses to execute the oath or affirmation so tendered, he or she must not be issued a ballot, and the officer in charge of the election board register shall ~~[write]~~ insert the words "Challenged ....." opposite his or her name in the election board register.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) or (b) of subsection 2, the election board officers shall issue the person a nonpartisan ballot.

5. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (c) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293.304.

6. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (e) of subsection 2, the election board officers shall issue the person a partisan ballot.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification which contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the address at which a person resides.

8. If the challenge is based on the ground set forth in paragraph (e) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person:

(a) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of that person, such as a driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

9. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 28. ~~[NRS 203.305 is hereby amended to read as follows:~~

~~203.305 1. If at the hour of closing the polls there are any registered voters waiting to vote [.] or persons waiting to register to vote, the doors of the polling place must be closed after all such [voters] persons have been admitted to the polling place. Voting must continue until those [voters] persons have voted.~~

~~2. The deputy sheriff shall allow other persons to enter the polling place after the doors have been closed for the purpose of observing or any other legitimate purpose if there is room within the polling place and such admittance will not interfere unduly with the voting [.] or registration.]~~

~~(Deleted by amendment.)~~

Sec. 29. ~~[NRS 203.3585 is hereby amended to read as follows:~~

~~203.3585 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:~~

~~(a) Determine that the person is a registered voter in the county;~~

~~(b) Instruct the voter to sign electronically the roster for early voting; and~~

~~(c) Verify the signature of the voter against that contained on the [original application to register to vote or a facsimile thereof,] roster for early voting, the card issued to the voter at the time of registration or some other piece of official identification.~~

~~2. The county clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.~~

~~3. The roster for early voting must contain:~~

~~(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number, a facsimile of the signature of the voter that is from the original application to register to vote and a place for the voter's electronic signature;~~

~~(b) The voter's precinct or voting district number; and~~

~~(c) The date of voting early in person.~~

~~4. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the deputy clerk for early voting, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.~~

~~5. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the deputy clerk for early voting shall:~~

~~(a) Prepare the mechanical recording device for the voter;~~

~~(b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and~~

~~(c) Allow the voter to cast a vote.~~

~~6. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.] (Deleted by amendment.)~~

Sec. 29.5. NRS 293.440 is hereby amended to read as follows:

293.440 1. Any person who desires a copy of any list of the persons who are registered to vote in any precinct, district or county may obtain a copy by applying at the office of the county clerk and paying therefor a sum of money equal to 1 cent per name on the list, except that one copy of each original and supplemental list for each precinct, district or county must be provided both to the state central committee of any major political party and to the county central committee of any major political party, and to the executive committee of any minor political party upon request, without charge.

2. Except as otherwise provided in NRS 293.5002 and 293.558, the copy of the list provided pursuant to this section must indicate the address, date of birth, telephone number and the serial number on each application to register to vote ~~for~~ and the electronic mail address of the voter if provided by the voter pursuant to NRS 293.565 or 293C.530. If the county maintains this information in a computer database, the date of the most recent addition or revision to an entry, if made on or after July 1, 1989, must be included in the database and on any resulting list of the information. The date must be expressed numerically in the order of month, day and year.

3. A county may not pay more than 10 cents per folio or more than \$6 per thousand copies for printed lists for a precinct or district.

4. A county which has a system of computers capable of recording information on magnetic tape or diskette shall, upon request of the state central committee or county central committee of any major political party or the executive committee of any minor political party which has filed a certificate of existence with the Secretary of State, record for both the state central committee and the county central committee of the major political party, if requested, and for the executive committee of the minor political party, if requested, on magnetic tape or diskette supplied by it:

(a) The list of persons who are registered to vote and the information required in subsection 2; and

(b) Not more than four times per year, as requested by the state or county central committee or the executive committee:

(1) A complete list of the persons who are registered to vote with a notation for the most recent entry of the date on which the entry or the latest change in the information was made; or

(2) A list that includes additions and revisions made to the list of persons who are registered to vote after a date specified by the state or county central committee or the executive committee.

5. If a political party does not provide its own magnetic tape or diskette, or if a political party requests the list in any other form that does not require printing, the county clerk may charge a fee to cover the actual cost of providing the tape, diskette or list.

6. Any state or county central committee of a major political party, any executive committee of a minor political party or any member or representative of such a central committee or executive committee who receives without charge a list of the persons who are registered to vote in any precinct, district or county pursuant to this section shall not:

(a) Use the list for any purpose that is not related to an election; or

(b) Sell the list for compensation or other valuable consideration.

Sec. 30. ~~[NRS 293.4689 is hereby amended to read as follows:~~

~~293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:~~

~~(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place or places at which the registered voter is [required] entitled to cast a ballot; and~~

~~(b) The abstract of votes required pursuant to the provisions of NRS 293.388.~~

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

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

Sec. 31. ~~[NRS 293.4695 is hereby amended to read as follows:~~

~~293.4695 1. Each county clerk shall collect the following information regarding each primary and general election, on a form provided by the Secretary of State and made available at each polling place in the county,~~



~~each polling place for early voting in the county, the office of the county clerk and any other location deemed appropriate by the Secretary of State:~~

~~— (a) The number of ballots that have been discarded or for any reason not included in the final canvass of votes, along with an explanation for the exclusion of each such ballot from the final canvass of votes.~~

~~— (b) A report on each malfunction of any mechanical voting system, including, without limitation:~~

~~— (1) Any known reason for the malfunction;~~

~~— (2) The length of time during which the mechanical voting system could not be used;~~

~~— (3) Any remedy for the malfunction which was used at the time of the malfunction; and~~

~~— (4) Any effect the malfunction had on the election process.~~

~~— (c) A list of each polling place not open during the time prescribed pursuant to NRS 293.273 and an account explaining why each such polling place was not open during the time prescribed pursuant to NRS 293.273.~~

~~— (d) A description of each challenge made to the eligibility of a voter pursuant to NRS 293.303 and the result of each such challenge.~~

~~— (e) A description of each complaint regarding a ballot cast by mail or facsimile filed with the county clerk and the resolution, if any, of the complaint.~~

~~— (f) The results of any audit of election procedures and practices conducted pursuant to regulations adopted by the Secretary of State pursuant to this chapter.~~

~~— (g) The number of provisional ballots cast and the reason for the casting of each provisional ballot.~~

~~— (h) The number of persons who have registered to vote in the county or who have updated their voter registration information through services provided by each voter registration agency pursuant to NRS 293.504 and the Department of Motor Vehicles pursuant to NRS 293.524 or section 10 of this act.~~

~~— (i) The number of persons who have attempted to register to vote in the county through services provided by each voter registration agency pursuant to NRS 293.504 and the Department of Motor Vehicles pursuant to NRS 293.524 or section 10 of this act and who have been determined to not be entitled to vote pursuant to this chapter.~~

~~— (j) The number of persons who submitted to a voter registration agency a form that meets the requirements of 52 U.S.C. § 20506(a)(6).~~

~~2. Each county clerk shall submit to the Secretary of State, on a form provided by the Secretary of State, the information collected pursuant to subsection 1 not more than 60 days after each primary and general election.~~

~~3. The Secretary of State may contact any political party and request information to assist in the investigation of any allegation of voter intimidation.~~

~~4. The Secretary of State shall establish and maintain an Internet website pursuant to which the Secretary of State shall solicit and collect voter comments regarding election processes.~~

~~5. The Secretary of State shall compile the information and comments collected pursuant to this section into a report and shall submit the report to the Director of the Legislative Counsel Bureau for transmission to the Legislature not sooner than 30 days before and not later than 30 days after the first day of each regular session of the Legislature.~~

~~6. The Secretary of State may make the report required pursuant to subsection 5 available on an Internet website established and maintained by the Secretary of State.] (Deleted by amendment.)~~

Sec. 32. [NRS 293.4695 is hereby amended to read as follows:

~~293.4695 1. Each county clerk shall collect the following information regarding each primary and general election, on a form provided by the Secretary of State and made available at each polling place in the county, each polling place for early voting in the county, the office of the county clerk and any other location deemed appropriate by the Secretary of State:~~

~~—(a) The number of ballots that have been discarded or for any reason not included in the final canvass of votes, along with an explanation for the exclusion of each such ballot from the final canvass of votes.~~

~~—(b) A report on each malfunction of any mechanical voting system, including, without limitation:~~

~~—(1) Any known reason for the malfunction;~~

~~—(2) The length of time during which the mechanical voting system could not be used;~~

~~—(3) Any remedy for the malfunction which was used at the time of the malfunction; and~~

~~—(4) Any effect the malfunction had on the election process.~~

~~—(c) A list of each polling place not open during the time prescribed pursuant to NRS 293.273 and an account explaining why each such polling place was not open during the time prescribed pursuant to NRS 293.273.~~

~~—(d) A description of each challenge made to the eligibility of a voter pursuant to NRS 293.303 and the result of each such challenge.~~

~~—(e) A description of each complaint regarding a ballot cast by mail or facsimile filed with the county clerk and the resolution, if any, of the complaint.~~

~~—(f) The results of any audit of election procedures and practices conducted pursuant to regulations adopted by the Secretary of State pursuant to this chapter.~~

~~—(g) The number of provisional ballots cast and the reason for the casting of each provisional ballot.~~

~~—(h) The number of persons who have registered to vote in the county or who have updated their voter registration information through services provided by each voter registration agency pursuant to NRS 293.504 [and the~~

Department of Motor Vehicles pursuant to NRS] ~~or 293.524 or section 10 of this act.~~

~~— (i) The number of persons who have attempted to register to vote in the county through services provided by each voter registration agency pursuant to NRS 293.504 [and the Department of Motor Vehicles pursuant to NRS] ~~or 293.524 or section 10 of this act and who have been determined to not be entitled to vote pursuant to this chapter.~~~~

~~— (j) The number of persons who submitted to a voter registration agency a form that meets the requirements of 52 U.S.C. § 20506(a)(6).~~

~~— 2. Each county clerk shall submit to the Secretary of State, on a form provided by the Secretary of State, the information collected pursuant to subsection 1 not more than 60 days after each primary and general election.~~

~~— 3. The Secretary of State may contact any political party and request information to assist in the investigation of any allegation of voter intimidation.~~

~~— 4. The Secretary of State shall establish and maintain an Internet website pursuant to which the Secretary of State shall solicit and collect voter comments regarding election processes.~~

~~— 5. The Secretary of State shall compile the information and comments collected pursuant to this section into a report and shall submit the report to the Director of the Legislative Counsel Bureau for transmission to the Legislature not sooner than 30 days before and not later than 30 days after the first day of each regular session of the Legislature.~~

~~— 6. The Secretary of State may make the report required pursuant to subsection 5 available on an Internet website established and maintained by the Secretary of State.] (Deleted by amendment.)~~

Sec. 33. ~~[NRS 293.504 is hereby amended to read as follows:~~

~~— 293.504 1. The following offices shall serve as voter registration agencies:~~

~~— (a) Such offices that provide public assistance as are designated by the Secretary of State;~~

~~— (b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;~~

~~— (c) The offices of the Department of Motor Vehicles;~~

~~— (d) The offices of the city and county clerks;~~

~~— (e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable;~~

~~— (f) Recruitment offices of the United States Armed Forces; and~~

~~— (g) Such other offices as the Secretary of State deems appropriate.~~

~~— 2. Each voter registration agency shall:~~

~~— (a) Post in a conspicuous place, in at least 12 point type, instructions for registering to vote;~~

~~— (b) Except as otherwise provided in subsection 3 [,] and sections 8 to 13, inclusive, of this act, distribute applications to register to vote which may be returned by mail with any application for services or assistance from the~~

agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;

~~— (e) Provide the same amount of assistance to an applicant in completing an application to register to vote as the agency provides to a person completing any other forms for the agency; and~~

~~— (d) Accept completed applications to register to vote.~~

~~3. A voter registration agency is not required to provide an application to register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person affirmatively declines to register to vote and submits to the agency a written form that meets the requirements of [42] 52 U.S.C. § [1973gg 5(a)(6). No information] 20506(a)(6). Information related to the declination to register to vote may not be used for any purpose other than voter registration.~~

~~4. Except as otherwise provided in this subsection and NRS 293.524, any application to register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election. The county clerk shall accept any application to register to vote which is obtained from a voter registration agency pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the application not later than 5 days after that date.~~

~~5. The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to register to vote at recruitment offices of the United States Armed Forces.] (Deleted by amendment.)~~

Sec. 34. NRS 293.510 is hereby amended to read as follows:

293.510 1. In counties where computers are not used to register voters, the ~~Each~~ county clerk shall:

(a) ~~[Segregate the applications to register to vote forwarded to the county clerk from the Secretary of State pursuant to section 12 of this act in a computer file according to the precinct or district in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order.~~

~~— (b) Segregate ~~all other~~ the original applications to register to vote ~~in a computer file~~ according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order.~~

~~{2.} The applications for each precinct or district must be kept ~~in a separate binder which is marked with the number of the computer file~~ separately for each precinct or district. ~~[This binder constitutes For each precinct and district, the county clerk shall create a computer listing which contains the information included in the applications to register to vote. This~~~~

~~computer listing is].~~ These applications must be used to prepare the election board register.

(b) Arrange

~~[3. The county clerk shall arrange]~~ the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable ~~file~~ ~~computer~~ file which constitutes the registrar of voters' register.

2. ~~[4.]~~ In any county where a computer is used to register voters, the county clerk shall:

(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.

(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be ~~[placed in separate binders computer files which are marked with identified by the number of the precinct or district. These binders files constitute]~~ used to prepare the election board registers.

Sec. 35. ~~[NRS 293.511 is hereby amended to read as follows:~~  
~~293.511 [If a] 4 registrar of voters' register or an election board register [is] must be kept by computer [, the register must] file and include all the information contained in the original applications to register to vote.]~~  
 (Deleted by amendment.)

Sec. 36. ~~[NRS 293.517 is hereby amended to read as follows:~~  
~~293.517 1. Any elector residing within the county may register to vote:~~  
~~(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to register to vote, giving true and satisfactory answers to all questions relevant to his or her identity and right to vote, and providing proof of residence and identity;~~  
~~(b) By completing and mailing or personally delivering to the county clerk an application to register to vote pursuant to the provisions of NRS 293.5235;~~  
~~(c) Pursuant to the provisions of NRS 293.524 or section 10 of this act or chapter 293D of NRS;~~  
~~(d) At his or her residence with the assistance of a field registrar pursuant to NRS 293.5237; or~~  
~~(e) By submitting an application to register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.~~

~~→ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before registering the person. If the applicant registers to vote pursuant to this subsection and fails to provide proof of residence and~~

~~identity, the applicant must provide proof of residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083. For the purposes of this subsection, a voter registration card issued pursuant to subsection 6 does not provide proof of the residence or identity of a person.~~

~~—2.— [The] Except as otherwise provided in sections 8 to 13, inclusive, of this act, the application to register to vote must be signed and verified under penalty of perjury by the elector registering.~~

~~—3.— Each elector who is or has been married must be registered under his or her own given or first name, and not under the given or first name or initials of his or her spouse.~~

~~—4.— An elector who is registered and changes his or her name must complete a new application to register to vote. The elector may obtain a new application:~~

~~—(a) At the office of the county clerk or field registrar;~~

~~—(b) By submitting an application to register to vote pursuant to the provisions of NRS 293.5235;~~

~~—(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to register to vote;~~

~~—(d) At any voter registration agency; or~~

~~—(e) By submitting an application to register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.~~

~~— If the elector fails to register under his or her new name, the elector may be challenged pursuant to the provisions of NRS 293.303 or 293C.202 and may be required to furnish proof of identity and subsequent change of name.~~

~~—5.— Except as otherwise provided in subsection 7 [.] and section 12 of this act, an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of an application to register to vote.~~

~~—6.— After the county clerk determines that the application to register to vote of a person is complete and that, except as otherwise provided in NRS 293D.210, the person is eligible to vote pursuant to NRS 293.485, the county clerk shall issue a voter registration card to the voter which contains:~~

~~—(a) The name, address, political affiliation and precinct number of the voter;~~

~~—(b) The date of issuance; and~~

~~—(c) The signature of the county clerk.~~

~~—7.— If an elector submits an application to register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application to register to vote if the county clerk believes that because of such handwritten additions, erasures or interlineations, the application to register to vote of the elector is incomplete or that, except as otherwise provided in NRS 293D.210, the elector is not eligible to vote~~

~~pursuant to NRS 293.485. If the county clerk objects pursuant to this subsection, he or she shall immediately notify the elector and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:~~

~~—(a) The application to register to vote of the elector is complete and, except as otherwise provided in NRS 293D.210, the elector is eligible to vote pursuant to NRS 293.485; and~~

~~—(b) The county clerk should proceed to process the application to register to vote.~~

~~→ If the District Attorney advises the county clerk to process the application to register to vote, the county clerk shall immediately issue a voter registration card to the applicant pursuant to subsection 6.] (Deleted by amendment.)~~

Sec. 37. ~~[NRS 293.524 is hereby amended to read as follows:~~

~~293.524 1. [The] Except as otherwise provided in this section, the Department of Motor Vehicles shall provide [an] a paper application to register to vote to each person who [applies].~~

~~—(a) Applies for the issuance or renewal of any type of driver's license or identification card issued by the Department [.] ; and~~

~~—(b) Does not register to vote pursuant to section 10 of this act.~~

~~2. The county clerk shall use the paper applications to register to vote which are signed and completed pursuant to subsection 1 to register applicants to vote or to correct information in the registrar of voters' register. [An] A paper application that is not signed must not be used to register or correct the registration of the applicant.~~

~~3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of [an] a paper application. The authorized employee shall check the paper application for completeness and verify the information required by the paper application. Each paper application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each paper application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The paper applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election.~~

~~4. The Department is not required to provide a paper application to register to vote pursuant to subsection 1 to a person if the person affirmatively declines to register to vote pursuant to this section and submits to the Department a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to register to vote must not be used for any purpose other than voter registration.~~

~~5. The county clerk shall accept any paper application to register to vote which is obtained from the Department of Motor Vehicles pursuant to this~~

~~section and completed by the fifth Sunday preceding an election if the county clerk receives the *paper* application not later than 5 days after that date. Upon receipt of [an] a *paper* application, the county clerk or field registrar of voters shall determine whether the *paper* application is complete. If the county clerk or field registrar of voters determines that the *paper* application is complete, he or she shall notify the applicant and the applicant shall be deemed to be registered as of the date of the submission of the *paper* application. If the county clerk or field registrar of voters determines that the *paper* application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be registered as of the date of the initial submission of the *paper* application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete *paper* application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the *paper* application is complete.~~

~~—[5.] 6. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to register to vote.~~

~~—[6.] 7. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the registrar of voters' register. If the person is a registered voter, the county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.~~

~~—[7.] 8. The Secretary of State shall, with the approval of the Director, adopt regulations to:~~

~~—(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;~~

~~—(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and~~

~~—(c) Provide for the transfer of the completed applications of registration from the Department to the appropriate county clerk for inclusion in the election board registers and registrar of voters' register.] (Deleted by amendment.)~~

Sec. 38. ~~[NRS 293.524 is hereby amended to read as follows:~~



~~293.524 1. Except as otherwise provided in this section, [the Department of Motor Vehicles] a voter registration agency shall provide a paper application to register to vote to each person who:~~

~~(a) Applies for [the issuance or renewal of any type of driver's license or identification card issued by the Department;] or receives services or assistance from the agency; and~~

~~(b) Does not register to vote pursuant to section 10 of this act.~~

~~2. The county clerk shall use the paper applications to register to vote which are signed and completed pursuant to subsection 1 to register applicants to vote or to correct information in the registrar of voters' register. A paper application that is not signed must not be used to register or correct the registration of the applicant.~~

~~3. For the purposes of this section, each employee specifically authorized to do so [by the Director of the Department] may oversee the completion of a paper application. The authorized employee shall check the paper application for completeness and verify the information required by the paper application. Each paper application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The [Department] voter registration agency shall, except as otherwise provided in this subsection, forward each paper application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The paper applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election.~~

~~4. The [Department] voter registration agency is not required to provide a paper application to register to vote pursuant to subsection 1 to a person if the person affirmatively declines to register to vote pursuant to this section and submits to the [Department] agency a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to register to vote must not be used for any purpose other than voter registration.~~

~~5. The county clerk shall accept any paper application to register to vote which is obtained from the [Department of Motor Vehicles] voter registration agency pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the paper application not later than 5 days after that date. Upon receipt of a paper application, the county clerk or field registrar of voters shall determine whether the paper application is complete. If the county clerk or field registrar of voters determines that the paper application is complete, he or she shall notify the applicant and the applicant shall be deemed to be registered as of the date of the submission of the paper application. If the county clerk or field registrar of voters determines that the paper application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be registered as of the date of the initial submission of the paper application if the additional information is provided within 15 days after the notice for the additional information is~~

~~mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete paper application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the paper application is complete.~~

~~6. The county clerk shall use any form submitted to [the Department] a voter registration agency to correct information on a driver's license or identification card to correct information in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of voter registration. The [Department] voter registration agency shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to register to vote.~~

~~7. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the registrar of voters' register. If the person is a registered voter, the county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.~~

~~8. The Secretary of State shall [with the approval of the Director,] adopt regulations to:~~

~~(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;~~

~~(b) Prescribe the contents of any forms or applications which [the Department] a voter registration agency is required to distribute pursuant to this section; and~~

~~(c) Provide for the transfer of the completed applications of registration from the [Department] voter registration agency to the appropriate county clerk for inclusion in the election board registers and registrar of voters' register.} (Deleted by amendment.)~~

Sec. 39. ~~[NRS 293.530 is hereby amended to read as follows:~~

~~293.530 Except as otherwise provided in NRS 293.541:~~

~~1. County clerks may use any reliable and reasonable means available to correct the portions of the statewide voter registration list which are relevant to the county clerks and to determine whether a registered voter's current residence is other than that indicated on the voter's application to register to vote.~~

~~2. A county clerk may, with the consent of the board of county commissioners, make investigations of registration in the county by census, by house to house canvass or by any other method.~~

~~3. A county clerk shall cancel the registration of a voter pursuant to this section if:~~

~~(a) The county clerk mails a written notice to the voter which the United States Postal Service is required to forward;~~

~~— (b) The county clerk mails a return postcard with the notice which has a place for the voter to write his or her new address, is addressed to the county clerk and has postage guaranteed;~~

~~— (c) The voter does not respond; and~~

~~— (d) The voter does not appear to vote in an election before the polls have closed in the second general election following the date of the notice.~~

~~— 4. For the purposes of this section, the date of the notice is deemed to be 3 days after it is mailed.~~

~~— 5. The county clerk shall maintain records of:~~

~~— (a) Any notice mailed pursuant to subsection 3;~~

~~— (b) Any response to such notice; and~~

~~— (c) Whether a person to whom a notice is mailed appears to vote in an election;~~

~~— for not less than 2 years after creation.~~

~~— 6. The county clerk shall use any postcards which are returned to correct the portions of the statewide voter registration list which are relevant to the county clerk.~~

~~— 7. If a voter fails to return the postcard mailed pursuant to subsection 3 within 30 days, the county clerk shall designate the voter as inactive on the voter's application to register to vote.~~

~~— 8. The Secretary of State shall adopt regulations to prescribe the method for maintaining a list of voters who have been designated as inactive pursuant to subsection 7.~~

~~— 9. If:~~

~~— (a) The name of a voter is added to the statewide voter registration list after the voter registers to vote pursuant to section 10 of this act; or~~

~~— (b) The registration information of a voter whose name is on the statewide voter registration list is updated after the voter applies to register to vote pursuant to section 10 of this act,~~

~~— the county clerk shall provide written notice of the addition or change to the voter not later than 2 business days after the addition or change is made. Except as otherwise provided in this subsection, the notice must be mailed to the current residence of the voter. The county clerk may send the notice by electronic mail if the voter confirms the validity of the electronic mail address to which the notice will be sent by responding to a confirmation inquiry sent to that electronic mail address. Such a confirmation inquiry must be sent for each notice sent pursuant to this section.] (Deleted by amendment.)~~

Sec. 40. ~~[NRS 293.541 is hereby amended to read as follows:~~

~~293.541 1. The county clerk shall cancel the registration of a voter if:~~

~~— (a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the registration concerning the identity or residence of the voter is fraudulent;~~

~~— (b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and~~

~~—(e) The voter fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.~~

~~—2. Except as otherwise provided in subsection 3, the county clerk shall notify the voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the voter's registration.~~

~~—3. If insufficient time exists before a pending election to provide the notice required by subsection 2, the county clerk shall execute an affidavit of cancellation and [file]:~~

~~—(a) File the affidavit [of cancellation] with the registrar of voters' register [and:~~

~~—(a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the election board register.~~

~~—(b) In counties where records of registration are kept by computer, the county clerk shall have];~~

~~—(b) Have the affidavit [of cancellation] printed on the computer entry for the registration ; and [add]~~

~~—(c) Add a copy of [it] the affidavit to the election board register.~~

~~—4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:~~

~~—(a) Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document; and~~

~~—(b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the election board register.~~

~~—5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and an absent ballot or a ballot voted by a voter who resides in a mailing precinct is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.~~

~~—6. For the purposes of this section, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the:~~

~~—(a) Address at which a person actually resides; or~~

~~—(b) Residence or identity of a person.] (Deleted by amendment.)~~

~~Sec. 41. [NRS 293.547 is hereby amended to read as follows:~~

~~—293.547 1. After the 30th day but not later than the 25th day before any election, a written challenge may be filed with the county clerk.~~

~~—2. A registered voter may file a written challenge if:~~

~~— (a) He or she is registered to vote in the same precinct as the person whose right to vote is challenged; and~~

~~— (b) The challenge is based on the personal knowledge of the registered voter.~~

~~— 3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.~~

~~— 4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.~~

~~— 5. The county clerk shall:~~

~~— (a) File the challenge in the registrar of voters' register, [and:~~

~~— (1) In counties where records of registration are not kept by computer, he or she shall attach a copy of the challenge to the challenged registration in the election board register.~~

~~— (2) In counties where records of registration are kept by computer, he or she shall] have the challenge printed on the computer entry for the challenged registration and add a copy of it to the election board register.~~

~~— (b) Within 5 days after a challenge is filed, mail a notice in the manner set forth in NRS 293.530 to the person whose right to vote has been challenged pursuant to this section informing the person of the challenge. If the person fails to respond or appear to vote within the required time, the county clerk shall cancel the person's registration. A copy of the challenge and information describing how to reregister properly must accompany the notice.~~

~~— (c) Immediately notify the district attorney. A copy of the challenge must accompany the notice.~~

~~— 6. Upon receipt of a notice pursuant to this section, the district attorney shall investigate the challenge within 14 days and, if appropriate, cause proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. The court shall give such proceedings priority over other civil matters that are not expressly given priority by law. Upon court order, the county clerk shall cancel the registration of the person whose right to vote has been challenged pursuant to this section.] (Deleted by amendment.)~~

Sec. 41.5. NRS 293.558 is hereby amended to read as follows:

293.558 1. The county clerk shall disclose the identification number of a registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county clerk; or

(b) By inclusion of the identification number of the registered voter on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

2. The county clerk shall not disclose the social security number or the driver's license or identification card number of a registered voter.

3. A registered voter may submit a written request to the county clerk to have ~~[his or her address and]~~ *withheld from the public the registered voter's address, telephone number* ~~[withheld from the public]~~ *or electronic mail address if provided by the registered voter pursuant to NRS 293.565 or 293C.530.* Upon receipt of such a request, the county clerk shall not disclose the address, ~~for~~ telephone number *or electronic mail address* of the registered voter to the public, including, without limitation:

- (a) In response to an inquiry received by the county clerk; or
- (b) By inclusion on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

4. No information other than the address, telephone number, *electronic mail address*, social security number and driver's license or identification card number of a registered voter may be withheld from the public.

Sec. 42. ~~NRS 293.560 is hereby amended to read as follows:~~  
~~293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300, registration must close on the third Tuesday preceding any primary or general election and on the third Saturday preceding any recall or special election, except that if a recall or special election is held on the same day as a primary or general election, registration must close on the third Tuesday preceding the day of the elections. Except as otherwise provided in section 15 of this act, after the close of registration for an election, no person may register to vote for the election.~~  
~~2. For a primary or special election, the office of the county clerk must be open until 7 p.m. during the last 2 days on which registration is open. In a county whose population is less than 100,000, the office of the county clerk may close at 5 p.m. during the last 2 days before registration closes if approved by the board of county commissioners.~~  
~~3. For a general election:~~  
~~(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. during the last 2 days on which registration is open. The office of the county clerk may close at 5 p.m. if approved by the board of county commissioners.~~  
~~(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which registration is open, according to the following schedule:~~  
~~(1) On weekdays until 9 p.m.; and~~  
~~(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.~~  
~~4. Except for a special election held pursuant to chapter 206 or 250 of NRS:~~  
~~(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:~~  
~~(1) The day and time that registration will be closed; and~~

~~—(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.~~

~~→ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.~~

~~—(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.~~

~~—5. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even numbered year.~~

~~—6. For the period beginning on the fifth Sunday preceding any primary or general election and ending on the third Tuesday preceding any primary or general election, an elector may register to vote only:~~

~~—(a) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035; or~~

~~—(b) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.~~

~~—7. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.]~~  
(Deleted by amendment.)

Sec. 43. NRS 293.563 is hereby amended to read as follows:

293.563 1. During the interval between the closing of registration and the election, the county clerk shall:

~~—(a) In counties where records of registration are not kept by computer,] prepare for each precinct or district [a binder] an election board register containing [in alphabetical order the original applications to register to vote of the electors] the names of the registered voters in the precinct or district. [The binder constitutes the election board register.~~

~~—(b) In counties where records of registration are kept by computer, have printed and placed in a binder for each precinct or district a computer listing in alphabetical order of the applications to register to vote of the electors in the precinct or district. The binder constitutes the election board register.]~~

2. Each election board register must be delivered ~~felectronically~~ or caused to be delivered ~~felectronically~~ by the county or city clerk to an election officer of the proper precinct or district before the opening of the polls.

Sec. 44. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure,

measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. *A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter ~~who may elect~~ who elects to receive a sample ballot by electronic ~~mail~~ means. Such a system must be approved by the Secretary of State and may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic ~~mail~~ means, the county clerk shall ~~distribute~~*  
:

*(a) Distribute the sample ballot to the registered voter by electronic ~~mail~~ means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State ~~+~~; and*

*(b) If the system requires the registered voter to provide an electronic mail address to the county clerk, inform the registered voter that his or her electronic mail address will be available to the public unless the registered voter submits a written request to have his or her electronic mail address withheld from the public pursuant to NRS 293.558.*

5. *If a registered voter does not elect to receive a sample ballot by electronic ~~mail~~ means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.*

~~5.7~~ 6. Before the period for early voting for any election begins, the county clerk shall ~~cause to be mailed distributed by mail or electronic mail,~~



~~as applicable, distribute~~ to each registered voter in the county ~~by mail or electronic means, as applicable,~~ the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before ~~mailing~~ distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE  
HAS CHANGED SINCE THE LAST ELECTION

~~5. 6. 7.~~ 7. Except as otherwise provided in subsection ~~6, 7, 8.~~ 8. a sample ballot required to be ~~mailed~~ distributed pursuant to this section must:

(a) Be ~~printed~~ prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice ~~printed~~ prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN

LARGE TYPE, CALL (Insert appropriate telephone number)

~~6. 7. 8.~~ 8. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~7. 8. 9.~~ 9. The sample ballot ~~mailed~~ distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~printed~~ prepared in at least 14-point type, or larger when practicable.

~~8. 9. 10.~~ 10. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots ~~mailed~~ distributed to that person from the county are in large type.

~~9. 10. 11.~~ 11. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place.

~~[10. 11.]~~ 12. The cost of ~~[mailing]~~ *distributing* sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 45. NRS 293.780 is hereby amended to read as follows:

293.780 1. A person who is entitled to vote shall not vote or attempt to vote more than once at the same election. Any person who votes or attempts to vote twice at the same election is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Notice of the provisions of subsection 1 must be given by the county or city clerk as follows:

(a) ~~[Printed]~~ *Stated* on all sample ballots ~~[mailed;]~~ *distributed by mail or electronic ~~[mail;]~~ means;*

(b) Posted in boldface type at each polling place; and

(c) Posted in boldface type at the office of the county or city clerk.

Sec. 46. NRS 293.790 is hereby amended to read as follows:

293.790 If any person whose vote has been rejected offers to vote at the same election, at any polling place other than ~~[the]~~ one in which the person is ~~[registered]~~ *authorized* to vote, such person is guilty of a gross misdemeanor.

Sec. 47. NRS 293.800 is hereby amended to read as follows:

293.800 1. A person who, for himself, herself or another person, willfully gives a false answer or answers to questions propounded to the person by the registrar or field registrar of voters relating to the information called for by the application to register to vote, or who willfully falsifies the application in any particular, or who violates any of the provisions of the election laws of this State or knowingly encourages another person to violate those laws is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. A public officer or other person, upon whom any duty is imposed by this title, who willfully neglects his or her duty or willfully performs it in such a way as to hinder the objects and purposes of the election laws of this State, except where another penalty is provided, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. If the person is a public officer, his or her office is forfeited upon conviction of any offense provided for in subsection 2.

4. A person who causes or endeavors to cause his or her name to be registered, knowing that he or she is not an elector or will not be an elector on or before the day of the next ensuing election in the precinct or district in which he or she causes or endeavors to cause the registration to be made, and any other person who induces, aids or abets the person in the commission of either of the acts is guilty of a category E felony and shall be punished as provided in NRS 193.130. *The provisions of this subsection do not apply to a person who preregisters to vote pursuant to section 14 of this act.*

5. A field registrar or other person who provides to an elector an application to register to vote and who:

(a) Knowingly falsifies the application or knowingly causes an application to be falsified;

(b) Knowingly provides money or other compensation to another for a falsified application; or

(c) Intentionally fails to submit to the county clerk a completed application,

➔ is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 48. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 49 to 54, inclusive, of this act.

Sec. 49. ~~[1. A city clerk may, with the approval of the governing body of the city, establish one or more polling places in the city where any person entitled to vote in the city by personal appearance may do so on the day of a primary city election or general city election. Any such polling place must be at a location selected pursuant to section 50 of this act.~~

~~2. Any person entitled to vote in the city by personal appearance may do so at any polling place established pursuant to subsection 1.] (Deleted by amendment.)~~

Sec. 50. ~~[1. Each governing body of a city shall provide by ordinance for the criteria to be used to select a polling place described in section 49 of this act.~~

~~2. A polling place established pursuant to section 49 of this act must:~~

~~(a) Satisfy the criteria provided by the governing body of the city pursuant to subsection 1; and~~

~~(b) Be approved by the governing body of the city at a public meeting.] (Deleted by amendment.)~~

Sec. 51. ~~[1. If the city clerk establishes one or more polling places pursuant to section 49 of this act, the city clerk shall publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.~~

~~2. The city clerk shall post a list of the locations established pursuant to section 49 of this act, if any, on any bulletin board used for posting notice of meetings of the governing body of the city. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The city clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.~~

~~3. No additional polling place may be established pursuant to section 49 of this act after the publication pursuant to this section.] (Deleted by amendment.)~~

Sec. 52. For each polling place for early voting by personal appearance ~~established~~ selected pursuant to section 49 of this act, NRS 293C.3561, the city clerk shall prepare ~~an election board register that contains, for every registered voter in the city, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's~~

~~precinct or district number and a place for the voter's signature.] a roster for early voting. The city clerk may prepare the roster for early voting in an electronic format.~~

Sec. 53. ~~[1. Upon the appearance of a person to cast a ballot at a polling place established pursuant to section 49 of this act, the election board officer shall:~~

~~(a) Determine that the person is a registered voter in the city;~~  
~~(b) Instruct the voter to sign electronically the election board register; and~~

~~(c) Verify the signature of the voter against that contained on the original application to register to vote or a facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification.~~

~~2. The city clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.~~

~~3. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot, but only for his or her own use at the polling place where he or she applies to vote.~~

~~4. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:~~

~~(a) Prepare the mechanical recording device for the voter;~~  
~~(b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and~~  
~~(c) Allow the voter to cast a vote.~~

~~5. A voter applying to vote at a polling place established pursuant to section 49 of this act may be challenged pursuant to NRS 293C.292.]~~  
 (Deleted by amendment.)

Sec. 54. ~~[1. Each city clerk shall:~~

~~(a) With the approval of the governing body of the city, designate one or more polling places in the city as a site for an elector of the city to register to vote on the day of a primary city election or general city election.~~

~~(b) Publish during the week before the election in a newspaper of general circulation a notice of the location of each polling place in the city that has been established pursuant to paragraph (a).~~

~~(c) Post a list of the locations established pursuant to paragraph (a) on any bulletin board used for posting notice of meetings of the governing body of the city. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The city clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.~~

~~2. An elector who is not registered to vote by the close of registration may register to vote on the day of the primary city election or general city~~

~~election at any polling place designated pursuant to subsection 1 by the city clerk in the city where the elector resides.~~

~~3. To register to vote on the day of the primary city election or general city election, an elector must:~~

~~(a) Appear before the close of the polls at a polling place designated by the city clerk pursuant to subsection 1 as a site for registering to vote on the day of the election;~~

~~(b) Complete the application to register to vote; and~~

~~(c) Provide proof of his or her residence and identity as described in subsections 4 and 5.~~

~~4. The following forms of identification may be used to identify an elector applying to register to vote pursuant to this section:~~

~~(a) A driver's license;~~

~~(b) An identification card issued by the Department of Motor Vehicles;~~

~~(c) A military identification card; or~~

~~(d) Any other form of identification issued by a governmental agency which contains the signature and a physical description or picture of the elector.~~

~~5. The following documents may be used to establish the residency of an elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:~~

~~(a) Any form of identification set forth in subsection 4;~~

~~(b) A utility bill, including, without limitation, a bill for electricity, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television;~~

~~(c) A bank or credit union statement;~~

~~(d) A paycheck;~~

~~(e) An income tax return;~~

~~(f) A statement concerning the mortgage, rental or lease of a residence;~~

~~(g) A motor vehicle registration;~~

~~(h) A property tax statement;~~

~~(i) Any other document issued by a governmental agency; or~~

~~(j) Any other official document which the city clerk, field registrar or other person designated by the city clerk to accept applications to register to vote pursuant to this section determines, in his or her discretion, to be a reliable indication of the true residential address of the elector.~~

~~6. An elector who registers pursuant to this section shall be deemed to be registered to vote upon the completion of an application to register to vote and the verification of the elector's identity and residency.~~

~~7. An elector who registers to vote pursuant to this section:~~

~~(a) May vote in the primary city election or general city election only at the polling place at which the elector registers to vote; and~~

~~(b) If he or she applies to vote at the polling place at which he or she registers to vote, must sign electronically his or her name in an election board register designated for electors who register to vote pursuant to this section.~~ (Deleted by amendment.)

Sec. 55. ~~[NRS 203C.112 is hereby amended to read as follows:~~

~~203C.112 1. [The] Except as otherwise provided in subsection 2, the governing body of a city may conduct a city election in which all ballots must be cast by mail if:~~

~~(a) The election is a special election; or~~

~~(b) The election is a primary city election or general city election in which the ballot includes only:~~

~~(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or~~

~~(2) One office or ballot question.~~

~~2. If an elector registers to vote on the day of a primary city election or general city election pursuant to section 54 of this act, the elector must be allowed to vote in person at the polling place where he or she registered to vote.~~

~~3. The provisions of NRS 203C.265 to 203C.302, inclusive, 203C.305 to 203C.340, inclusive, and 203C.355 to 203C.361, inclusive, do not apply to an election conducted pursuant to this section.~~

~~[3.] 4. For the purposes of an election conducted pursuant to this section, each precinct in the city shall be deemed to have been designated a mailing precinct pursuant to NRS 203C.342.] (Deleted by amendment.)~~

Sec. 56. ~~[NRS 203C.267 is hereby amended to read as follows:~~

~~203C.267 1. Except as otherwise provided in [subsection 2 and] NRS 203C.297, at all elections held pursuant to the provisions of this chapter, the polls must open at 7 a.m. and close at 7 p.m.~~

~~2. [Whenever at any election all the votes of the precinct or district, as shown on the roster, have been cast, the election board officers shall close the polls and the counting of votes must begin and continue without unnecessary delay until the count is completed.~~

~~3.] Upon opening the polls, one of the election board officers shall cause a proclamation to be made so that all present may be aware of the fact that applications of registered voters to vote will be received.~~

~~[4.] 3. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this chapter.] (Deleted by amendment.)~~

Sec. 57. ~~[NRS 203C.270 is hereby amended to read as follows:~~

~~203C.270 1. If a person's name appears in the election board register or if the person provides an affirmation pursuant to NRS 203C.525, the person is entitled to vote and must sign *electronically* his or her name in the election board register when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's original application to register to vote or one of the forms of identification listed in subsection 2.~~

~~2. The forms of identification that may be used to identify a voter at the polling place are:~~

- ~~(a) The card issued to the voter at the time he or she registered to vote;~~
- ~~(b) A driver's license;~~
- ~~(c) An identification card issued by the Department of Motor Vehicles;~~
- ~~(d) A military identification card; or~~
- ~~(e) Any other form of identification issued by a governmental agency that contains the voter's signature and physical description or picture.~~

~~3. The city clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted in the election.]~~  
(Deleted by amendment.)

Sec. 58. NRS 293C.272 is hereby amended to read as follows:

293C.272 Any registered voter who is unable to sign his or her name must be identified by answering questions covering the personal data that is reported on the original application to register to vote. The officer in charge of the roster shall ~~[stamp, write or print]~~ indicate "Identified as" next to ~~[the left of]~~ the voter's name.

Sec. 59. ~~[NRS 293C.275 is hereby amended to read as follows:~~

~~293C.275 A registered voter who applies to vote must state his or her name to the election board officer in charge of the election board register, and the officer shall immediately announce the name and take the registered voter's electronic signature [. ] after confirming pursuant to the procedure prescribed pursuant to subsection 3 of NRS 293.277 that the registered voter has not already voted in the election.]~~ (Deleted by amendment.)

Sec. 59.5. NRS 293C.290 is hereby amended to read as follows:

293C.290 1. The city clerk shall require an election board officer to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the city. Except as otherwise provided in NRS 293.5002 and 293.558, the alphabetical listing must include the name and address of each voter ~~[,]~~ and the electronic mail address of the voter if provided by the voter pursuant to NRS 293C.530. Not less than four times during the hours in which the polling place is open, an election board officer shall identify the name of each voter who voted since the last identification.

2. Each page of the alphabetical listing must contain a notice which reads substantially as follows:

It is unlawful for any person to remove, tear, mark or otherwise deface this alphabetical listing of registered voters except an election board officer acting pursuant to NRS 293C.290.

3. Any person who removes, tears, marks or otherwise defaces an alphabetical listing posted pursuant to this section with the intent to falsify or prevent others from readily ascertaining the name, ~~[or]~~ address or electronic mail address of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor.

Sec. 60. NRS 293C.292 is hereby amended to read as follows:

293C.292 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct or district upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election; or

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the election board register, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the election board register";

(b) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(c) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this election board register."

➡ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. If the challenged person refuses to execute the oath or affirmation so tendered, he or she must not be issued a ballot, and the officer in charge of the election board register shall ~~write~~ insert the words "Challenged ....." opposite his or her name in the election board register.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293C.295.

5. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (c) of subsection 2, the election board officers shall issue him or her a ballot.

6. If the challenge is based on the ground set forth in paragraph (a) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification that contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the address at which a person resides.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person:

(a) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; or



(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

8. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 61. ~~[NRS 203C.297 is hereby amended to read as follows:~~

~~203C.297 1. If at the hour of closing the polls there are any registered voters waiting to vote [.] or persons waiting to register to vote, the doors of the polling place must be closed after all those [voters] persons have been admitted to the polling place. Voting must continue until those [voters] persons have voted.~~

~~2. The officer appointed by the chief law enforcement officer of the city shall allow other persons to enter the polling place after the doors have been closed to observe or for any other lawful purpose if there is room within the polling place and their admittance will not interfere with the voting [.] or registration.] (Deleted by amendment.)~~

Sec. 62. ~~[NRS 203C.3585 is hereby amended to read as follows:~~

~~203C.3585 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:~~

~~(a) Determine that the person is a registered voter in the county;~~

~~(b) Instruct the voter to sign electronically the roster for early voting; and~~

~~(c) Verify the signature of the voter against that contained on the [original application to register to vote or a facsimile thereof,] roster for early voting, the card issued to the voter at the time of registration or some other piece of official identification.~~

~~2. The city clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.~~

~~3. The roster for early voting must contain:~~

~~(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number, a facsimile of the signature of the voter that is from the original application to register to vote and a place for the voter's electronic signature;~~

~~(b) The voter's precinct or voting district number; and~~

~~(c) The date of voting early in person.~~

~~4. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the deputy clerk for early voting, the voter is~~

~~entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.~~

~~5. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the deputy clerk for early voting shall:~~

~~(a) Prepare the mechanical recording device for the voter;~~

~~(b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and~~

~~(c) Allow the voter to cast a vote.~~

~~6. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.] (Deleted by amendment.)~~

Sec. 63. ~~[NRS 293C.527 is hereby amended to read as follows:~~

~~293C.527 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300, registration must close on the third Tuesday preceding any primary city election or general city election and on the third Saturday preceding any recall or special election, except that if a recall or special election is held on the same day as a primary city election or general city election, registration must close on the third Tuesday preceding the day of the elections. Except as otherwise provided in section 54 of this act, after the close of registration for an election, no person may register to vote for the election.~~

~~2. For a primary city election or special city election, the office of the city clerk must be open until 7 p.m. during the last 2 days on which registration is open. In a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. if approved by the governing body of the city.~~

~~3. For a general election:~~

~~(a) In a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. during the last 2 days on which registration is open. The office of the city clerk may close at 5 p.m. if approved by the governing body of the city.~~

~~(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which registration is open, according to the following schedule:~~

~~(1) On weekdays until 9 p.m.; and~~

~~(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.~~

~~4. Except for a special election held pursuant to chapter 306 or 350 of NRS:~~

~~(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:~~

~~(1) The day and time that registration will be closed; and~~

~~(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.~~

~~\*\* If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.~~

~~— (b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.~~

~~— 5. For the period beginning on the fifth Sunday preceding any primary city election or general city election and ending on the third Tuesday preceding any primary city election or general city election, an elector may register to vote only:~~

~~— (a) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520; or~~

~~— (b) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters.~~

~~— 6. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520. (Deleted by amendment.)~~

Sec. 64. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter ~~who elects~~ who elects to receive a sample ballot by electronic ~~mail~~ means. Such a system must be approved by the Secretary of State and may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic ~~mail~~ means, the city clerk shall ~~distribute~~ :

(a) Distribute the sample ballot to the registered voter by electronic ~~mail~~ means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State ~~or~~ ; and

(b) If the system requires the registered voter to provide an electronic mail address to the city clerk, inform the registered voter that his or her electronic mail address will be available to the public unless the registered voter submits a written request to have his or her electronic mail address withheld from the public pursuant to NRS 293.558.

2. If a registered voter does not elect to receive a sample ballot by electronic ~~mail~~ means, the city clerk shall distribute the sample ballot to the registered voter by mail.

~~2.~~ 3. Before the period for early voting for any election begins, the city clerk shall ~~cause to be mailed distributed by mail or electronic mail, as applicable,~~ distribute to each registered voter in the city ~~a~~ by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before ~~mailing~~ distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE  
HAS CHANGED SINCE THE LAST ELECTION

~~{2. 3.}~~ 4. Except as otherwise provided in subsection ~~{4. 5.}~~ 6. a sample ballot required to be ~~{mailed}~~ *distributed* pursuant to this section must:

- (a) Be ~~{printed}~~ *prepared* in at least 12-point type;
- (b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and
- (c) Include on the front page, in a separate box created by bold lines, a notice ~~{printed}~~ *prepared* in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN  
LARGE TYPE, CALL (Insert appropriate telephone number)

~~{3. 4.}~~ 5. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

~~{4. 5.}~~ 6. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~{5. 6.}~~ 7. The sample ballot ~~{mailed}~~ *distributed* to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~{printed}~~ *prepared* in at least 14-point type, or larger when practicable.

~~{6. 7.}~~ 8. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots ~~{mailed}~~ *distributed* to that person from the city are in large type.

~~{7. 8.}~~ 9. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

- (a) The addresses of such centralized voting locations;
- (b) The types of specially equipped voting devices available at such centralized voting locations; and
- (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place.

~~{8. 9.}~~ 10. The cost of ~~{mailing}~~ *distributing* sample ballots for a city election must be borne by the city holding the election.

Sec. 65. NRS 293C.535 is hereby amended to read as follows:

293C.535 1. Except as otherwise provided by special charter, registration of electors in incorporated cities must be accomplished in the manner provided in this chapter.

2. The county clerk shall use the statewide voter registration list ~~election board register created by the county clerk pursuant to NRS 293.510~~ to prepare for the city clerk of each incorporated city within the county the ~~an~~ electronic election board register of all electors eligible to vote at a regular or special city election. *The entries in the election board register must be arranged alphabetically with the surnames first.*

3. The official register must be prepared in suitable books, electronic files, ~~one for each ward or other voting district within each incorporated city. [The entries in the election board register must be arranged alphabetically with the surnames first.]~~

4. The county clerk shall keep duplicate originals, or copies or electronic files of the applications to register to vote contained in the official register in the county clerk's office.

Sec. 66. ~~[NRS 293C.715 is hereby amended to read as follows:~~

~~293C.715 1. If a city clerk maintains a website on the Internet for information relating to elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:~~

~~(a) The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place or places at which the registered voter is [required] entitled to cast a ballot; and~~

~~(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387.~~

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

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

Sec. 67. ~~[NRS 293D.230 is hereby amended to read as follows:~~

~~293D.230 1. In addition to any other method of registering to vote set forth in chapter 293 of NRS, a covered voter may use a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, [42] 52 U.S.C. § [1973ff(b)(2),] 20301(b)(2), or the application's electronic equivalent, to apply to register to vote [.] if the federal postcard application is received by the appropriate~~

~~local elections official not later than 7 days before the election. If the federal postcard application is received less than 7 days before the election, it must be treated as an application to register to vote for subsequent elections.~~

~~2. A covered voter may use the declaration accompanying the federal write in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, [42] 52 U.S.C. § [1973ff 2,] 20303, to apply to register to vote simultaneously with the submission of the federal write in absentee ballot, if the declaration is received by the seventh day before the election. If the declaration is received after the seventh day before the election, it must be treated as an application to register to vote for subsequent elections.~~

~~3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting:~~

~~(a) Both a federal postcard application and any other approved electronic registration application sent to the appropriate local elections official; and~~

~~(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).~~

~~4. The covered voter may use the system of approved electronic transmission or any other method set forth in chapter 293 of NRS to register to vote. (Deleted by amendment.)~~

Sec. 68. [NRS 293D.300 is hereby amended to read as follows:

~~293D.300 1. A covered voter who is registered to vote in this State may apply for a military overseas ballot by submitting a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, [42] 52 U.S.C. § [1973ff(b)(2),] 20301(b)(2), or the application's electronic equivalent, [pursuant to this section.] if the federal postcard application is received by the appropriate local elections official not later than 7 days before the election.~~

~~2. A covered voter who is not registered to vote in this State may use the federal postcard application or the application's electronic equivalent simultaneously to apply to register to vote pursuant to NRS 293D.230 and to apply for a military overseas ballot [.] if the federal postcard application is received by the appropriate local elections official by the seventh day before the election.~~

~~3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting the submission of:~~

~~(a) Both a federal postcard application and any other approved electronic military overseas ballot application sent to the appropriate local elections official; and~~

~~(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).~~

~~4. A covered voter may use approved electronic transmission or any other method approved by the Secretary of State to apply for a military overseas ballot.~~

~~5. A covered voter may use the declaration accompanying the federal write in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, [42] 52 U.S.C. § [1973ff 2,] 20303, as an application for a military overseas ballot simultaneously with the submission of the federal write in absentee ballot, if the declaration is received by the appropriate local elections official by the seventh day before the election.~~

~~6. To receive the benefits of this chapter, a covered voter must inform the appropriate local elections official that he or she is a covered voter. Methods of informing the appropriate local elections official that a person is a covered voter include, without limitation:~~

~~(a) The use of a federal postcard application or federal write in absentee ballot;~~

~~(b) The use of an overseas address on an approved voting registration application or ballot application; and~~

~~(c) The inclusion on an application to register to vote or an application for a military overseas ballot of other information sufficient to identify that the person is a covered voter.~~

~~7. This chapter does not prohibit a covered voter from applying for an absent ballot pursuant to the provisions of NRS 293.315 or voting in person.] (Deleted by amendment.)~~

Sec. 69. NRS 244A.785 is hereby amended to read as follows:

244A.785 1. The board of county commissioners of a county whose population is 700,000 or more may, by ordinance, create one or more districts within the unincorporated area of the county for the support of public parks. Such a district may include territory within the boundary of an incorporated city if so provided by interlocal agreement between the county and the city.

2. The ordinance creating a district must specify its boundaries. The area included within the district may be contiguous or noncontiguous. The boundaries set by the ordinance are not affected by later annexations to or incorporation of a city.

3. The alteration of the boundaries of such a district may be initiated by:

(a) A petition proposed unanimously by the owners of the property which is located in the proposed area which was not previously included in the district; or

(b) A resolution adopted by the board of county commissioners on its own motion.

➡ If the board of county commissioners proposes on its own motion to alter the boundaries of a district for the support of public parks, it shall, at the next primary or general election, submit to the registered voters who reside in the proposed area which was not previously included in the district, the question

of whether the boundaries of the district shall be altered. If a majority of the voters approve the question, the board shall, by ordinance, alter the boundaries of the district as approved by the voters.

4. The sample ballot required to be ~~mailed~~ distributed pursuant to NRS 293.565 must include for the question described in subsection 3, a disclosure of any future increase or decrease in costs which may be reasonably anticipated in relation to the purposes of the district for the support of public parks and its probable effect on the district's tax rate.

Sec. 70. NRS 266.0325 is hereby amended to read as follows:

266.0325 1. At least 10 days before an election held pursuant to NRS 266.029, the county clerk or registrar of voters shall ~~cause to be mailed distributed by mail or electronic mail, as applicable,~~ distribute to each qualified elector by mail or electronic means, as applicable, a sample ballot for the elector's precinct with a notice informing the elector of the location of the polling place for that precinct. A sample ballot may be distributed by electronic means to an elector only if the county clerk has established a system for distributing sample ballots by electronic means pursuant to NRS 293.565 and the elector elects to receive a sample ballot by electronic means.

2. The sample ballot must:

- (a) Be in the form required by NRS 266.032.
- (b) Include the information required by NRS 266.032.
- (c) Except as otherwise provided in subsection 3, be ~~printed~~ prepared in at least 12-point type.
- (d) Describe the area proposed to be incorporated by assessor's parcel maps, existing boundaries of subdivision or parcel maps, identifying visible ground features, extensions of the visible ground features, or by any boundary that coincides with the official boundary of the State, a county, a city, a township, a section or any combination thereof.
- (e) Contain a copy of the map or plat that was submitted with the petition pursuant to NRS 266.019 and depicts the existing dedicated streets, sewer interceptors and outfalls and their proposed extensions.
- (f) Include on the front page, in a separate box created by bold lines, a notice ~~printed~~ prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN

LARGE TYPE, CALL (Insert appropriate telephone number)

3. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

4. The sample ballot ~~mailed~~ distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~printed~~ prepared in at least 14-point type, or larger when practicable.



5. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots ~~mailed~~ *distributed* to that person from the county are in large type.

Sec. 71. NRS 266.034 is hereby amended to read as follows:

266.034 1. The costs incurred by the board of county commissioners in carrying out the provisions relating to the incorporation, including the costs incurred in certifying the petition, publishing the notices, requesting the report pursuant to NRS 266.0261, conducting the public hearing and election, including the cost of ~~mailing~~ *distributing* the sample ballots, and any appeal pursuant to NRS 266.0265 are a charge against the county if the proposed incorporation is not submitted to the voters or the incorporation is disapproved by the voters, and a charge against the incorporated city if the incorporation is approved by the voters.

2. The costs incurred by the incorporators in carrying out the provisions relating to the incorporation, including the costs incurred in preparation of the petition for incorporation, preparation of the descriptions and map of the area proposed to be incorporated and circulation of the petition are chargeable to the incorporated city if the incorporation is approved by the voters.

Sec. 72. NRS 349.015 is hereby amended to read as follows:

349.015 1. Except as otherwise provided in subsection 3, the sample ballot required to be ~~mailed~~ *distributed* pursuant to NRS 293.565 or 293C.530, and the notice of election must contain:

- (a) The time and places of holding the election.
  - (b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.
  - (c) The purposes for which the bonds are to be issued.
  - (d) A disclosure of any:
    - (1) Future increase or decrease in costs which can reasonably be anticipated in relation to the purposes for which the obligations are to be issued and its probable effect on the tax rate; and
    - (2) Requirement relating to the bond question which is imposed pursuant to a court order or state or federal statute and the probable consequences which will result if the bond question is not approved by the voters.
  - (e) An estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds.
  - (f) The maximum amount of the bonds.
  - (g) The maximum rate of interest.
  - (h) The maximum number of years which the bonds are to run.
2. Any election called pursuant to NRS 349.010 to 349.070, inclusive, may be consolidated with a primary or general election.
3. If the election is consolidated with a general election, the notice of election need not set forth the places of holding the election, but may instead

state that the places of holding the election will be the same as those provided for the general election.

Sec. 73. NRS 350.024 is hereby amended to read as follows:

350.024 1. The ballot question for a proposal submitted to the electors of a municipality pursuant to subsection 1 of NRS 350.020 must contain the principal amount of the general obligations to be issued or incurred, the purpose of the issuance or incurrence of the general obligations and an estimate established by the governing body of:

(a) The duration of the levy of property tax that will be used to pay the general obligations; and

(b) The average annual increase, if any, in the amount of property taxes that an owner of a new home with a fair market value of \$100,000 will pay for debt service on the general obligations to be issued or incurred.

2. Except as otherwise provided in subsection 4, the sample ballot required to be ~~mailed~~ *distributed* pursuant to NRS 293.565 or 293C.530 and the notice of election must contain:

(a) The time and places of holding the election.

(b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.

(c) The ballot question.

(d) The maximum amount of the obligations, including the anticipated interest, separately stating the total principal, the total anticipated interest and the anticipated interest rate.

(e) An estimate of the range of property tax rates stated in dollars and cents per \$100 of assessed value necessary to provide for debt service upon the obligations for the dates when they are to be redeemed. The municipality shall, for each such date, furnish an estimate of the assessed value of the property against which the obligations are to be issued or incurred, and the governing body shall estimate the tax rate based upon the assessed value of the property as given in the assessor's estimates.

3. If an operating or maintenance rate is proposed in conjunction with the question to issue obligations, the questions may be combined, but the sample ballot and notice of election must each state the tax rate required for the obligations separately from the rate proposed for operation and maintenance.

4. Any election called pursuant to NRS 350.020 to 350.070, inclusive, may be consolidated with a primary or general municipal election or a primary or general state election. The notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the election with which it is consolidated.

5. If the election is a special election, the clerk shall cause notice of the close of registration to be published in a newspaper printed in and having a general circulation in the municipality once in each calendar week for 2 successive calendar weeks next preceding the close of registration for the election.

Sec. 74. NRS 350.027 is hereby amended to read as follows:

350.027 1. In addition to any requirements imposed pursuant to NRS 350.024, any sample ballot required to be ~~mailed~~ distributed pursuant to NRS 293.565 or 293C.530 and any notice of election, for an election that includes a proposal for the issuance by any municipality of any bonds or other securities, including an election that is not called pursuant to NRS 350.020 to 350.070, inclusive, must contain an estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds or other securities.

2. For the purposes of this section, "municipality" has the meaning ascribed to it in NRS 350.538.

Sec. 75. ~~NRS 483.290 is hereby amended to read as follows:~~

~~483.290 1. An application for an instruction permit or for a driver's license must:~~

~~(a) Be made upon a form furnished by the Department.~~

~~(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.~~

~~(c) Be accompanied by the required fee.~~

~~(d) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence, of the applicant and briefly describe the applicant.~~

~~(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.~~

~~(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.~~

~~2. Every applicant must furnish proof of his or her full legal name and age by displaying:~~

~~(a) An original or certified copy of the required documents as prescribed by regulation; or~~

~~(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511.~~

~~3. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 2.~~

~~4. At the time of applying for a driver's license, an applicant may, if eligible, register to vote pursuant to NRS 293.524 [.] or section 10 of this act.~~

~~5. Every applicant who has been assigned a social security number must furnish proof of his or her social security number by displaying:~~

~~(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or~~

~~— (b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.~~

~~— 6. The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.~~

~~— 7. With respect to any document presented by a person who was born outside of the United States to prove his or her full legal name and age, the Department:~~

~~— (a) May, if the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and~~

~~— (b) Shall issue to the person presenting the document a driver's license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.~~

~~— 8. The Administrator shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of any state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.~~

~~— 9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.] (Deleted by amendment.)~~

Sec. 76. ~~[NRS 483.850 is hereby amended to read as follows:~~

~~483.850 1. Every application for an identification card must be made upon a form provided by the Department and include, without limitation:~~

~~— (a) The applicant's:~~

~~— (1) Full legal name.~~

~~— (2) Date of birth.~~

~~— (3) State of legal residence.~~

~~— (4) Current address of principal residence and mailing address, if different from his or her address of principal residence, in this State, unless the applicant is on active duty in the military service of the United States.~~

~~— (b) A statement from:~~

~~— (1) A resident stating that he or she does not hold a valid driver's license or identification card from any state or jurisdiction; or~~

~~— (2) A seasonal resident stating that he or she does not hold a valid Nevada driver's license.~~

~~2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.~~

~~3. An applicant who has been issued a social security number must provide to the Department for inspection:~~

~~(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or~~

~~(b) Other proof acceptable to the Department bearing the social security number of the applicant, including, without limitation, records of employment or federal income tax returns.~~

~~4. At the time of applying for an identification card, an applicant may, if eligible, register to vote pursuant to NRS 293.524 [.] or section 10 of this act.~~

~~5. A person who possesses a driver's license or identification card issued by another state or jurisdiction who wishes to apply for an identification card pursuant to this section shall surrender to the Department the driver's license or identification card issued by the other state or jurisdiction at the time the person applies for an identification card pursuant to this section.] (Deleted by amendment.)~~

Sec. 77. ~~[Section 8 of this act is hereby amended to read as follows:~~

~~Sec. 8. 1. The Secretary of State, [the Department of Motor Vehicles] each voter registration agency and each county clerk shall cooperatively establish a system by which voter registration information that is collected pursuant to section 10 of this act by [the Department] a voter registration agency from a person who applies for [the issuance or renewal of any type of driver's license or identification card issued by the Department] or receives services or assistance from the agency may be transmitted electronically to the Secretary of State for the purposes of registering the person to vote or correcting the statewide voter registration list pursuant to NRS 293.530.~~

~~2. The system established pursuant to subsection 1 must be designed to:~~

~~(a) Ensure the secure electronic storage of information collected pursuant to section 10 of this act, the secure transmission of such information to the Secretary of State and county clerks and the secure electronic storage of such information by the Secretary of State and county clerks;~~

~~(b) Provide for the destruction of records by the [Department] agency as required by subsection 2 of section 11 of this act; and~~

~~(c) Enable the Secretary of State to receive, view and collate the information into individual electronic documents pursuant to paragraph (c) of subsection 1 of section 12 of this act.] (Deleted by amendment.)~~

Sec. 78. ~~[Section 9 of this act is hereby amended to read as follows:~~

~~Sec. 9. 1. [The Department of Motor Vehicles] Each voter registration agency shall follow the procedures described in this section and sections 10 and 11 of this act if a person applies for or receives in~~

person, at an office of the [Department for the issuance or renewal of any type of driver's license or identification card issued by the Department.] ~~agency, services or assistance from the agency.~~

~~2. Using language approved by the Secretary of State and before concluding the person's transaction with the [Department, the Department] voter registration agency, the agency shall notify each person described in subsection 1:~~

~~(a) Of the qualifications to vote in this State, as provided by NRS 293.485;~~

~~(b) That, unless the person affirmatively declines by submitting a written form that meets the requirements of 52 U.S.C. § 20506(a)(6), if the person meets the qualifications to vote in this State, the [Department] agency will transmit to the Secretary of State all information required to register the person to vote pursuant to this chapter or to update the voter registration information of the person for the purpose of correcting the statewide voter registration list pursuant to NRS 293.530;~~

~~(c) That providing information to be used to register the person to vote or to update the voter registration information of the person is voluntary;~~

~~(d) That:~~

~~—(1) Indicating a political party affiliation or indicating that the person is not affiliated with a political party is voluntary;~~

~~—(2) The person may indicate a political party affiliation; and~~

~~—(3) A person who does not indicate a major political party affiliation will be registered as nonpartisan and will not be able to vote at a primary election or primary city election for candidates for partisan office of a major political party unless the person updates his or her voter registration information to indicate a major political party affiliation; and~~

~~(e) Of the provisions of subsections 1 and 2 of section 13 of this act.) (Deleted by amendment.)~~

Sec. 79. ~~[Section 10 of this act is hereby amended to read as follows:~~

~~Sec. 10. 1. If a person does not affirmatively decline to have his or her information transmitted to the Secretary of State, the [Department] voter registration agency shall collect from the person:~~

~~(a) An affirmation signed electronically under penalty of perjury that the person is eligible to vote;~~

~~(b) An electronic facsimile of the signature of the person;~~

~~(c) Any personal information which the person has not already provided to the [Department] agency and which is required for the person to register to vote or to update the voter registration information of the person, including:~~

~~—(1) The first or given name and the surname of the person;~~

~~—(2) The address at which the person actually resides, as set forth in NRS 203.486, and, if different, the address at which the person may receive mail, including, without limitation, a post office box or general delivery;~~

~~—(3) The date of birth of the person;~~

~~—(4) Subject to the provisions of subsection 2, one of the following:~~

~~—(I) The number indicated on the person's current and valid driver's license issued by the Department [.] of Motor Vehicles, if the person has such a driver's license; or~~

~~—(II) The last four digits of the person's social security number, if the person does not have a driver's license issued by the Department of Motor Vehicles and has a social security number; and~~

~~—(5) The political party affiliation, if any, indicated by the person or, if applicable, a notation that the person has failed to indicate such an affiliation; and~~

~~(d) The electronic form, if any, completed by the person and indicating his or her political affiliation.~~

~~2. If the person does not have the identification set forth in subparagraph (4) of paragraph (c) of subsection 1, the person must sign electronically an affidavit stating that he or she does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the person which must be the same number as the unique identifier assigned to the person for purposes of the statewide voter registration list.] (Deleted by amendment.)~~

Sec. 80. ~~[Section 11 of this act is hereby amended to read as follows:~~

~~Sec. 11. 1. [The Department of Motor Vehicles] Each voter registration agency shall electronically transmit to the Secretary of State the information collected from a person pursuant to section 10 of this act:~~

~~(a) Except as otherwise provided in paragraph (b), not later than 5 days after collecting the information; and~~

~~(b) During the 2 weeks immediately preceding the fifth Sunday preceding an election, not later than 1 day after collecting the information.~~

~~2. The [Department] voter registration agency shall destroy any record with information collected pursuant to section 10 of this act that is not otherwise collected by the [Department] agency in the normal course of business immediately after transmitting the information to the Secretary of State pursuant to subsection 1.] (Deleted by amendment.)~~

Sec. 81. ~~[Section 12 of this act is hereby amended to read as follows:~~

~~Sec. 12. 1. If a person does not affirmatively decline to have his or her information transmitted to the Secretary of State:~~

~~(a) The person shall be deemed an applicant to register to vote;~~

~~(b) Any act by the person pursuant to section 10 of this act shall be deemed an act of applying to register to vote;~~

~~(c) Upon receipt of the information collected from the person and transmitted by [the Department of Motor Vehicles,] a voter registration agency, the Secretary of State shall collate the information into an individual electronic document, which shall be deemed an application to register to vote; and~~

~~(d) Unless the applicant is already registered to vote, the date on which the person applied [in person at an office of the Department for the issuance or renewal of a driver's license or identification card] for services or assistance shall be deemed the date on which the applicant is registered to vote.~~

~~2. Except as otherwise provided in subsection 5, the Secretary of State shall electronically transmit each application to register to vote to the appropriate county clerk.~~

~~3. If the county clerk determines that the application is complete and that the applicant is eligible to vote pursuant to NRS 293.485, the name of the applicant must appear on the statewide voter registration list and the appropriate election board register, and the person must be provided all sample ballots and any other voter information provided to registered voters.~~

~~4. For each applicant who is registered to vote by the county clerk pursuant to this section, the electronic facsimile of the signature of the applicant shall be deemed to be the facsimile of the signature to be used for the comparison purposes of NRS 293.277.~~

~~5. If an applicant is already registered to vote, the Secretary of State shall use the voter registration information of the applicant received pursuant to this section to correct the statewide voter registration list pursuant to NRS 293.530, if necessary. (Deleted by amendment.)~~

Sec. 82. ~~[Section 13 of this act is hereby amended to read as follows:~~

~~Sec. 13. 1. Whether a person declines to have his or her information transmitted to the Secretary of State must not affect the provision of services or assistance to the person by the [Department,] voter registration agency, and the fact of a person registering to vote or declining to do so must not be disclosed to the public.~~

~~2. Any information collected pursuant to sections 8 to 13, inclusive, of this act must not be used for any purpose other than voter registration.~~

~~3. The Secretary of State shall adopt regulations necessary to carry out the provisions of sections 8 to 13, inclusive, of this act. (Deleted by amendment.)~~



Sec. 83. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~  
 (Deleted by amendment.)

Sec. 84. ~~[1. This section and sections 1 to 20, inclusive, 22 to 31, inclusive, 33 to 37, inclusive, 39 to 76, inclusive, and 83 of this act become]~~  
 This act becomes effective:

~~[(a)]~~ 1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

~~[(b)]~~ 2. On January 1, 2016, for all other purposes.

~~[2. Sections 21, 32, 38 and 77 to 82, inclusive, of this act become effective:]~~

~~— (a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and~~

~~— (b) On January 1, 2017, for all other purposes.]~~

Senator Farley moved the adoption of the amendment.

Remarks by Senator Farley.

Amendment No. 525 to Senate Bill No. 203 authorizes local election officials to incorporate electronic practices into early voting. The intent would be to authorize "vote center" style voting for early voting at permanent early voting locations, rather than at each primary and general election, and authorize the use of electronic practices as part of the early voting process.

The bill deletes provisions of the bill relating to registering to vote at the DMV. A similar voter registration model was already approved in an amendment to Senate Bill No. 331, which was adopted earlier today.

It amends section 14 of the bill to provide that persons 17 years of age, rather than 16 years of age, may preregister to vote, and it deletes provisions in the bill that would have allowed registering to vote on Election Day.

It amends provisions that relate to the electronic distribution of sample ballots in a manner identical to the First Reprint of Assembly Bill No. 94, which already contains these provisions that authorizes election officials to establish systems for registered voters to choose to receive sample ballots by electronic means.

Finally, it deletes section 68 as it relates to the use of the federal postcard application to register to vote or request for a military-overseas ballot if the application or request is received no later than seven days prior to the election.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 210.

Bill read second time.

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

Amendment No. 630.

SUMMARY—Revises provisions relating to ~~[inspections of certain]~~ medical facilities and ~~[offices]~~ facilities for the dependent. (BDR 40-1132)

AN ACT relating to public health; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to ~~[extend the period between periodic inspections under certain]~~

~~circumstances,] adopt regulations to establish a grading system for medical facilities and facilities for the dependent; requiring the Division, under certain circumstances, to reduce certain fees for ~~for certain~~ those facilities; ~~and offices regulated by the Division;~~ and providing other matters properly relating thereto.~~

Legislative Counsel's Digest:

Existing law authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to charge and collect a fee for a license to operate a medical facility or facility for the dependent in this State. ~~[and to charge and collect a fee for a permit which authorizes certain facilities and offices to offer to patients the service of general anesthesia, conscious sedation or deep sedation.]~~ Existing law also authorizes the Division to inspect and investigate such facilities to ensure that the facilities are in compliance with certain federal and state laws, regulations and standards. ~~[Furthermore, existing law requires facilities and offices that offer patients the service of general anesthesia, conscious sedation or deep sedation and surgical centers for ambulatory patients to be inspected annually by the Division.]~~ (NRS 449.0307, 449.050, 449.080, 449.089, 449.131, 449.132 ) ~~[, 449, 435-449, 448)]~~ If a medical facility or facility for the dependent passes a periodic inspection by the Division that is required by existing law, ~~section 2]~~ Section 1 of this bill requires the Division ~~[(1) to conduct the next consecutive periodic inspection of the facility after the expiration of a period which is equal to one and one half times the usual period between inspections that is required by state law or which is equal to the period that is required by federal law or regulation, whichever is shorter; and (2)]~~ to establish a grading system for medical facilities and facilities for the dependent. Section 1 also provides that the regulations must require the Division to reduce by 25 percent the fee for the next consecutive renewal of the license of the facility. ~~[. Section 3 of this bill sets forth similar provisions for a surgical center for ambulatory patients, an office of a physician or a facility which is required to obtain a permit to offer patients the service of general anesthesia, conscious sedation or deep sedation.]~~ if the facility receives a grade of A on two consecutive inspections by the Division.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto ~~[the provisions set forth as sections 2 and 3 of this act.]~~ a new section to read as follows:

*The Division shall adopt regulations establishing a grading system of A, B, C or D, with A being the highest rating for each medical facility and facility for the dependent. The regulations must:*

*1. Require a survey of each medical facility and facility for the dependent.*

2. Establish the criteria for evaluating deficiencies of a medical facility or facility for the dependent by the type of provider, inspection criteria and duration or frequency of the deficiency.

3. Require each medical facility or facility for the dependent that receives a grade of C or D to apply to be resurveyed and to submit with the application for resurvey a fee in an amount prescribed by the Division by regulation.

4. Authorize each medical facility or facility for the dependent that receives a grade of B to apply to be resurveyed and to submit with the application for resurvey a fee in an amount prescribed by the Division by regulation.

5. Require the Division to reduce by 25 percent the amount of the fee charged by the Division for the next consecutive renewal of the license of the facility pursuant to NRS 449.089 if the medical facility or facility for the dependent receives a grade of A on two concurrent inspections by the Division.

6. Require the fee for the renewal of a license of a medical facility or facility for the dependent that received a reduction in fee pursuant to subsection 5, to revert back to the amount of the original fee for the renewal of the license of the facility pursuant to NRS 449.089 if the facility fails to maintain a grade of A.

Sec. 2. ~~{1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, if a medical facility or facility for the dependent passes a periodic inspection by the Division required by this chapter:~~

~~— (a) The Division shall conduct the next consecutive periodic inspection of the facility after the expiration of a period which is equal to one and one-half times the period between inspections that is otherwise required by state law or regulation or which is equal to the period between inspections that is required by federal law or regulation, whichever is shorter; and~~

~~— (b) Notwithstanding the length of the period of the inspection required pursuant to paragraph (a), the Division shall reduce by 25 percent the amount of the fee charged by the Division for the next consecutive renewal of the license of the facility pursuant to NRS 449.089.~~

~~2. The provisions of this section do not apply to an inspection of a medical facility or facility for the dependent if:~~

~~— (a) The inspection is conducted upon the receipt of an application for a license or upon the receipt of a complaint pursuant to NRS 449.0307;~~

~~— (b) The inspection is conducted to allow the facility to correct any deficiencies discovered during a previous inspection;~~

~~— (c) The inspection is conducted after a change is made to the license of the facility, including, without limitation, a change in the person who is licensed to operate or maintain the facility or in the ownership of the facility;~~

~~— (d) The facility has had a substantiated complaint filed against it since the last periodic inspection of the facility; or~~

~~—(e) The inspection is conducted pursuant to NRS 449.131 or 449.132.~~

~~—3. The Division shall establish by regulation the manner in which to determine whether a medical facility or facility for the dependent passes a periodic inspection for the purposes of subsection 1.~~

~~—4. The provisions of this section do not exempt any medical facility or facility for the dependent from compliance with any applicable federal law or regulation governing the inspection or investigation of such facilities.]~~  
(Deleted by amendment.)

Sec. 3. ~~{1. Notwithstanding any other provision of this chapter and except as otherwise provided in this subsection, if an office of a physician or a facility which is required to obtain a permit pursuant to NRS 449.442 or a surgical center for ambulatory patients passes a periodic inspection by the Division required by this chapter:~~

~~—(a) The Division shall conduct the next consecutive periodic inspection of the office, facility or surgical center for ambulatory patients after the expiration of a period which is equal to one and one half times the period between inspections that is otherwise required by state law or regulation, or which is equal to the period between inspections that is required by federal law or regulation, whichever is shorter; and~~

~~—(b) Notwithstanding the length of the period of the inspection required pursuant to paragraph (a), the Division shall reduce by 25 percent the amount of the fee charged by the Division for the next consecutive renewal of:~~

~~—(1) A permit issued to the office or facility pursuant to NRS 449.444.~~

~~—(2) A license issued to the surgical center for ambulatory patients pursuant to NRS 449.050.~~

~~—2. The provisions of this section do not apply to an inspection of an office of a physician or a facility which is required to obtain a permit pursuant to NRS 449.442 or a surgical center for ambulatory patients if:~~

~~—(a) The inspection is conducted upon the receipt of an application for a license or permit or upon the receipt of a complaint;~~

~~—(b) The inspection is conducted to allow the office, facility or surgical center for ambulatory patients to correct any deficiencies discovered during a previous inspection;~~

~~—(c) The inspection is conducted after a change is made to the license or permit of the office, facility or surgical center for ambulatory patients, including, without limitation, a change in the person who has a license or permit to operate or maintain the office, facility or surgical center for ambulatory patients or in the ownership of the office, facility or surgical center for ambulatory patients;~~

~~—(d) The office, facility or surgical center for ambulatory patients has had a substantiated complaint filed against it since the last periodic inspection of the office, facility or surgical center for ambulatory patients; or~~

~~—(e) The inspection is an unannounced on-site inspection conducted pursuant to NRS 449.446.~~

~~3. The Division shall establish by regulation the manner in which to determine whether an office of a physician or a facility which is required to obtain a permit pursuant to NRS 449.442 or a surgical center for ambulatory patients passes a periodic inspection for the purposes of subsection 1.~~

~~4. The provisions of this section do not exempt any office of a physician or a facility which is required to obtain a permit pursuant to NRS 449.442 or a surgical center for ambulatory patients from compliance with any applicable federal law or regulation governing the inspection or investigation of such an office, facility or surgical center for ambulatory patients.~~ (Deleted by amendment.)

Sec. 4. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.030 to 449.2428, inclusive, and section ~~42~~ 1 of this act do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility or facility for the dependent operated and maintained by the United States Government or an agency thereof.

Sec. 5. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.030 to 449.2428, inclusive, and section ~~42~~ 1 of this act and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) ~~Any~~ Except as otherwise provided in section ~~42~~ 1 of this act, any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.030 to 449.2428, inclusive ~~1~~, and section ~~42~~ 1 of this act.

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

- (b) Residential facilities for groups,  
↳ which provide care to persons with Alzheimer's disease.

3. The Board shall adopt separate regulations for:

- (a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.
- (b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.
- (c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

- (a) The ultimate user's physical and mental condition is stable and is following a predictable course.
- (b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.
- (c) A written plan of care by a physician or registered nurse has been established that:

- (1) Addresses possession and assistance in the administration of the medication; and

- (2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

- (d) The prescribed medication is not administered by injection or intravenously.

- (e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of alcohol and drug abuse programs, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

↪ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 6. NRS 449.050 is hereby amended to read as follows:

449.050 1. ~~Each~~ Except as otherwise provided in section ~~42~~ 1 of this act, each application for a license must be accompanied by such fee as may be determined by regulation of the Board. The Board may, by regulation, allow or require payment of a fee for a license in installments and may fix the amount of each payment and the date that the payment is due.

2. ~~The~~ Except as otherwise provided in section ~~42~~ 1 of this act, the fee imposed by the Board for a facility for transitional living for released offenders must be based on the type of facility that is being licensed and must be calculated to produce the revenue estimated to cover the costs related to the license, but in no case may a fee for a license exceed the actual cost to the Division of issuing or renewing the license.

3. If an application for a license for a facility for transitional living for released offenders is denied, any amount of the fee paid pursuant to this



section that exceeds the expenses and costs incurred by the Division must be refunded to the applicant.

Sec. 7. NRS 449.131 is hereby amended to read as follows:

449.131 1. Any authorized member or employee of the Division may enter and inspect any building or premises at any time to secure compliance with or prevent a violation of any provision of NRS 449.030 to 449.245, inclusive ~~[ ]~~, and section ~~2~~ 1 of this act.

2. The State Fire Marshal or a designee of the State Fire Marshal shall, upon receiving a request from the Division or a written complaint concerning compliance with the plans and requirements to respond to an emergency adopted pursuant to subsection 9 of NRS 449.0302:

- (a) Enter and inspect a residential facility for groups; and
  - (b) Make recommendations regarding the adoption of plans and requirements pursuant to subsection 9 of NRS 449.0302,
- ↪ to ensure the safety of the residents of the facility in an emergency.

3. ~~The~~ Except as otherwise provided in section 2 of this act, the Chief Medical Officer or a designee of the Chief Medical Officer shall enter and inspect at least annually each building or the premises of a residential facility for groups to ensure compliance with standards for health and sanitation.

4. An authorized member or employee of the Division shall enter and inspect any building or premises operated by a residential facility for groups within 72 hours after the Division is notified that a residential facility for groups is operating without a license.

Sec. 8. ~~NRS 449.160 is hereby amended to read as follows:~~

~~449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.030 to 449.2428, inclusive, and section 2 of this act upon any of the following grounds:~~

~~(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.030 to 449.245, inclusive, and section 2 of this act or of any other law of this State or of the standards, rules and regulations adopted thereunder.~~

~~(b) Aiding, abetting or permitting the commission of any illegal act.~~

~~(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.~~

~~(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.~~

~~(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, and section 2 of this act and 449.435 to 449.965, inclusive, and section 3 of this act if such approval is required.~~

~~(f) Failure to comply with the provisions of NRS 449.2486.~~

~~2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:~~

~~(a) Is convicted of violating any of the provisions of NRS 202.470;~~

~~(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or~~

~~(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.~~

~~3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:~~

~~(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;~~

~~(b) A report of any investigation conducted with respect to the complaint; and~~

~~(c) A report of any disciplinary action taken against the facility.~~

~~➤ The facility shall make the information available to the public pursuant to NRS 449.2486.~~

~~4. On or before February 1 of each odd numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:~~

~~(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and~~

~~(b) Any disciplinary actions taken by the Division pursuant to subsection 2.] (Deleted by amendment.)~~

Sec. 9. ~~[NRS 449.435 is hereby amended to read as follows:~~

~~449.435 As used in NRS 449.435 to 449.448, inclusive, and section 3 of this act, unless the context otherwise requires, the words and terms defined in NRS 449.436 to 449.439, inclusive, have the meanings ascribed to them in these sections.] (Deleted by amendment.)~~

Sec. 10. ~~[NRS 449.441 is hereby amended to read as follows:~~

~~449.441 The provisions of NRS 449.435 to 449.448, inclusive, and section 3 of this act do not apply to an office of a physician or a facility that provides health care, other than a medical facility, if the office of a physician or the facility only administers a medication to a patient to relieve the patient's anxiety or pain and if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.] (Deleted by amendment.)~~

Sec. 11. ~~[NRS 449.446 is hereby amended to read as follows:~~

~~449.446 1. [The] Except as otherwise provided in section 3 of this act, the Division shall conduct annual and unannounced on-site inspections of~~

~~each office of a physician or a facility that provides health care, other than a medical facility, which holds a permit issued pursuant to NRS 449.442 and each surgical center for ambulatory patients which holds a license issued pursuant to this chapter.~~

~~2. An inspection conducted pursuant to this section must focus on the infection control practices and policies of the surgical center for ambulatory patients, the office or the facility that is the subject of the inspection. The Division may, as it deems necessary, conduct a more comprehensive inspection of a surgical center, office or facility.~~

~~3. Upon completion of an inspection, the Division shall:~~

~~(a) Compile a report of the inspection, including each deficiency discovered during the inspection, if any; and~~

~~(b) Forward a copy of the report to the surgical center for ambulatory patients, the office of the physician or the facility where the inspection was conducted.~~

~~4. If a deficiency is indicated in the report, the surgical center for ambulatory patients, the office of the physician or the facility shall correct each deficiency indicated in the report in the manner prescribed by the Board pursuant to NRS 449.448.~~

~~5. The Division shall annually prepare and submit to the Legislative Committee on Health Care and the Legislative Commission a report which includes:~~

~~(a) The number and frequency of inspections conducted pursuant to this section;~~

~~(b) A summary of deficiencies or other significant problems discovered while conducting inspections pursuant to this section and the results of any follow-up inspections; and~~

~~(c) Any other information relating to the inspections as deemed necessary by the Legislative Committee on Health Care or the Legislative Commission.} (Deleted by amendment.)~~

Sec. 12. ~~[NRS 449.447 is hereby amended to read as follows:~~

~~449.447 1. If an office of a physician or a facility that provides health care, other than a medical facility, violates the provisions of NRS 449.435 to 449.448, inclusive, and section 3 of this act or the regulations adopted pursuant thereto, or fails to correct a deficiency indicated in a report pursuant to NRS 449.446, the Division, in accordance with the regulations adopted pursuant to NRS 449.448, may take any of the following actions:~~

~~(a) Decline to issue or renew a permit;~~

~~(b) Suspend or revoke a permit; or~~

~~(c) Impose an administrative penalty of not more than \$1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum.~~

~~2. The Division may review a report submitted pursuant to NRS 630.30665 or 633.524 to determine whether an office of a physician or a facility is in violation of the provisions of NRS 449.435 to 449.448;~~

~~inclusive, and section 3 of this act or the regulations adopted pursuant thereto. If the Division determines that such a violation has occurred, the Division shall immediately notify the appropriate professional licensing board of the physician.~~

~~3. If a surgical center for ambulatory patients violates the provisions of NRS 449.435 to 449.448, inclusive, and section 3 of this act or the regulations adopted pursuant thereto, or fails to correct a deficiency indicated in a report pursuant to NRS 449.446, the Division may impose administrative sanctions pursuant to NRS 449.163.] (Deleted by amendment.)~~

Sec. 13. ~~[NRS 449.448 is hereby amended to read as follows:~~

~~449.448 1. [The] Except as otherwise provided in section 3 of this act, the Board shall adopt regulations to carry out the provisions of NRS 449.435 to 449.448, inclusive, and section 3 of this act, including, without limitation, regulations which:~~

~~(a) Prescribe the amount of the fee required for applications for the issuance and renewal of a permit pursuant to NRS 449.443 and 449.444.~~

~~(b) Prescribe the procedures and standards for the issuance and renewal of a permit.~~

~~(c) Identify the nationally recognized organizations approved by the Board for the purposes of the accreditation required for the issuance of a:~~

~~(1) License to operate a surgical center for ambulatory patients.~~

~~(2) Permit for an office of a physician or a facility that provides health care, other than a medical facility, to offer to a patient a service of general anesthesia, conscious sedation or deep sedation.~~

~~(d) Prescribe the procedures and scope of the inspections conducted by the Division pursuant to NRS 449.446.~~

~~(e) Prescribe the procedures and time frame for correcting each deficiency indicated in a report pursuant to NRS 449.446.~~

~~(f) Prescribe the criteria for the imposition of each sanction prescribed by NRS 449.447, including, without limitation:~~

~~(1) Setting forth the circumstances and manner in which a sanction applies;~~

~~(2) Minimizing the time between the identification of a violation and the imposition of a sanction; and~~

~~(3) Providing for the imposition of incrementally more severe sanctions for repeated or uncorrected violations.~~

~~2. The regulations adopted pursuant to this section must require that the practices and policies of each holder of a permit to offer to a patient a service of general anesthesia, conscious sedation or deep sedation and each holder of a license to operate a surgical center for ambulatory patients provide adequately for the protection of the health, safety and well being of patients.] (Deleted by amendment.)~~

Sec. 14. This act becomes effective ~~[on July 1, 2015.]~~ :

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

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

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 630 to Senate Bill No. 210 replaces the previous provisions of the measure and requires the Division of Public and Behavioral Health to: establish a grading system for medical facilities and facilities for the dependent; and include provisions in the regulations that reduce the fee by 25 percent for the next consecutive renewal of the license of the facility if the facility receives a grade of A on two consecutive inspections by the Division.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 288.

Bill read second time.

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

Amendment No. 391.

SUMMARY—Revises provisions relating to prescribing controlled substances. (BDR 40-889)

AN ACT relating to controlled substances; requiring each person who ~~[registers with the State Board of Pharmacy]~~ is authorized to prescribe or dispense a controlled substance to be provided access to the database of the computerized program to track prescriptions for certain controlled substances that are filled by pharmacies; requiring each person who ~~[registers with the Board]~~ is authorized to prescribe controlled substances to access the database, review certain information and ~~[report certain information]~~ verify to the Board ~~[requiring each person who prescribes a controlled substance to register with the Board; authorizing the Board to impose a fee for such registration; providing a penalty;] that he or she continues to have access to the database; authorizing various professional licensing boards to take disciplinary action against a person who fails to comply with these requirements; and providing other matters properly relating thereto.~~

Legislative Counsel's Digest:

~~[Existing law requires every person who dispenses a controlled substance within this State to register biennially with the State Board of Pharmacy. (NRS 453.226) Section 4 of this bill also requires every person who prescribes a controlled substance to register biennially with the Board. Section 1 of this bill amends the definition of "practitioner" to include persons who prescribe controlled substances for the purposes of provisions governing controlled substances.~~

~~Existing law authorizes the Board to charge a reasonable fee to register and control the dispensing of controlled substances and an additional fee to cover the cost of the computer program to track prescriptions. (NRS 453.221) Section 3 of this bill authorizes the Board to also charge a reasonable fee~~

~~relating to the registration and control of prescribing of controlled substances within this State. Section 5 of this bill requires the Board to register an applicant to prescribe a controlled substance in the same manner as required for an applicant that dispenses a controlled substance, unless it determines that doing so would be against the public interest. Section 7 of this bill authorizes the Board to suspend or revoke a registration to prescribe a controlled substance upon a finding that the registrant has committed certain misconduct relating to controlled substances in the same manner authorized for a registrant who dispenses a controlled substance.~~

~~Existing law makes it a category D felony to dispense a controlled substance unless the person is registered by the Board. (NRS 453.232) Section 6 of this bill also makes it a category D felony to prescribe a controlled substance without being registered.]~~

Existing law requires the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to cooperatively develop a computerized program to track each prescription for a controlled substance. Persons who prescribe or dispense controlled substances can choose to access the database of the program and are given access to the database after receiving a course of training developed by the Board and the Division. (NRS 453.1545) Section 2 of this bill requires any person who ~~registers with the Board to~~ is authorized to prescribe or dispense controlled substances to receive such training and be given access to the database of the computer program. Section 2 also requires each person who ~~registers with the Board~~ is authorized to prescribe controlled substances to access the database of the computer program at least once every 6 months, review ~~all prescriptions documented in the system as having been issued by~~ the information concerning the person in the database and ~~report~~ verify to the Board ~~[(1)]~~ that the person ~~has accessed the database at least once in the past 6 months; and (2) any prescriptions that are documented in the database as having been issued by the person but were not actually issued by the person.]~~ continues to have access to the database. Sections 7.1-7.7 of this bill authorize various professional licensing boards to take disciplinary action against a person who is authorized to prescribe controlled substances and fails to comply with these requirements.

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

Section 1. ~~[NRS 453.126 is hereby amended to read as follows:~~

~~453.126 "Practitioner" means:~~

~~1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State and is registered pursuant to this chapter.~~

~~2. An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy authorizing him or her to dispense or to prescribe and dispense controlled substances [.] and is registered pursuant to this chapter.~~

~~3. A scientific investigator or a pharmacy, hospital or other institution that is licensed, registered or otherwise authorized in this State to prescribe, distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research [.] and is registered pursuant to this chapter.~~

~~4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he or she possesses or administers sodium pentobarbital pursuant to his or her license and registration.~~

~~5. A physician assistant who:~~

~~(a) Holds a license from the Board of Medical Examiners; [and]~~

~~(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 620 of NRS [.] ; and~~

~~(c) Is registered pursuant to this chapter.~~

~~6. A physician assistant who:~~

~~(a) Holds a license from the State Board of Osteopathic Medicine; [and]~~

~~(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS [.] ; and~~

~~(c) Is registered pursuant to this chapter.~~

~~7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288 [.] and is registered pursuant to this chapter, when the optometrist prescribes or administers therapeutic pharmaceutical agents within the scope of his or her certification. (Deleted by amendment.)~~

Sec. 2. NRS 453.1545 is hereby amended to read as follows:

453.1545 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III and IV to pharmacies, practitioners and appropriate state agencies to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient.

(b) Be administered by the Board, the Investigation Division, the Division of Public and Behavioral Health of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Investigation Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

(d) Include the contact information of each person who ~~elects to~~ *is provided access to* the database of the program pursuant to ~~subsection 2,~~ *this section*, including, without limitation:

- (1) The name of the person;
- (2) The physical address of the person;
- (3) The telephone number of the person; and
- (4) If the person maintains an electronic mail address, the electronic mail address of the person.

2. ~~The Board shall provide Internet access to the database of the program established pursuant to subsection 1 to each~~ *Each practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV* ~~for other person who~~

~~(a) Elects to access the database of the program; Is registered by the Board pursuant to NRS 453.231; and~~

~~(b) Completes~~ *shall complete* the course of instruction described in subsection ~~[7.]~~ *8. The Board shall provide Internet access to the database of the program established pursuant to subsection 1 to each such practitioner or other person who completes the course of instruction.*

3. The Board and the Division must have access to the program established pursuant to subsection 1 to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

4. ~~Each person who is registered by the Board~~ *authorized to prescribe* ~~write prescriptions for controlled substances pursuant to NRS 453.231 listed in schedule II, III or IV shall access the database of the program established pursuant to subsection 1 at least once each 6 months~~ *review all prescriptions documented in the database that indicate they were issued by the person* ~~and shall:~~

*(a) Review the information concerning the person that is listed in the database and notify the Board if any such information is not correct; and* ~~report~~

*(b) Verify to the Board* ~~that~~

~~(a) That~~ *that the person* ~~he or she continues to have access to and has accessed the database as required by this subsection~~ *;* ~~and~~

~~(b) Any prescriptions that are documented in the database that incorrectly indicate they were issued by the person.~~

5. The Board or the Division shall report any activity it reasonably suspects may be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board with the relevant information obtained from the program for further investigation.

~~[5.]~~ 6. The Board and the Division may cooperatively enter into a written agreement with an agency of any other state to provide, receive or



exchange information obtained by the program with a program established in that state which is substantially similar to the program established pursuant to subsection 1, including, without limitation, providing such state access to the database of the program or transmitting information to and receiving information from such state. Any information provided, received or exchanged as part of an agreement made pursuant to this section may only be used in accordance with the provisions of this chapter.

~~{6.}~~ 7. Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section and NRS 239.0115, must not be disclosed to any person. That information must be disclosed:

(a) Upon the request of a person about whom the information requested concerns or upon the request on behalf of that person by his or her attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

~~{7.}~~ 8. The Board and the Division shall cooperatively develop a course of training for persons who ~~{elect}~~ are required to receive access to the database of the program pursuant to subsection 2 ~~register pursuant to NRS 453.226~~ and require each such person to complete the course of training before the person is provided with Internet access to the database pursuant to subsection 2.

~~{8.}~~ 9. A practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV who acts with reasonable care when transmitting to the Board or the Division a report or information required by this section or a regulation adopted pursuant thereto is immune from civil and criminal liability relating to such action.

~~{9.}~~ 10. The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

Sec. 3. ~~{NRS 453.221 is hereby amended to read as follows:~~  
~~453.221 1. The Board may adopt regulations and charge reasonable fees relating to the registration and control of the prescribing and dispensing of controlled substances within this State.~~  
~~2. The Board may charge an additional fee for prescribing and dispensing controlled substances included in schedules I to V, inclusive, to cover the cost of developing and maintaining the computerized program developed pursuant to NRS 453.1545. The amount of the fee must be:~~  
~~(a) Set so that the aggregate amount received from the fee does not exceed the estimated costs of developing and maintaining the program.~~  
~~(b) Approved by the Legislature, if it is in regular session, or the Interim Finance Committee, if the Legislature is not in regular session. (Deleted by amendment.)~~

Sec. 4. ~~{NRS 453.226 is hereby amended to read as follows:~~

~~453.226 1. Every practitioner or other person who prescribes or dispenses any controlled substance within this State or who proposes to engage in the prescribing or dispensing of any controlled substance within this State shall obtain biennially a registration issued by the Board in accordance with its regulations.~~

~~2. A person registered by the Board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, to prescribe, dispense or conduct research with controlled substances may prescribe, possess, dispense or conduct research with those substances to the extent authorized by the registration and in conformity with the other provisions of those sections.~~

~~3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive:~~

~~(a) An agent or employee of a registered dispenser of a controlled substance if he or she is acting in the usual course of his or her business or employment;~~

~~(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;~~

~~(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse, podiatric physician or veterinarian or in lawful possession of a schedule V substance; or~~

~~(d) A physician who:~~

~~(1) Holds a locum tenens license issued by the Board of Medical Examiners or a temporary license issued by the State Board of Osteopathic Medicine; and~~

~~(2) Is registered with the Drug Enforcement Administration at a location outside this State.~~

~~4. The Board may waive the requirement for registration of certain persons who prescribe controlled substances or dispensers if it finds it consistent with the public health and safety.~~

~~5. A separate registration is required at each principal place of business or professional practice where the applicant prescribes or dispenses controlled substances.~~

~~6. The Board may inspect the establishment of a registrant or applicant for registration in accordance with the Board's regulations.] (Deleted by amendment.)~~

Sec. 5. [NRS 453.231 is hereby amended to read as follows:

~~453.231 1. The Board shall register an applicant to prescribe or dispense controlled substances included in schedules I to V, inclusive, unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the Board shall consider the following factors:~~

~~— (a) Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, research or industrial channels;~~

~~— (b) Compliance with state and local law;~~

~~— (c) Promotion of technical advances in the art of manufacturing controlled substances and the development of new substances;~~

~~— (d) Convictions of the applicant pursuant to laws of another country or federal or state laws relating to a controlled substance;~~

~~— (e) Past experience of the applicant in the *prescription*, manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion of controlled substances into other than legitimate medical, scientific research or industrial channels;~~

~~— (f) Furnishing by the applicant of false or fraudulent material in an application filed pursuant to the provisions of NRS 453.011 to 453.552, inclusive;~~

~~— (g) Suspension or revocation of the applicant's federal registration to manufacture, distribute, possess, administer or dispense controlled substances as authorized by federal law; and~~

~~— (h) Any other factors relevant to and consistent with the public health and safety.~~

~~— 2. Registration pursuant to subsection 1 entitles a registrant to *prescribe* or dispense a substance included in schedules I or II only if it is specified in the registration.~~

~~— 3. A practitioner must be registered before *prescribing* or dispensing a controlled substance or conducting research with respect to a controlled substance included in schedules II to V, inclusive. The Board need not require separate registration pursuant to the provisions of NRS 453.011 to 453.552, inclusive, for practitioners engaging in research with nonnarcotic controlled substances included in schedules II to V, inclusive, if the registrant is already registered in accordance with the provisions of NRS 453.011 to 453.552, inclusive, in another capacity. A practitioner registered in accordance with federal law to conduct research with a substance included in schedule I may conduct research with the substance in this State upon furnishing the Board evidence of the federal registration.] (Deleted by amendment.)~~

Sec. 6. ~~[NRS 453.232 is hereby amended to read as follows:~~

~~— 453.232 A person who *prescribes* or dispenses a controlled substance without being registered by the Board if required by NRS 453.231 is guilty of a category D felony and shall be punished as provided in NRS 193.120.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 453.236 is hereby amended to read as follows:~~

~~— 453.236 1. The Board may suspend or revoke a registration pursuant to NRS 453.231 to *prescribe* or dispense a controlled substance upon a finding that the registrant has:~~

~~— (a) Furnished false or fraudulent material information in an application filed pursuant to NRS 453.011 to 453.552, inclusive;~~

~~— (b) Been convicted of a felony under a state or federal law relating to a controlled substance;~~

~~— (c) Had his or her federal registration to dispense controlled substances suspended or revoked and is no longer authorized by federal law to dispense those substances; or~~

~~— (d) Committed an act that would render registration under NRS 453.231 inconsistent with the public interest as determined pursuant to that section.~~

~~— 2. The Board may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.~~

~~— 3. If a registration is suspended or revoked, the Board may place under seal all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. When a revocation becomes final, the court may order the controlled substances forfeited to the State.~~

~~— 4. The Board may seize or place under seal any controlled substance owned or possessed by a registrant whose registration has expired or who has ceased to practice or do business in the manner permitted by the registration. The controlled substance must be held for the benefit of the registrant or the registrant's successor in interest. The Board shall notify a registrant, or the registrant's successor in interest, whose controlled substance is seized or placed under seal, of the procedures to be followed to secure the return of the controlled substance and the conditions under which it will be returned. The Board may not dispose of a controlled substance seized or placed under seal under this subsection until the expiration of 180 days after the controlled substance was seized or placed under seal. The Board may recover costs it incurred in seizing, placing under seal, maintaining custody and disposing of any controlled substance under this subsection from the registrant, from any proceeds obtained from the disposition of the controlled substance, or from both. The Board shall pay to the registrant or the registrant's successor in interest any balance of the proceeds of any disposition remaining after the costs have been recovered.~~

~~— 5. The Board shall promptly notify the Drug Enforcement Administration and the Division of all orders suspending or revoking registration and the Division shall promptly notify the Drug Enforcement Administration and the Board of all forfeitures of controlled substances.~~

~~— 6. A registrant shall not employ as his or her agent or employee in any premises where controlled substances are sold, dispensed, stored or held for sale any person whose pharmacist's certificate has been suspended or revoked. } (Deleted by amendment.)~~

*Sec. 7.1. NRS 630.3062 is hereby amended to read as follows:*

630.3062 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.
2. Altering medical records of a patient.
3. Making or filing a report which the licensee knows to be false, failing to file a record or report as required by law or willfully obstructing or inducing another to obstruct such filing.
4. Failure to make the medical records of a patient available for inspection and copying as provided in NRS 629.061.
5. Failure to comply with the requirements of NRS 630.3068.
6. Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

*7. Failure to comply with the requirements of NRS 453.1545.*

*Sec. 7.2. NRS 631.3475 is hereby amended to read as follows:*

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;
2. Professional incompetence;
3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;
4. More than one act by the dentist or dental hygienist constituting substandard care in the practice of dentistry or dental hygiene;
5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;
6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:
  - (a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;
  - (b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or
  - (c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS;
7. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;

9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

10. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

11. Failure to comply with the provisions of NRS 453.1545.

Sec. 7.3. NRS 632.320 is hereby amended to read as follows:

632.320 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

↪ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➡ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(q) Is an advanced practice registered nurse who has failed to comply with the provisions of NRS 453.1545.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

*Sec. 7.4. NRS 633.511 is hereby amended to read as follows:*

633.511 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.
2. Conviction of:
  - (a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;
  - (b) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;
  - (c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;
  - (d) Murder, voluntary manslaughter or mayhem;
  - (e) Any felony involving the use of a firearm or other deadly weapon;
  - (f) Assault with intent to kill or to commit sexual assault or mayhem;
  - (g) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
  - (h) Abuse or neglect of a child or contributory delinquency; or
  - (i) Any offense involving moral turpitude.
3. The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.
4. Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.
5. Professional incompetence.
6. Failure to comply with the requirements of NRS 633.527.
7. Failure to comply with the requirements of subsection 3 of NRS 633.471.
8. Failure to comply with the provisions of NRS 633.694.
9. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:
  - (a) The license of the facility is suspended or revoked; or
  - (b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.➤ This subsection applies to an owner or other principal responsible for the operation of the facility.
10. Failure to comply with the provisions of subsection 2 of NRS 633.322.
11. Signing a blank prescription form.



12. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

13. Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

14. Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

15. In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

16. Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

17. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

18. Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

19. Failure to comply with the provisions of NRS 633.165.

20. Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

21. Failure to comply with the provisions of NRS 453.1545.

Sec. 7.5. NRS 635.130 is hereby amended to read as follows:

635.130 1. The Board, after notice and a hearing as required by law, and upon any cause enumerated in subsection 2, may take one or more of the following disciplinary actions:

(a) Deny an application for a license or refuse to renew a license.

(b) Suspend or revoke a license.

(c) Place a licensee on probation.

(d) Impose a fine not to exceed \$5,000.

2. The Board may take disciplinary action against a licensee for any of the following causes:

(a) The making of a false statement in any affidavit required of the applicant for application, examination or licensure pursuant to the provisions of this chapter.

(b) Lending the use of the holder's name to an unlicensed person.

(c) If the holder is a podiatric physician, permitting an unlicensed person in his or her employ to practice as a podiatry hygienist.

(d) Habitual indulgence in the use of alcohol or any controlled substance which impairs the intellect and judgment to such an extent as in the opinion of the Board incapacitates the holder in the performance of his or her professional duties.

(e) Conviction of a crime involving moral turpitude.

(f) Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(g) Conduct which in the opinion of the Board disqualifies the licensee to practice with safety to the public.

(h) The commission of fraud by or on behalf of the licensee regarding his or her license or practice.

(i) Gross incompetency.

(j) Affliction of the licensee with any mental or physical disorder which seriously impairs his or her competence as a podiatric physician or podiatry hygienist.

(k) False representation by or on behalf of the licensee regarding his or her practice.

(l) Unethical or unprofessional conduct.

(m) Failure to comply with the requirements of subsection 1 of NRS 635.118.

(n) Willful or repeated violations of this chapter or regulations adopted by the Board.

(o) Willful violation of the regulations adopted by the State Board of Pharmacy.

(p) Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

(q) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(r) Failure to comply with the provisions of NRS 453.1545.

Sec. 7.6. NRS 636.295 is hereby amended to read as follows:

636.295 The following acts, conduct, omissions, or mental or physical conditions, or any of them, committed, engaged in, omitted, or being suffered by a licensee, constitute sufficient cause for disciplinary action:

1. Affliction of the licensee with any communicable disease likely to be communicated to other persons.

2. Commission by the licensee of a felony relating to the practice of optometry or a gross misdemeanor involving moral turpitude of which the licensee has been convicted and from which he or she has been sentenced by a final judgment of a federal or state court in this or any other state, the judgment not having been reversed or vacated by a competent appellate court and the offense not having been pardoned by executive authority.

3. Conviction of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

4. Commission of fraud by or on behalf of the licensee in obtaining a license or a renewal thereof, or in practicing optometry thereunder.

5. Habitual drunkenness or addiction to any controlled substance.

6. Gross incompetency.

7. Affliction with any mental or physical disorder or disturbance seriously impairing his or her competency as an optometrist.

8. Making false or misleading representations, by or on behalf of the licensee, with respect to optometric materials or services.

9. Practice by the licensee, or attempting or offering so to do, while in an intoxicated condition.

10. Perpetration of unethical or unprofessional conduct in the practice of optometry.

11. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

12. Any violation of the provisions of this chapter or any regulations adopted pursuant thereto.

13. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➡ This subsection applies to an owner or other principal responsible for the operation of the facility.

14. Failure to comply with the provisions of NRS 453.1545.

Sec. 7.7. NRS 638.140 is hereby amended to read as follows:

638.140 The following acts, among others, are grounds for disciplinary action:

1. Violation of a regulation adopted by the State Board of Pharmacy or the Nevada State Board of Veterinary Medical Examiners;

2. Habitual drunkenness;

3. Addiction to the use of a controlled substance;

4. Conviction of or a plea of nolo contendere to a felony related to the practice of veterinary medicine, or any offense involving moral turpitude;

5. Incompetence;

6. Negligence;

7. Malpractice pertaining to veterinary medicine as evidenced by an action for malpractice in which the holder of a license is found liable for damages;

8. Conviction of a violation of any law concerning the possession, distribution or use of a controlled substance or a dangerous drug as defined in chapter 454 of NRS;

9. Willful failure to comply with any provision of this chapter, a regulation, subpoena or order of the Board, the standard of care established by the American Veterinary Medical Association or an order of a court;

10. Prescribing, administering or dispensing a controlled substance to an animal to influence the outcome of a competitive event in which the animal is a competitor;

11. Willful failure to comply with a request by the Board for medical records within 14 days after receipt of a demand letter issued by the Board;

12. Willful failure to accept service by mail or in person from the Board;

13. Failure of a supervising veterinarian to provide immediate or direct supervision to licensed or unlicensed personnel if the failure results in malpractice or the death of an animal; and

14. Failure of a supervising veterinarian to ensure that a licensed veterinarian is on the premises of a facility or agency when medical treatment is administered to an animal if the treatment requires direct or immediate supervision by a licensed veterinarian.

15. Failure to comply with the provisions of NRS 453.1545.

Sec. 8. This act becomes effective:

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

2. On January 1, 2016, for all other purposes.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 391 to Senate Bill No. 288 replaces the previous provisions of the measure. It requires any person who is authorized to prescribe or dispense controlled substances is to receive training in the prescription drug monitoring program developed by the State Board of Pharmacy and be given access to the database of the computer program.

It also requires each person who is authorized to prescribe controlled substances is to access the database of the computer program at least once every six months, review the information concerning the person in the database and verify to the Board that the person continues to have access to the database.

The amendment authorizes various professional licensing boards to take disciplinary action against a person who is authorized to prescribe controlled substances and fails to comply with these requirements.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 314.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 444.

SUMMARY—Revises provisions governing certain health districts.  
(BDR 40-957)

AN ACT relating to public health; revising the composition and duties of health districts in certain larger counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates a health district in a county whose population is 700,000 or more (currently Clark County). The health district consists of a district health officer and a district board of health, which consists of representatives selected by various governmental entities and additional members selected by those representatives. (NRS 439.362) Section 3 of this bill revises the composition of such a health district to include a ~~district administrative director~~ chief medical officer and a public health advisory board. Section 3 provides that certain members selected by the representatives of various governmental entities under current law no longer serve as voting members of the district board of health and instead comprise the public health advisory board, the members of which serve as nonvoting members of the district board of health. Section 3 additionally includes one resident of each city in the county, as selected by the governing body of the city, on the public health advisory board. Section 3 also prohibits any member of the district board of health from designating another person to vote, participate in a discussion or otherwise serve on his or her behalf. Section 4 of this bill provides for the conversion of the currently serving

members of a district board of health whose positions would become part of a public health advisory board pursuant to section 3. Section 1 of this bill provides for the appointment, job description, qualifications ~~[, duties]~~ and compensation of a ~~[district administrative director,]~~ chief medical officer. Section 3.5 of this bill revises provisions relating to the duties, selection, job description, qualifications and compensation of a district health officer.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. [The district board of health shall appoint a district administrative director who shall direct the work of the health district, administer the health district and perform any other duties specified by the board.]~~

~~2. The district administrative director must have at least 2 years of experience, or the equivalent, in a responsible administrative position.~~

~~3. The district administrative director is entitled to receive a salary fixed by the district board of health and serves at the pleasure of the board.]~~ The district health officer shall, with the approval of the district board of health:

(a) Approve a job description, qualifications and compensation for a chief medical officer; and

(b) Oversee the recruitment and selection process for and appoint a chief medical officer, who serves under the direction of the district health officer.

2. The chief medical officer is entitled to receive the compensation approved by the district health officer and serves at the pleasure of the district board of health.

Sec. 2. NRS 439.361 is hereby amended to read as follows:

439.361 The provisions of NRS 439.361 to 439.368, inclusive, *and section 1 of this act* apply to a county whose population is 700,000 or more.

Sec. 3. NRS 439.362 is hereby amended to read as follows:

439.362 1. A health district with a health department consisting of a district health officer , a ~~[district administrative director,]~~ chief medical officer, a public health advisory board and a district board of health is hereby created.

2. The district board of health consists of:

(a) Representatives selected by the following entities from among their elected members:

(1) Two representatives of the board of county commissioners;

(2) Two representatives of the governing body of the largest incorporated city in the county; and

(3) One representative of the governing body of each other city in the county; and

(b) The following representatives, selected by the elected representatives of the district board of health selected pursuant to paragraph (a), who shall represent the health district at large and who must be selected based on their

qualifications without regard to the location within the health district of their residence or their place of employment:

(1) ~~{Two representatives}~~ *One representative who ~~{are physicians}~~ is a physician licensed to practice medicine in this State ; ~~{one of whom is selected on the basis of his or her education, training, experience or demonstrated abilities in the provision of health care services to members of minority groups and other medically underserved populations;}~~*

(2) ~~{One representative who is a nurse licensed to practice nursing in this State;~~

~~—(3) One representative who has a background or expertise in environmental health or environmental health services;~~

~~—(4)}~~ One representative of a nongaming business or from an industry that is subject to regulation by the health district; and

~~{{5}}~~ (3) One representative of the association of gaming establishments whose membership in the county collectively paid the most gross revenue fees to the State pursuant to NRS 463.370 in the preceding year, who must be selected from a list of nominees submitted by the association. If no such association exists, the representative selected pursuant to this subparagraph must represent the gaming industry.

3. *The public health advisory board consists of:*

(a) *One resident of each city in the county selected by the governing body of each such city; and*

(b) *The following representatives, selected by the district board of health, who shall advise the health district on matters relating to public health and who must be selected based on their qualifications without regard to the location within the health district of their residence or their place of employment:*

(1) *One representative who is a physician licensed to practice medicine in this State, selected on the basis of his or her education, training, experience or demonstrated abilities in the provision of health care services to members of minority groups and other medically underserved populations;*

(2) *One representative who is a nurse licensed to practice nursing in this State; and*

(3) *One representative who has a background or expertise in environmental health or environmental health services.*

4. *Members of the public health advisory board serve as nonvoting members of the district board of health. A member of the district board of health may not designate another person to vote, participate in a discussion or otherwise serve on his or her behalf.*

5. *Members of the district board of health and the public health advisory board serve terms of 2 years. Vacancies must be filled in the same manner as the original selection for the remainder of the unexpired term. Members serve without additional compensation for their services, but are entitled to reimbursement for necessary expenses for attending meetings or otherwise engaging in the business of ~~{the}~~ their respective board.*

~~{4.}~~ 6. The district board of health shall meet in July of each year to organize and elect one of its voting members *selected pursuant to subsection 2* as chair of the board.

~~{5.}~~ 7. The county treasurer is the treasurer of the district board of health. The treasurer shall:

(a) Keep permanent accounts of all money received by, disbursed for and on behalf of the district board of health; and

(b) Administer the health district fund created by the board of county commissioners pursuant to NRS 439.363.

~~{6.}~~ 8. The district board of health shall maintain records of all of its proceedings and minutes of all meetings, which must be open to inspection.

~~{7.}~~ 9. No county, city or town board of health may be created in the county. Any county, city or town board of health in existence when the district board of health is created must be abolished.

*Sec. 3.5. NRS 439.368 is hereby amended to read as follows:*

439.368 1. The district board of health shall appoint a district health officer for the health district who shall have full authority as a county health officer in the health district.

2. The district health officer ~~must:~~

~~— (a) Be licensed to practice medicine or osteopathic medicine in this State or be eligible for such a license and obtain such a license within 12 months after being appointed as district health officer;~~

~~— (b) Have at least 5 years of management experience in a local, state or national public health department, program, organization or agency; and~~

~~— (c) Have:~~

~~— (1) At least a master's degree in public health, health care administration, public administration, business administration or a related field;~~

~~— (2) Work experience which is deemed to be equivalent to a degree described in subparagraph (1), which may include, without limitation, relevant work experience with a national organization which conducts research on issues concerning public health; or~~

~~— (3) Obtained certification from or be eligible to be certified by the American Board of Preventive Medicine, the American Osteopathic Board of Preventive Medicine, a successor organization or, if there is no successor organization, by a similar organization designated by the district board of health.} shall direct the work of the health district, administer the health district and perform any other duties specified by the district board of health.~~

3. *The district board of health shall:*

*(a) Approve a job description, qualifications and compensation for a district health officer; and*

*(b) Oversee the recruitment and selection process for a district health officer.*



4. The district health officer is entitled to receive ~~[a salary fixed]~~ the compensation approved by the district board of health and serves at the pleasure of the board.

~~[4.]~~ 5. Any clinical program of a district board of health which requires medical assessment must be carried out under the direction of a physician.

Sec. 4. 1. The term of each member serving on a district board of health created pursuant to NRS 439.362 who is selected pursuant to subparagraph (2) or (3) of paragraph (b) of subsection 2 of NRS 439.362, and the term of one member, chosen by the district board of health, who is selected pursuant to subparagraph (1) of that paragraph, expire on June 30, 2015.

2. A person whose term as a member of a district board of health expires pursuant to subsection 1 shall be deemed to be a member of the public health advisory board created by NRS 439.362, as amended by section 3 of this act, on and after July 1, 2015. The term of office of a person deemed to be a member of a public health advisory board pursuant to this subsection expires on the date that the person's term as a member of the district board of health would have expired notwithstanding the provisions of subsection 1.

3. The governing body of each city specified in paragraph (a) of subsection 3 of NRS 439.362, as amended by section 3 of this act, shall, on or before July 1, 2015, select one resident of the city to serve as a member of the public health advisory board pursuant to that paragraph.

4. The district board of health shall, on or before July 1, 2015, appoint a district administrative officer pursuant to section 1 of this act.

Sec. 5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. 1. This section and sections 4 and 5 of this act become effective upon passage and approval.

2. Sections 1 ~~[, 2 and 3]~~ to 3.5, inclusive, of this act become effective on July 1, 2015.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Amendment No. 444 to Senate Bill No. 314 amends section 3 of the bill that would have created a district administrative director and replaces that with a chief medical officer. It also, in section 1, outlines the job description and qualifications for that chief medical officer. In section 3.5 of the bill, it revises the provisions and duties of that chief medical officer. The remaining portions of the bill stay the same.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 328.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy:

Amendment No. 463.

SUMMARY—Revises provisions relating to policies of health insurance. (BDR 57-794)

AN ACT relating to insurance; requiring the Commissioner of Insurance to adopt regulations prescribing ~~[templates]~~ a standardized format for ~~[certain]~~ the online posting of drug formularies; requiring certain insurers ~~[issuing policies of health insurance and health care plans which provide coverage for prescription drugs and]~~ to make certain information regarding drug formularies available to consumers; requiring the Commissioner ~~[of Insurance]~~ to make links to such formularies and other information available online; requiring certain insurers issuing policies of health insurance and health care plans which provide coverage for mental health services to provide certain information online; requiring links to formularies to be posted on the Silver State Health Insurance Exchange; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain public and private policies of insurance and health care plans to inform customers if a drug formulary is used and to make that formulary available upon request. (NRS 689A.405, 689B.0283, 689C.281, 695A.255, 695B.176, 695C.1703, 695F.153, 695G.163) Section 1 of this bill requires that the Commissioner of Insurance create a ~~[template]~~ standardized format for online posting of drug formularies and post links to certain drug formularies and other information on his or her Internet website. ~~[Sections 4, 6, 8, 11, 13, 16, 19 and 21]~~ Section 4 of this bill ~~[require certain public and private policies of insurance and health care plans]~~ requires certain insurers to post their formularies online. Sections 2, 5, 7, 10, 12, 14, 18 and 20 of this bill require certain public and private policies of insurance and health care plans to make certain information regarding mental health coverage and services available online. Section 22 of this bill requires the Silver State Health Insurance Exchange to provide links on its Internet website to the drug formularies of certain qualified plans offered for sale through the Exchange. Finally, section 26 of this bill repeals a section of NRS made redundant by changes in this bill.

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

Section 1. Chapter 679B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Commissioner shall adopt regulations ~~[prescribing the template for a formulary required to be posted on an Internet website pursuant to NRS 689A.405, 689B.0283, 689C.281, 695A.255, 695B.176, 695C.1703, 695F.153 and 695G.163. To the extent feasible, the template must:]~~ setting forth a standardized format for the display and verification of any pharmaceutical formulary data included in certain individual policies of health insurance offered by an insurer pursuant to NRS 689A.405 on an Internet website maintained by the insurer. Such regulations must require, without limitation:*

(a) ~~[Include information concerning out of pocket costs, including, without limitation, the amount of any applicable copayment, coinsurance or deductible for each drug on the formulary.]~~ Except as otherwise provided in paragraph (b), that the Internet website of such an insurer provide the ability to search formulary data by specific drug, if possible, and display consumer cost-sharing amounts in dollar ranges and plan tiers.

(b) ~~[Include information concerning utilization review measures, including, without limitation, prior authorization or step therapy for each drug on the formulary.]~~ If such an insurer is not able to comply with the requirements of paragraph (a), that the insurer carrier display consumer cost-sharing amounts in dollar ranges and plan tiers on the identification card of each insured. Providing such information in an attachment or mailing does not satisfy the requirements of this paragraph.

(c) ~~[Indicate any drugs on the formulary that are preferred over other drugs on the formulary.]~~

~~(d) Indicate which drugs are covered under a medical benefit and which drugs are covered under a prescription benefit and provide information explaining the difference between medical coverage and coverage for prescription drugs.~~

~~(e) Include.] That the Internet website of such an insurer include, without limitation, information that a previously prescribed and covered drug which is no longer on the formulary may be covered under the provisions of NRS 689A.04045 \_\_, ~~689B.0368, 689C.168, 695A.184, 695B.1905, 695C.1734, 695F.156 or 695G.166.~~~~

~~(f) Include.]~~

(d) That the Internet website of such an insurer include, without limitation, a notice that the presence of a particular drug on the formulary is not a guarantee that an insured will be prescribed that drug for a particular medical condition.

2. The Commissioner shall ~~make the formularies of all insurers available]~~ provide direct links on his or her Internet website to the information posted pursuant to subsection 1 on the Internet website of an insurer. Such links must be posted in a manner that is easily accessible to the public ~~and~~, does not require a person to log in using a username or password or provide any personally identifiable information.

3. The Commissioner may, to the extent money is available for that purpose, expend money to carry out the provisions of subsection 2.

4. As used in this section, "formulary" means a complete list of prescription drugs eligible for coverage under the ~~plan's~~ policy's prescription benefit and medical benefit.

Sec. 2. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer who offers or issues a policy of health insurance which provides coverage for mental health services shall post and update, as needed, on the Internet website of the insurer:

(a) *A telephone number that an insured or provider may call, during normal business hours, for assistance in obtaining information regarding coverage for mental health services;*

(b) *A detailed summary setting forth the manner in which the insurer reviews and authorizes, approves, modifies or denies requests or claims for mental health services, including, without limitation, any procedure for an appeal, grievance or independent review; and*

(c) *A list of providers of mental health services or instructions on how to obtain the list.*

2. *The information specified in subsection 1 must also be made available to an insured upon request.*

Sec. 3. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[-]~~, and section 2 of this act.

Sec. 4. NRS 689A.405 is hereby amended to read as follows:

689A.405 1. An insurer that offers or issues a policy of health insurance which provides coverage for prescription drugs shall include with any summary, certificate or evidence of that coverage provided to an insured, notice of whether a formulary is used and, if so, of the opportunity to secure information regarding the formulary from the insurer pursuant to subsection 2. The notice required by this subsection must:

(a) Be in a language that is easily understood and in a format that is easy to understand;

(b) Include an explanation of what a formulary is; and

(c) If a formulary is used, include:

(1) An explanation of:

(I) How often the contents of the formulary are reviewed; and

(II) The procedure and criteria for determining which prescription drugs are included in and excluded from the formulary; and

(2) The telephone number of the insurer for making a request for information regarding the formulary pursuant to subsection 2.

2. If an insurer offers or issues a policy of health insurance which provides coverage for prescription drugs and a formulary is used, the insurer shall:

(a) Provide to any insured or participating provider of health care, upon request:

(1) Information regarding whether a specific drug is included in the formulary.

(2) Access to the most current list of prescription drugs in the formulary, organized by major therapeutic category, with an indication of

whether any listed drugs are preferred over other listed drugs. If more than one formulary is maintained, the insurer shall notify the requester that a choice of formulary lists is available.

(b) Notify each person who requests information regarding the formulary, that the inclusion of a drug in the formulary does not guarantee that a provider of health care will prescribe that drug for a particular medical condition.

(c) *Post and update, as needed, each formulary on the Internet website of the insurer in a manner that is easily accessible to the public and is in accordance with regulations adopted by the Commissioner pursuant to section 1 of this act.*

(d) *Provide each formulary to the Commissioner.*

Sec. 5. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An insurer who offers or issues a policy of group health insurance which provides coverage for mental health services shall post and update, as needed, on the Internet website of the insurer:*

(a) *A telephone number that an insured or provider may call, during normal business hours, for assistance in obtaining information regarding coverage for mental health services;*

(b) *A detailed summary setting forth the manner in which the insurer reviews and authorizes, approves, modifies or denies requests or claims for mental health services, including, without limitation, any procedure for an appeal, grievance or independent review; and*

(c) *A list of providers of mental health services or instructions on how to obtain the list.*

2. *The information specified in subsection 1 must also be made available to an insured upon request.*

Sec. 6. ~~[NRS 689B.0283 is hereby amended to read as follows:~~

~~689B.0283 1. An insurer that offers or issues a policy of group health insurance which provides coverage for prescription drugs shall include with any summary, certificate or evidence of that coverage provided to an insured, notice of whether a formulary is used and, if so, of the opportunity to secure information regarding the formulary from the insurer pursuant to subsection 2. The notice required by this subsection must:~~

~~(a) Be in a language that is easily understood and in a format that is easy to understand;~~

~~(b) Include an explanation of what a formulary is; and~~

~~(c) If a formulary is used, include:~~

~~(1) An explanation of:~~

~~(I) How often the contents of the formulary are reviewed; and~~

~~(II) The procedure and criteria for determining which prescription drugs are included in and excluded from the formulary; and~~

~~(2) The telephone number of the insurer for making a request for information regarding the formulary pursuant to subsection 2.~~

~~2. If an insurer offers or issues a policy of group health insurance which provides coverage for prescription drugs and a formulary is used, the insurer shall:~~

~~(a) Provide to any insured or participating provider of health care, upon request:~~

~~(1) Information regarding whether a specific drug is included in the formulary.~~

~~(2) Access to the most current list of prescription drugs in the formulary, organized by major therapeutic category, with an indication of whether any listed drugs are preferred over other listed drugs. If more than one formulary is maintained, the insurer shall notify the requester that a choice of formulary lists is available.~~

~~(b) Notify each person who requests information regarding the formulary, that the inclusion of a drug in the formulary does not guarantee that a provider of health care will prescribe that drug for a particular medical condition.~~

~~(c) Post and update, as needed, each formulary on the Internet website of the insurer in a manner that is easily accessible to the public and is in accordance with regulations adopted by the Commissioner pursuant to section 1 of this act.~~

~~(d) Provide each formulary to the Commissioner.] (Deleted by amendment.)~~

Sec. 7. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier who offers or issues a health benefit plan which provides coverage for mental health services shall post and update, as needed, on the Internet website of the carrier:

(a) A telephone number that an insured or provider may call, during normal business hours, for assistance in obtaining information regarding coverage for mental health services;

(b) A detailed summary setting forth the manner in which the carrier reviews and authorizes, approves, modifies or denies requests or claims for mental health services, including, without limitation, any procedure for an appeal, grievance or independent review; and

(c) A list of providers of mental health services or instructions on how to obtain the list.

2. The information specified in subsection 1 must also be made available to an insured upon request.

Sec. 8. ~~NRS 689C.281 is hereby amended to read as follows:~~

~~689C.281 1. A carrier that offers or issues a health benefit plan which provides coverage for prescription drugs shall include with any summary, certificate or evidence of that coverage provided to an insured, notice of whether a formulary is used and, if so, of the opportunity to secure information regarding the formulary from the carrier pursuant to subsection 2. The notice required by this subsection must:~~

- ~~— (a) Be in a language that is easily understood and in a format that is easy to understand;~~
- ~~— (b) Include an explanation of what a formulary is; and~~
- ~~— (c) If a formulary is used, include:~~
  - ~~— (1) An explanation of:~~
    - ~~— (I) How often the contents of the formulary are reviewed; and~~
    - ~~— (II) The procedure and criteria for determining which prescription drugs are included in and excluded from the formulary; and~~
  - ~~— (2) The telephone number of the carrier for making a request for information regarding the formulary pursuant to subsection 2.~~
- ~~2. If a carrier offers or issues a health benefit plan which provides coverage for prescription drugs and a formulary is used, the carrier shall:~~
  - ~~— (a) Provide to any insured or participating provider of health care, upon request:~~
    - ~~— (1) Information regarding whether a specific drug is included in the formulary.~~
    - ~~— (2) Access to the most current list of prescription drugs in the formulary, organized by major therapeutic category, with an indication of whether any listed drugs are preferred over other listed drugs. If more than one formulary is maintained, the carrier shall notify the requester that a choice of formulary lists is available.~~
  - ~~— (b) Notify each person who requests information regarding the formulary, that the inclusion of a drug in the formulary does not guarantee that a provider of health care will prescribe that drug for a particular medical condition.~~
  - ~~— (c) Post and update, as needed, each formulary on the Internet website of the carrier in a manner that is easily accessible to the public and is in accordance with regulations adopted by the Commissioner pursuant to section 1 of this act.~~
  - ~~— (d) Provide each formulary to the Commissioner.~~ (Deleted by amendment.)

Sec. 9. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, *and section 7 of this act* to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 10. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A society that offers or issues a benefit contract which provides coverage for mental health services shall post and update, as needed, on the Internet website of the society:*

(a) *A telephone number that a benefit member or provider may call, during normal business hours, for assistance in obtaining information regarding coverage for mental health services;*

(b) A detailed summary setting forth the manner in which the society reviews and authorizes, approves, modifies or denies requests or claims for mental health services, including, without limitation, any procedure for an appeal, grievance or independent review; and

(c) A list of providers of mental health services or instructions on how to obtain the list.

2. The information specified in subsection 1 must also be made available to a benefit member upon request.

Sec. 11. ~~[NRS 695A.255 is hereby amended to read as follows:~~

~~695A.255 1. A society that offers or issues a benefit contract which provides coverage for prescription drugs shall include with any certificate for such a contract provided to a benefit member, notice of whether a formulary is used and, if so, of the opportunity to secure information regarding the formulary from the society pursuant to subsection 2. The notice required by this subsection must:~~

~~— (a) Be in a language that is easily understood and in a format that is easy to understand;~~

~~— (b) Include an explanation of what a formulary is; and~~

~~— (c) If a formulary is used, include:~~

~~— (1) An explanation of:~~

~~— (I) How often the contents of the formulary are reviewed; and~~

~~— (II) The procedure and criteria for determining which prescription drugs are included in and excluded from the formulary; and~~

~~— (2) The telephone number of the society for making a request for information regarding the formulary pursuant to subsection 2.~~

~~2. If a society offers or issues a benefit contract which provides coverage for prescription drugs and a formulary is used, the society shall:~~

~~— (a) Provide to any insured or participating provider of health care, upon request:~~

~~— (1) Information regarding whether a specific drug is included in the formulary.~~

~~— (2) Access to the most current list of prescription drugs in the formulary, organized by major therapeutic category, with an indication of whether any listed drugs are preferred over other listed drugs. If more than one formulary is maintained, the society shall notify the requester that a choice of formulary lists is available.~~

~~— (b) Notify each person who requests information regarding the formulary, that the inclusion of a drug in the formulary does not guarantee that a provider of health care will prescribe that drug for a particular medical condition.~~

~~— (c) Post and update, as needed, each formulary on the Internet website of the society in a manner that is easily accessible to the public and is in accordance with regulations adopted by the Commissioner pursuant to section 1 of this act.~~



~~(d) Provide each formulary to the Commissioner.] (Deleted by amendment.)~~

Sec. 12. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A hospital or medical service corporation that offers or issues a policy of health insurance which provides coverage for mental health services shall post and update, as needed, on the Internet website of the hospital or medical service corporation:*

*(a) A telephone number that an insured or provider may call, during normal business hours, for assistance in obtaining information regarding coverage for mental health services;*

*(b) A detailed summary setting forth the manner in which the hospital or medical service corporation reviews and authorizes, approves, modifies or denies requests or claims for mental health services, including, without limitation, any procedure for an appeal, grievance or independent review; and*

*(c) A list of providers of mental health services or instructions on how to obtain the list.*

2. *The information specified in subsection 1 must also be made available to an insured upon request.*

Sec. 13. ~~[NRS 695B.176 is hereby amended to read as follows:~~

~~695B.176 1. An insurer that offers or issues a contract for hospital or medical services which provides coverage for prescription drugs shall include with any summary, certificate or evidence of that coverage provided to an insured, notice of whether a formulary is used and, if so, of the opportunity to secure information regarding the formulary from the insurer pursuant to subsection 2. The notice required by this subsection must:~~

~~(a) Be in a language that is easily understood and in a format that is easy to understand;~~

~~(b) Include an explanation of what a formulary is; and~~

~~(c) If a formulary is used, include:~~

~~(1) An explanation of:~~

~~(I) How often the contents of the formulary are reviewed; and~~

~~(II) The procedure and criteria for determining which prescription drugs are included in and excluded from the formulary; and~~

~~(2) The telephone number of the insurer for making a request for information regarding the formulary pursuant to subsection 2.~~

~~2. If an insurer offers or issues a contract for hospital or medical services which provides coverage for prescription drugs and a formulary is used, the insurer shall:~~

~~(a) Provide to any insured or participating provider of health care, upon request:~~

~~(1) Information regarding whether a specific drug is included in the formulary.~~

~~(2) Access to the most current list of prescription drugs in the formulary, organized by major therapeutic category, with an indication of whether any listed drugs are preferred over other listed drugs. If more than one formulary is maintained, the insurer shall notify the requester that a choice of formulary lists is available.~~

~~(b) Notify each person who requests information regarding the formulary, that the inclusion of a drug in the formulary does not guarantee that a provider of health care will prescribe that drug for a particular medical condition.~~

~~(c) Post and update, as needed, each formulary on the Internet website of the insurer in a manner that is easily accessible to the public and is in accordance with regulations adopted by the Commissioner pursuant to section 1 of this act.~~

~~(d) Provide each formulary to the Commissioner.] (Deleted by amendment.)~~

Sec. 14. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A health maintenance organization that offers or issues a health care plan which provides coverage for mental health services shall post and update, as needed, on the Internet website of the health maintenance organization:*

*(a) A telephone number that an enrollee or provider may call, during normal business hours, for assistance in obtaining information regarding coverage for mental health services;*

*(b) A detailed summary setting forth the manner in which the health maintenance organization reviews and authorizes, approves, modifies or denies requests or claims for mental health services, including, without limitation, any procedure for an appeal, grievance or independent review; and*

*(c) A list of providers of mental health services or instructions on how to obtain the list.*

2. *The information specified in subsection 1 must also be made available to an enrollee upon request.*

Sec. 15. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170 ~~/, 695C.1705/~~ to 695C.173, inclusive, 695C.1733 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695 ~~/, 695C.1703/~~ and 695C.1731 *and section 14 of this act* apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 16. ~~[NRS 695C.1703 is hereby amended to read as follows:~~  
~~695C.1703 1. A health maintenance organization or insurer that offers or issues evidence of coverage which provides coverage for prescription drugs shall include with any evidence of that coverage provided to an enrollee, notice of whether a formulary is used and, if so, of the opportunity to secure information regarding the formulary from the organization or insurer pursuant to subsection 2. The notice required by this subsection must:~~  
~~(a) Be in a language that is easily understood and in a format that is easy to understand;~~  
~~(b) Include an explanation of what a formulary is; and~~  
~~(c) If a formulary is used, include:~~  
~~(1) An explanation of:~~  
~~(I) How often the contents of the formulary are reviewed; and~~  
~~(II) The procedure and criteria for determining which prescription drugs are included in and excluded from the formulary; and~~  
~~(2) The telephone number of the organization or insurer for making a request for information regarding the formulary pursuant to subsection 2.~~  
~~2. If a health maintenance organization or insurer offers or issues evidence of coverage which provides coverage for prescription drugs and a formulary is used, the organization or insurer shall:~~  
~~(a) Provide to any enrollee or participating provider of health care upon request:~~  
~~(1) Information regarding whether a specific drug is included in the formulary.~~  
~~(2) Access to the most current list of prescription drugs in the formulary, organized by major therapeutic category, with an indication of whether any listed drugs are preferred over other listed drugs. If more than~~

~~one formulary is maintained, the organization or insurer shall notify the requester that a choice of formulary lists is available.~~

~~(b) Notify each person who requests information regarding the formulary, that the inclusion of a drug in the formulary does not guarantee that a provider of health care will prescribe that drug for a particular medical condition.~~

~~(c) Post and update, as needed, each formulary on the Internet website of the health maintenance organization in a manner that is easily accessible to the public and is in accordance with regulations adopted by the Commissioner pursuant to section 1 of this act.~~

~~(d) Provide each formulary to the Commissioner.] (Deleted by amendment.)~~

Sec. 17. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, *and section 14 of this act* or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080;

or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 18. Chapter 695F of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A prepaid limited health service organization that offers or issues evidence of coverage which provides coverage for mental health services shall post and update, as needed, on the Internet website of the prepaid limited health service organization:*

*(a) A telephone number that an enrollee or provider may call, during normal business hours, for assistance in obtaining information regarding coverage for mental health services;*

*(b) A detailed summary setting forth the manner in which the prepaid limited health service organization reviews and authorizes, approves, modifies or denies requests or claims for mental health services, including, without limitation, any procedure for an appeal, grievance or independent review; and*

*(c) A list of providers of mental health services or instructions on how to obtain the list.*

2. *The information specified in subsection 1 must also be made available to an enrollee upon request.*

Sec. 19. ~~[NRS 695F.153 is hereby amended to read as follows:~~

~~695F.153 1. A prepaid limited health service organization that offers or issues evidence of coverage which provides coverage for prescription drugs shall include with any evidence of that coverage provided to a subscriber, notice of whether a formulary is used and, if so, of the opportunity to secure information regarding the formulary from the organization pursuant to subsection 2. The notice required by this subsection must:~~

~~(a) Be in a language that is easily understood and in a format that is easy to understand;~~

~~(b) Include an explanation of what a formulary is; and~~

~~(c) If a formulary is used, include:~~

~~(1) An explanation of:~~

~~(I) How often the contents of the formulary are reviewed; and~~

~~(II) The procedure and criteria for determining which prescription drugs are included in and excluded from the formulary; and~~

~~(2) The telephone number of the organization for making a request for information regarding the formulary pursuant to subsection 2.~~

~~2. If a prepaid limited health service organization offers or issues evidence of coverage which provides coverage for prescription drugs and a formulary is used, the organization shall:~~

~~(a) Provide to any enrollee or participating provider of health care, upon request:~~

~~(1) Information regarding whether a specific drug is included in the formulary;~~

~~(2) Access to the most current list of prescription drugs in the formulary, organized by major therapeutic category, with an indication of whether any listed drugs are preferred over other listed drugs. If more than one formulary is maintained, the organization shall notify the requester that a choice of formulary lists is available.~~

~~(b) Notify each person who requests information regarding the formulary, that the inclusion of a drug in the formulary does not guarantee that a provider of health care will prescribe that drug for a particular medical condition.~~

~~(c) Post and update, as needed, each formulary on the Internet website of the prepaid limited health service organization in a manner that is easily accessible to the public and is in accordance with regulations adopted by the Commissioner pursuant to section 1 of this act.~~

~~(d) Provide each formulary to the Commissioner.] (Deleted by amendment.)~~

Sec. 20. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A managed care organization that offers or issues a health care plan which provides coverage for mental health services shall post and update, as needed, on the Internet website of the managed care organization:*

(a) A telephone number that an insured or provider may call, during normal business hours, for assistance in obtaining information regarding coverage for mental health services;

(b) A detailed summary setting forth the manner in which the managed care organization reviews and authorizes, approves, modifies or denies requests or claims for mental health services, including, without limitation, any procedure for an appeal, grievance or independent review; and

(c) A list of providers of mental health services or instructions on how to obtain the list.

2. The information specified in subsection 1 must also be made available to an insured upon request.

Sec. 21. ~~[NRS 695G.163 is hereby amended to read as follows:~~

~~695G.163 1. A managed care organization that offers or issues a health care plan which provides coverage for prescription drugs shall include with any summary, certificate or evidence of that coverage provided to an insured, notice of whether a formulary is used and, if so, of the opportunity to secure information regarding the formulary from the organization pursuant to subsection 2. The notice required by this subsection must:~~

~~(a) Be in a language that is easily understood and in a format that is easy to understand;~~

~~(b) Include an explanation of what a formulary is; and~~

~~(c) If a formulary is used, include:~~

~~(1) An explanation of:~~

~~(I) How often the contents of the formulary are reviewed; and~~

~~(II) The procedure and criteria for determining which prescription drugs are included in and excluded from the formulary; and~~

~~(2) The telephone number of the organization for making a request for information regarding the formulary pursuant to subsection 2.~~

~~2. If a managed care organization offers or issues a health care plan which provides coverage for prescription drugs and a formulary is used, the organization shall:~~

~~(a) Provide to any insured or participating provider of health care, upon request:~~

~~(1) Information regarding whether a specific drug is included in the formulary.~~

~~(2) Access to the most current list of prescription drugs in the formulary, organized by major therapeutic category, with an indication of whether any listed drugs are preferred over other listed drugs. If more than one formulary is maintained, the organization shall notify the requester that a choice of formulary lists is available.~~

~~(b) Notify each person who requests information regarding the formulary, that the inclusion of a drug in the formulary does not guarantee that a provider of health care will prescribe that drug for a particular medical condition.~~

~~(c) Post and update, as needed, each formulary on the Internet website of the managed care organization in a manner that is easily accessible to the public and is in accordance with regulations adopted by the Commissioner pursuant to section 1 of this act.~~

~~(d) Provide each formulary to the Commissioner.~~ (Deleted by amendment.)

Sec. 22. Chapter 695I of NRS is hereby amended by adding thereto a new section to read as follows:

*The Board shall ensure that the Internet website for the Exchange provides direct links to ~~each formulary~~ the information posted pursuant to NRS 689A.405, ~~689B.0283, 689C.281, 695A.255, 695B.176, 695C.1703, 695F.153 and 695G.163~~ and section 1 of this act for any qualified health plan offered through the Exchange ~~if applicable~~.*

Sec. 23. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, ~~689B.0283~~, 689B.030 to 689B.050, inclusive, and



*section 5 of this act*, and 689B.287 apply to coverage provided pursuant to this paragraph.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 24. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, ~~695G.163, 695G.164,~~ 695G.164, 695G.1645, 695G.167, 695G.170, 695G.171, 695G.173, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, *and section 20 of this act* in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 25. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 25.5. The Commissioner of Insurance shall, for the 2017 plan year, adopt the regulations required by section 1 of this act not later than February 1, 2016.

Sec. 26. NRS 689C.455 is hereby repealed.

Sec. 27. This act becomes effective:

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

2. On ~~January~~ July 1, 2016, for all other purposes.

#### TEXT OF REPEALED SECTION

689C.455 Coverage for prescription drugs: Provision of notice and information regarding use of formulary.

1. A carrier that offers or issues a contract which provides coverage for prescription drugs shall include with any summary, certificate or evidence of that coverage provided to an insured, notice of whether a formulary is used and, if so, of the opportunity to secure information regarding the formulary from the carrier pursuant to subsection 2. The notice required by this subsection must:

(a) Be in a language that is easily understood and in a format that is easy to understand;

(b) Include an explanation of what a formulary is; and

(c) If a formulary is used, include:

(1) An explanation of:

(I) How often the contents of the formulary are reviewed; and

(II) The procedure and criteria for determining which prescription drugs are included in and excluded from the formulary; and

(2) The telephone number of the carrier for making a request for information regarding the formulary pursuant to subsection 2.

2. If a carrier offers or issues a contract which provides coverage for prescription drugs and a formulary is used, the carrier shall:

(a) Provide to any insured or participating provider of health care, upon request:

(1) Information regarding whether a specific drug is included in the formulary.

(2) Access to the most current list of prescription drugs in the formulary, organized by major therapeutic category, with an indication of

whether any listed drugs are preferred over other listed drugs. If more than one formulary is maintained, the carrier shall notify the requester that a choice of formulary lists is available.

(b) Notify each person who requests information regarding the formulary, that the inclusion of a drug in the formulary does not guarantee that a provider of health care will prescribe that drug for a particular medical condition.

Senator Farley moved the adoption of the amendment.

Remarks by Senator Farley.

Senate Bill No. 328 requires the Commissioner of Insurance to adopt regulations creating a standardized format for the online posting of drug formularies and to post links to certain drug formularies and other information on his or her Internet website. An insurer's Internet website must provide the ability to search formulary data by specific drug, if possible, and display consumer cost-sharing amounts in dollar ranges and plan tiers. If an insurer is not able to comply with these requirements, the insurer must display customer cost-sharing amounts in dollar ranges and plan tiers on the identification card of each insured. The measure requires certain public and private policies to make certain information regarding mental health services' coverage and services available online. The Silver State Health Insurance Exchange must provide links on its Internet website to the drug formularies of qualified individual health insurance plans offered for sale through the Exchange.

This bill is effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks, and on July 1, 2016, for all other purposes. The Commissioner of Insurance must, for the 2017 plan year, adopt the regulations not later than February 1, 2016.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that Senate Bill No. 341 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Bill No. 370.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy:

Amendment No. 483.

SUMMARY—Revises provisions relating to barbering. (BDR 54-673)

AN ACT relating to barbering; revising provisions relating to the examination for a license as an instructor of the practice of barbering; requiring a barber school to be owned and operated by a certain number of instructors to obtain licensure of the barber school; revising the ~~(number)~~ ratio of enrolled students to instructors (and) at a barber school; revising the number of barber's chairs required to be on the premises of a barber school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the State Barbers' Health and Sanitation Board to oversee the examination for a license as an instructor of the practice of barbering but prohibits the ~~[State Barbers' Health and Sanitation]~~ Board from administering any aspect of the examination ~~for a license as an instructor of the practice of barbering.~~ Section 1 also provides that the examination for a license as an instructor must include a practical demonstration and a written test. Finally, section 1 requires the Board to: (1) contract with a national organization, with limited exceptions, to administer the examination for a license as an instructor; ~~and~~ (2) include a specific term in any such contract entered into by the Board ~~Finally, section 1 provides that the examination for a license as an instructor must include a practical demonstration and a written test.~~; and (3) use only proctors who are licensed as instructors of barbering in this State and approved by a national organization to administer the practical demonstration portion of the examination.

Sections 2.5, 5.5 and 6 of this bill require, on or after July 1, 2017, an applicant for a license to operate a barber school to submit information to the Board demonstrating that the barber school will be owned and operated by at least two instructors.

Existing law requires an applicant for a license as an instructor who fails to pass the examination for licensure to complete not more than 250 hours of further study before he or she is authorized to retake the examination. (NRS 643.110) Section 2 of this bill provides that such an applicant may fail to pass the examination ~~[three]~~ two times before he or she is required to complete ~~[the requisite]~~ 250 hours of further study.

Section 4 of this bill: (1) revises the ~~[number]~~ ratio of students enrolled in a barber school to instructors required to be on the premises of ~~the~~ the barber school; and (2) requires a barber school to have at least one barber's chair for each student ~~[enrolled]~~ present during instruction in the barber school.

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

Section 1. Chapter 643 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The examination of an applicant for a license as an instructor must include a practical demonstration and a written test that must include the subjects usually taught in barber schools approved by the Board.*

2. *The Board shall oversee the examination for a license as an instructor but shall not administer any aspect of the examination ~~for a license as an instructor.~~ including, without limitation, the practical demonstration or written test.*

3. *The Board shall:*

(a) ~~[Contract]~~ *Except as otherwise provided in paragraph (c), contract with the National-Interstate Council of State Boards of Cosmetology, Inc. or any other national organization approved by the Board to administer the examination for a license as an instructor; ~~and~~*

(b) Include as a term of any contract entered into pursuant to paragraph (a), a requirement that the organization provide the results of the examination to the applicant within 10 working days after the date of the examination ~~for~~; and

(c) Use only proctors who meet the requirements of subsection 4 to administer the practical demonstration portion of the examination for a license as an instructor.

4. To administer the practical demonstration portion of the examination for a license as an instructor, a proctor must be:

(a) An instructor; and

(b) Approved by the National-Interstate Council of State Boards of Cosmetology, Inc. or any other national organization approved by the Board to administer a practical examination for persons who wish to instruct students in the practice of barbering.

Sec. 2. NRS 643.110 is hereby amended to read as follows:

643.110 1. Except as otherwise provided in subsection 2, an applicant for a license as a barber who fails to pass the examination conducted by the Board must continue to practice as a licensed apprentice for an additional 3 months before he or she may retake the examination for a license as a barber.

2. An applicant for a license as a barber who is a cosmetologist licensed pursuant to the provisions of chapter 644 of NRS and who fails to pass the examination conducted by the Board must complete further study as prescribed by the Board, not exceeding 250 hours, in a barber school approved by the Board before he or she may retake the examination for a license as a barber.

3. An applicant for a license as an apprentice who fails to pass the examination provided for in NRS 643.080 must complete further study as prescribed by the Board in a barber school approved by the Board before he or she may retake the examination for a license as an apprentice.

4. An applicant for a license as an instructor who fails to pass the examination provided for in NRS 643.1775 *may retake the examination for a license as an instructor two additional times. If the applicant fails to pass the examination ~~three~~ two or more times, the applicant must complete 250 hours of further study [prescribed by the Board, not to exceed 250 hours.] in a barber school approved by the Board each time before he or she may retake the examination for a license as an instructor.*

Sec. 2.5. NRS 643.174 is hereby amended to read as follows:

643.174 Upon receipt of an application to operate a barber school, the Board shall require the applicant, if the applicant is a sole proprietor, or a member, partner or officer, if the applicant is a firm, partnership or corporation, to appear personally before the Board and submit information in such form as the Board may by regulation prescribe showing:

1. The location of the proposed barber school and its physical facilities and equipment;

2. The proposed maximum number of students to be trained at any one time and the number of instructors to be provided;

3. The nature and terms of the applicant's right of possession of the proposed premises, whether by lease, ownership or otherwise;

4. The financial ability of the applicant to operate the barber school in accordance with the requirements of this chapter and the regulations of the Board; ~~and~~

5. That the barber school will be owned and operated by at least two instructors; and

6. Such other information as the Board considers necessary.

Sec. 3. NRS 643.176 is hereby amended to read as follows:

643.176 1. The Board may adopt and enforce reasonable regulations governing:

(a) The conduct of barber schools;

(b) The course of study of barber schools;

(c) ~~The~~ Except as otherwise provided in section 1 of this act, the examination of instructors;

(d) The fee for the examination of instructors, which may not exceed ~~[\$75;]~~ \$100; and

(e) The fee for the issuance and renewal of an instructor's license ~~[.]~~, which must not exceed \$250.

2. The Board shall require, as a prerequisite for the renewal of an instructor's license, continuing education in the form of seminars or other training.

Sec. 4. NRS 643.177 is hereby amended to read as follows:

643.177 Any person who owns, manages, operates or controls any barber school, or part thereof:

1. Shall:

(a) Display a sign that may be easily seen upon entering the barber school on which is printed in bold letters "Work Performed Exclusively by Students";

(b) Have at least:

(1) One instructor ~~[Two instructors]~~ on the premises of the barber school at all times if the active enrollment of the school is ~~[10]~~ 20 students or less;

(2) One ~~[Two]~~ additional instructor ~~[instructors]~~ on the premises of the barber school for each ~~[10]~~ 20 students enrolled in the school in excess of ~~[10]~~ 20 students; ~~and~~

(3) Two instructors available to provide instruction at all times; and

(4) One barber's chair for each student ~~[enrolled]~~ present during instruction in the barber school;

(c) Not allow a student to provide barbering services to members of the general public for more than 7 hours in a day or for more than 5 days in any 7-day period;

(d) Not advertise that the barber school will charge for barbering services provided to members of the general public by students unless those barbering services are specifically advertised as services provided by students; and

(e) Comply with all other provisions of this chapter relating to barber schools.

2. May charge for barbering services provided to a member of the general public by a student if the student performs those barbering services as part of the required course of study of the barber school.

Sec. 5. NRS 643.1775 is hereby amended to read as follows:

643.1775 The Board shall license any person as an instructor who:

1. Has applied to the Board in writing on the form prescribed by the Board;

2. Holds a high school diploma or its equivalent;

3. Has paid the applicable fees;

4. Holds a license as a barber issued by the Board;

5. Submits all information required to complete the application;

6. Has practiced not less than 5 years as a full-time licensed barber in this State, the District of Columbia or in any other state or country whose requirements for licensing barbers are substantially equivalent to those in this State;

7. Has successfully completed a training program for instructors conducted by a licensed barber school which consists of not less than 600 hours of instruction within a 6-month period; and

8. Has passed an examination for instructors administered ~~by an organization approved by the Board . for that purpose pursuant to~~ in accordance with section 1 of this act.

Sec. 5.5. The amendatory provisions of section 2.5 of this act do not apply to a barber school for which a license to operate the barber school is issued or renewed before July 1, 2017.

Sec. 6. 1. This act becomes effective ~~1. Upon~~

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

2. This section and sections 1, 2, 3, 4 and 5 of this act become effective on January 1, 2016, for all other purposes.

3. Section 2.5 of this act becomes effective on July 1, 2017, for all other purposes.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Amendment No. 483 makes eight changes to Senate Bill No. 370. First, it allows the State Barbers' Health and Sanitation Board to oversee, but not administer, any aspect of the examination for a license as an instructor.

Next, it requires the Board to use a licensed instructor to proctor the practical examination for a license as an instructor.

It provides that an applicant may fail to pass the examination two times before he or she is required to complete the requisite hours of further study. If the applicant fails to pass the

examination two or more times, the applicant must complete 250 hours of further study in a barber school approved by the Board each time before he or she may retake the examination for a license as an instructor.

It increases the fee for the instructor examination to \$100. It increases the fee for the issuance and renewal of an instructor's license to \$250.

It retains the existing language regarding the number of instructors required to be on the premises of a barber school.

It requires a barber school to have at least one barber's chair available for use by each student present during instruction.

Finally, it requires that in order to own or operate any barber school opened after the effective date of this bill, the applicants must be two persons licensed by the Board as instructors. This would become effective on July 1, 2017.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 382.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 274

SUMMARY—Revises provisions relating to sales and use taxes. (BDR 32-660)

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 did not engage in any activity 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 ~~that~~ 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 ~~that~~; 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 ~~that~~ 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 ~~that~~; 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. ~~[This]~~ 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.

Senator Ford moved the adoption of the amendment.

## Remarks by Senator Ford.

Amendment No. 274 to Senate Bill No. 382 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 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 chapters 372 or 374 relating to the imposition, collection and remittance of the sales and use tax does not apply to a retailer no later than 30 days after the finding or ruling was made by the Department.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 410.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 415.

SUMMARY—Revises provisions relating to motor vehicles. (BDR 43-705)

AN ACT relating to motor vehicles; ~~removing~~ revising the speed limit that is specific to school buses that are transporting pupils; making a conforming change in the provisions governing pupils who have a restricted driver's license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that it is unlawful for any person to drive or operate a vehicle of any kind at a rate of speed that: (1) is greater than is reasonable or proper considering all the relevant conditions; (2) endangers the life, limb or property of any person; or (3) is greater than that posted by a public authority for the particular portion of highway being traversed. (NRS 484B.600) Existing law also provides that a school bus shall not exceed a speed of 55 miles per hour when transporting pupils to and from school or any activity which is properly a part of a school program. (NRS 484B.360) Section 2 of this bill ~~repeals~~ replaces that restriction for a school bus ~~[-] when transporting pupils to and from those school activities with a requirement that the school bus not exceed the speed limit posted by a public authority for the portion of highway upon which the school bus is traveling.~~

Existing law also limits the speed at which a pupil between the ages of 14 and 18 years who has a restricted license may travel to the same maximum speed established for a school bus. Section 1 of this bill replaces the reference to the speed limit set by law for school buses, which was ~~removed from statute~~ revised by section 2 with a reference to the actual maximum speed of 55 miles per hour.

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

Section 1. NRS 483.270 is hereby amended to read as follows:

483.270 1. The Department may issue a restricted license to any pupil between the ages of 14 and 18 years who is attending:

(a) A public school in a school district in this State in a county whose population is less than 55,000 or in a city or town whose population is less than 25,000 when transportation to and from school is not provided by the board of trustees of the school district, if the pupil meets the requirements for eligibility adopted by the Department pursuant to subsection 5; or

(b) A private school meeting the requirements for approval under NRS 392.070 when transportation to and from school is not provided by the private school,

↪ and it is impossible or impracticable to furnish such pupil with private transportation to and from school.

2. An application for the issuance of a restricted license under this section must:

(a) Be made upon a form provided by the Department.

(b) Be signed and verified as provided in NRS 483.300.

(c) Include a written statement signed by the:

(1) Principal of the public school in which the pupil is enrolled or by a designee of the principal and which is provided to the applicant pursuant to NRS 392.123; or

(2) Parent or legal guardian of the pupil which states that the pupil is excused from compulsory school attendance pursuant to NRS 392.070.

(d) Contain such other information as may be required by the Department.

3. Any restricted license issued pursuant to this section:

(a) Is effective only for the school year during which it is issued or for a more restricted period.

(b) Authorizes the licensee to drive a motor vehicle on a street or highway only while going to and from school, and at a speed not in excess of ~~the speed limit set by law for school buses.~~ *55 miles per hour.*

(c) May contain such other restrictions as the Department may deem necessary and proper.

(d) May authorize the licensee to transport as passengers in a motor vehicle driven by the licensee, only while the licensee is going to and from school, members of his or her immediate family, or other minor persons upon written consent of the parents or guardians of such minors, but in no event may the number of passengers so transported at any time exceed the number of passengers for which the vehicle was designed.

4. No restricted license may be issued under the provisions of this section until the Department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

5. The Department shall adopt regulations that set forth the requirements for eligibility of a pupil to receive a restricted license pursuant to paragraph (a) of subsection 1.

Sec. 2. NRS 484B.360 is hereby ~~[repealed]~~ amended to read as follows:

484B.360 A school bus shall not exceed: ~~[a]~~

1. A speed of 55 miles per hour when transporting pupils to and from school; or

2. The speed limit posted by a public authority for the portion of highway being traversed when transporting pupils to and from any activity which is properly a part of a school program.

Sec. 3. This act becomes effective on July 1, 2015.

~~[TEXT OF REPEALED SECTION]~~

~~484B.360 Maximum speed of school bus. A school bus shall not exceed a speed of 55 miles per hour when transporting pupils to and from school or any activity which is properly a part of a school program.]~~

Senator Hammond moved the adoption of the amendment.

Remarks by Senator Hammond.

Amendment No. 415 to Senate Bill No. 410 retains the maximum school bus speed limit at 55 miles per hour when transporting students to and from school, but allows a school bus to travel at the posted speed limit when transporting students to and from school-related activities.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 436.

Bill read second time.

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

Amendment No. 625.

SUMMARY—Makes various changes relating to elections. (BDR 24-1146)

AN ACT relating to elections; ~~[providing that an inactive voter must provide proof of residence or a written affirmation before voting; providing that certain absent ballots received after the day of an election must be counted; extending the deadline for counties and cities to canvass election returns;]~~ making various changes relating to the registration of voters for elections; requiring certain persons conducting a voter registration drive to register with the Secretary of State; ~~[; increasing the penalty for certain crimes related to a person who registers to vote;]~~ and the county clerk and to provide and update a list of voter registration workers; requiring such persons and workers to comply with certain rules and regulations; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires that an absent ballot, including a military overseas ballot, must be received by the county clerk or city clerk by the close of the polls on the day of the election to be valid. (NRS 293.316, 293.317,~~



~~293D.400) Sections 3, 4 and 19 of this bill provide that an absent ballot received after the day of election will be counted if the absent ballot is (1) returned by mail; (2) postmarked on or before the day of the election; and (3) received by the county clerk or city clerk not later than 7 days after the election. Sections 5-8 and 15-17 of this bill revise the procedures for counting such ballots and make conforming changes.]~~

Under existing federal law, the states have the power to regulate the voter registration and election processes, except that Congress has the power to preempt state election laws concerning federal elections. (U.S. Const. Art. I, § 4; Foster v. Love, 522 U.S. 67, 69 (1997); Arizona v. Inter Tribal Council of Ariz., Inc., 133 S. Ct. 2247, 2251-54 (2013)) In 1993, Congress enacted the National Voter Registration Act (NVRA) to: (1) establish procedures to increase voter registration for federal elections; (2) make it possible for federal, state and local agencies to enhance voter participation in federal elections; (3) protect the integrity of the election process; and (4) ensure that accurate and current voter registration rolls are maintained. (52 U.S.C. § 20501) Although the NVRA regulates certain aspects of the voter registration process, it does not broadly preempt all state election laws but preempts only those laws that are in conflict with the federal provisions. (Arizona v. Inter Tribal Council of Ariz., Inc., 133 S. Ct. 2247, 2253-54 (2013); Charles H. Wesley Educ. Found., Inc. v. Cox, 408 F.3d 1349, 1354-55 (11th Cir. 2005))

The NVRA requires the states to make voter registration forms available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs. (52 U.S.C. § 20505) The NVRA also establishes certain requirements for voter registration forms and states that the forms may require only such identifying information and other information as is necessary to enable state election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process. (52 U.S.C. § 20508) Federal courts have held that the NVRA does not preempt the states from regulating private organizations seeking to conduct voter registration drives or requiring such organizations to: (1) register with state election officials before conducting the voter registration drives; or (2) place information identifying the organization on the voter registration forms collected by the organization during the voter registration drives. (Am. Ass'n of People with Disabilities v. Herrera, 690 F. Supp. 2d 1183, 1224-26 (D.N.M. 2010); League of Women Voters of Fla. v. Browning, 863 F. Supp. 2d 1155, 1165-66 (N.D. Fla. 2012))

Even though the NVRA does not preempt the states from regulating such voter registration organizations and voter registration drives, federal courts have held that the voter registration process includes some elements of free speech, association and expression protected by the First Amendment to the United States Constitution. (Voting for Am., Inc. v. Steen, 732 F.3d 382, 386-99 (5th Cir. 2013); Project Vote v. Blackwell, 455 F. Supp. 2d 694,

703-07 (N.D. Ohio 2006); League of Women Voters of Fla. v. Browning, 575 F. Supp. 2d 1298, 1319-25 (S.D. Fla. 2008); Am. Ass'n of People with Disabilities v. Herrera, 690 F. Supp. 2d 1183, 1211-20 (D.N.M. 2010); League of Women Voters of Fla. v. Browning, 863 F. Supp. 2d 1155, 1158-65 (N.D. Fla. 2012)) As a result, while the Legislature may enact reasonable, nondiscriminatory regulations governing the voter registration process, the regulations "must be justified by relevant and legitimate state interests 'sufficiently weighty to justify the limitation.'" (Crawford v. Marion County Election Bd., 553 U.S. 181, 191 (2008) (quoting Norman v. Reed, 502 U.S. 279, 288-89 (1992)); Burdick v. Takushi, 504 U.S. 428, 434 (1992); Anderson v. Celebrezze, 460 U.S. 780, 788-89 (1983))

Under existing law, the Secretary of State and local election officials administer and regulate the voter registration process, and existing law: (1) directs the Secretary of State to prescribe the forms used in this State for applications to register to vote; (2) requires certain information to be included on the voter registration forms; and (3) allows the county clerks to provide the voter registration forms to candidates, political parties or other persons who intend to conduct voter registration drives. (NRS 293.507, 293.509) Sections 8.1-8.8 of this bill enact provisions which further regulate certain voter registration organizations, voter registration workers and voter registration drives and which are intended to protect against fraud, incompetence, negligence and mistakes in the voter registration process and to help safeguard the public's faith and confidence in the integrity and reliability of the election process.

~~Section 9 of this bill requires that any person who intends to conduct a~~ 8.3 defines the term " voter registration drive ~~[and]~~ " to mean any coordinated, organized or systematic activity, effort or plan to register or attempt to register, in the aggregate, more than 50 ~~[people]~~ potential voters in this State during a calendar year . Section 8.8 provides that before conducting any voter registration drive in any county, a voter registration organization must : (1) register with the Secretary of State ~~[. Section 9 also requires the Secretary of State to prescribe methods for such registration that include registration online and by mail.~~

~~Existing law provides that a registered voter who has changed residence and failed to return or did not receive a postcard from the county clerk and been designated as inactive must provide an oral or written affirmation before voting. (NRS 293.525) Sections 10, 11 and 18 of this bill provide that such a voter must provide proof of residence or a written affirmation before the voter may vote. Sections 1, 2, 13 and 14 of this bill make conforming changes.~~

~~Existing law provides that a person is guilty of a category E felony if that person: (1) provides or encourages another person to provide false information in connection with an application to register to vote; or (2) registers to vote or aids another person in registering to vote knowing that he or she will not be a qualified elector at the next election. (NRS 293.800)~~

~~Section 12 of this bill increases the penalty for such crimes to a category D felony.] and the county clerk; and (2) submit a list containing the name and signature of any paid or unpaid voter registration worker who will be acting on behalf of the organization as part of a voter registration drive. Thereafter, the organization must update the list periodically, within the times prescribed by the Secretary of State, to add or remove workers from the list and to specify the date on which each worker was added to or removed from the list.~~

Section 8.8 further requires each worker who collects or assists in the completion of any voter registration form to include the worker's name and signature and the name of the organization on or with the form in a manner prescribed by the Secretary of State. If any worker violates this requirement, the worker is subject to a civil penalty in an amount not to exceed \$500 for each violation, but the worker is not subject to any criminal penalty.

Finally, after receiving a voter registration form from the organization or a worker, section 8.8 requires the Secretary of State and county clerk to verify that the name and signature of the worker and the name of the organization included on or with the form are consistent with the information provided on the organization's list of workers. If the name or signature of the worker is not included on the organization's list of workers, the organization is subject to a civil penalty in an amount not to exceed \$1,000 for each violation, and the organization is also subject to any criminal penalty provided by law.

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

Section 1. ~~[NRS 293.277 is hereby amended to read as follows:~~

~~293.277 1. Except as otherwise provided in NRS 293.541, if a person's name appears in the election board register or if the person provides [an] proof of residence or a written affirmation pursuant to NRS 293.525, the person is entitled to vote and must sign his or her name in the election board register when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's original application to register to vote or one of the forms of identification listed in subsection 2.~~

~~2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:~~

- ~~(a) The card issued to the voter at the time he or she registered to vote;~~
  - ~~(b) A driver's license;~~
  - ~~(c) An identification card issued by the Department of Motor Vehicles;~~
  - ~~(d) A military identification card; or~~
  - ~~(e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.]~~
- ~~(Deleted by amendment.)~~

Sec. 2. ~~[NRS 293.304 is hereby amended to read as follows:~~

~~293.304 1. If a person is successfully challenged on the ground set forth in paragraph (c) of subsection 2 of NRS 293.303 or if a person refuses~~

~~to provide [an] *proof of residence or a written* affirmation pursuant to NRS 293.525, the election board shall instruct the voter that he or she may vote only at the special polling place in the manner set forth in this section.~~

~~2. The county clerk of each county shall maintain a special polling place in the county clerk's office and at such other locations as he or she deems necessary during each election. The ballots voted at the special polling place must be kept separate from the ballots of voters who have not been so challenged or who have provided [an] *proof of residence or a written* affirmation pursuant to NRS 293.525 in a special sealed container if the ballots are ballots which are voted on a mechanical recording device which directly records the votes electronically.~~

~~3. A person who votes at a special polling place may vote only for the following offices and questions:~~

- ~~(a) President and Vice President of the United States;~~
- ~~(b) United States Senator;~~
- ~~(c) All state officers for whom all voters in the State may vote;~~
- ~~(d) All officers for whom all voters in the county may vote; and~~
- ~~(e) Questions which have been submitted to all voters of the county or State.~~

~~4. The ballots voted at the special polling place must be counted when other ballots are counted and, if the ballots are ballots which are voted on a mechanical recording device which directly records the votes electronically, maintained in a separate sealed container until any contest of election is resolved or the date for filing a contest of election has passed, whichever is later.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 293.316 is hereby amended to read as follows:~~

~~293.316 1. Any registered voter who is unable to go to the polls:~~

~~(a) Because of an illness or disability resulting in confinement in a hospital, sanatorium, dwelling or nursing home; or~~

~~(b) Because the registered voter is suddenly hospitalized, becomes seriously ill or is called away from home after the time has elapsed for requesting an absent ballot as provided in NRS 293.315;~~

~~may submit a written request to the county clerk for an absent ballot. The request may be submitted at any time before 5 p.m. on the day of the election.~~

~~2. If the county clerk determines that a request submitted pursuant to subsection 1 includes the information required pursuant to subsection 3, the county clerk shall, at the office of the county clerk, deliver an absent ballot to the person designated in the request to obtain the ballot for the registered voter.~~

~~3. A written request submitted pursuant to subsection 1 must include:~~

- ~~(a) The name, address and signature of the registered voter requesting the absent ballot;~~

~~— (b) The name, address and signature of the person designated by the registered voter to obtain, deliver and return the ballot for the registered voter;~~

~~— (c) A brief statement of the illness or disability of the registered voter or of facts sufficient to establish that the registered voter was called away from home after the time had elapsed for requesting an absent ballot;~~

~~— (d) If the voter is confined in a hospital, sanatorium, dwelling or nursing home, a statement that he or she will be confined therein on the day of the election; and~~

~~— (e) Unless the person designated pursuant to paragraph (b) will mark and sign an absent ballot on behalf of the registered voter pursuant to subsection 5, a statement signed under penalty of perjury that only the registered voter will mark and sign the ballot.~~

~~4. Except as otherwise provided in subsection 5, after marking the ballot, the voter must:~~

~~— (a) Place it in the identification envelope;~~

~~— (b) Affix his or her signature on the back of the envelope; and~~

~~— (c) Return it to the office of the county clerk.~~

~~5. A person designated in a request submitted pursuant to subsection 4 may, on behalf of and at the direction of the registered voter, mark and sign the absent ballot. If the person marks and signs the ballot, the person shall indicate next to his or her signature that the ballot has been marked and signed on behalf of the registered voter.~~

~~6. A request for an absent ballot submitted pursuant to this section must be made, and the ballot delivered to the voter and returned to the county clerk [ , not ]:~~

~~— (a) Not later than the time the polls close on election day [ . ], if the ballot is hand delivered to the county clerk; or~~

~~— (b) Not later than 7 days after the election, if the ballot is:~~

~~— (1) Returned by mail; and~~

~~— (2) Postmarked on or before election day.~~

~~7. The procedure authorized by this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.]~~

~~(Deleted by amendment.)~~

~~Sec. 4. [NRS 293.317 is hereby amended to read as follows:~~

~~293.317 [Absent]~~

~~1. Except as otherwise provided in subsection 2, absent ballots, including special absent ballots, received by the county or city clerk after the polls are closed on the day of election are invalid.~~

~~2. An absent ballot, including a special absent ballot, that is received after the polls close on the day of election must be counted if the absent ballot is:~~

~~— (a) Returned by mail;~~

~~— (b) Postmarked on or before the day of the election; and~~

~~(c) Received by the county or city clerk not later than 7 days after the day of the election.† (Deleted by amendment.)~~

Sec. 5. ~~[NRS 293.325 is hereby amended to read as follows:~~

~~293.325 1. Except as otherwise provided in subsection 2 and NRS 293D.200, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent ballot record book, the county clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the precinct or district election board.~~

~~2. Except as otherwise provided in NRS 293D.200, if an absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the county clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the county clerk's register. If the county clerk determines that the absent voter is entitled to cast a ballot, the county clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the county clerk at all times. At the end of each day before election day, the county clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293.273 or 293.305.~~

~~3. For any absent ballot delivered in accordance with subsection 2 of NRS 293.317, if the county clerk determines that the absent voter is entitled to cast a ballot, the county clerk shall neatly stack, unopened, the absent ballot with any other absent ballots received that day in a container and deliver, or cause to be delivered, that container to the appropriate board pursuant to the procedures prescribed by the Secretary of State for counting such ballots.† (Deleted by amendment.)~~

Sec. 6. ~~[NRS 293.385 is hereby amended to read as follows:~~

~~293.385 1. Each day after the initial withdrawal of the ballots pursuant to NRS 293.384 and before the day of the election, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw from the appropriate ballot boxes or containers all the ballots received the previous day and ascertain that each box or container has the required number of ballots according to the county clerk's absent voters' ballot record.~~

~~2. If any absent ballots are received by the county clerk on election day pursuant to NRS 293.316, the county clerk shall deposit the absent ballots in the appropriate ballot boxes or containers.~~

~~3. Not earlier than 4 working days before the election, the appropriate board shall, in public, count the votes cast on the absent ballots.~~

~~4. If paper ballots are used, the results of the absent ballot vote in each precinct must be certified and submitted to the county clerk who shall have the results added to the regular votes of the precinct. The returns of absent ballots must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot. The county clerks shall develop a procedure to ensure that each ballot is kept secret.~~

~~5. Any person who disseminates to the public in any way information pertaining to the count of absent ballots before the polls close is guilty of a misdemeanor.~~

~~6. On the eighth day after the election, the appropriate board shall, in public, count the votes cast on the absent ballots properly received in accordance with subsection 2 of NRS 293.317. (Deleted by amendment.)~~

Sec. 7. [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] 10th 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] 11 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. (Deleted by amendment.)~~

Sec. 8. [NRS 293.393 is hereby amended to read as follows:

~~293.393 1. On or before the [sixth] 10th working day after any general election or any other election at which votes are cast for any United States Senator, Representative in Congress, member of the Legislature or any state officer who is elected statewide, the board of county commissioners shall open the returns of votes cast and make abstracts of the votes.~~

~~2. Abstracts of votes must be prepared in the manner prescribed by the Secretary of State by regulation.~~

~~3. The county clerk shall make out a certificate of election to each of the persons having the highest number of votes for the district, county and township offices.~~

~~4. Each certificate must be delivered to the person elected upon application at the office of the county clerk.] (Deleted by amendment.)~~

Sec. 8.05. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 8.1 to 8.8, inclusive, of this act.

Sec. 8.1. As used in sections 8.1 to 8.8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 8.2 to 8.6, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 8.2. 1. "Voter registration agency" means any agency, office or other entity that serves as a voter registration agency pursuant to NRS 293.504 or any other state or federal law.

2. The term includes, without limitation, any person who is an employee, contractor or volunteer of a voter registration agency if the person is acting within the course and scope of the person's duties as an employee, contractor or volunteer of the voter registration agency.

Sec. 8.3. 1. "Voter registration drive" means any coordinated, organized or systematic activity, effort or plan by one or more persons to register or attempt to register, in the aggregate, more than 50 potential voters in this State during a calendar year.

2. The term does not include any activity, effort or plan by a voter registration agency to register or attempt to register one or more potential voters in this State pursuant to NRS 293.504 or any other state or federal law.

Sec. 8.4. 1. "Voter registration form" or "form" means any paper, electronic or other form that may be used for an application to register to vote pursuant to NRS 293.507 or any other state or federal law.

2. The term includes, without limitation, any paper, electronic or other form that may be used for an application to register to vote in a system which allows voter registration by computer pursuant to NRS 293.506 or any other state or federal law.

Sec. 8.5. 1. "Voter registration organization" or "organization" means any person who intends to conduct, attempts to conduct or conducts a voter registration drive in this State.

2. The term includes, without limitation:

(a) Any person acting alone.



(b) Any group of persons acting in concert, whether or not formally organized.

(c) Any candidate, political party or other person, including, without limitation, any candidate, political party or other person who submits a request for voter registration forms to the county clerk pursuant to NRS 293.509 for the purposes of a voter registration drive.

3. The term does not include a voter registration agency.

Sec. 8.6. 1. "Voter registration worker" or "worker" means any paid or unpaid employee, contractor, volunteer or other person who, while acting on behalf of a voter registration organization conducting a voter registration drive:

(a) Intends to collect, attempts to collect or collects from one or more potential voters any voter registration form; or

(b) Intends to assist, attempts to assist or assists one or more potential voters to complete any voter registration form.

2. The term does not include any person who, while acting on behalf of a voter registration organization conducting a voter registration drive, advocates, encourages or solicits one or more potential voters to register to vote or provides one or more potential voters with any voter registration form if the person does not intend to engage, attempt to engage or engage in any of the conduct described in subsection 1.

Sec. 8.7. 1. The Secretary of State shall:

(a) Adopt regulations to carry out the provisions of sections 8.1 to 8.8, inclusive, of this act.

(b) Prescribe the methods for a voter registration organization to register with the Secretary of State and county clerks and to submit and update the list of voter registration workers provided by the organization. The methods must include, without limitation:

(1) Mail; and

(2) A secure Internet website or any other electronic means.

2. The Secretary of State and county clerks shall administer, interpret and apply the provisions of sections 8.1 to 8.8, inclusive, of this act:

(a) In a manner that is consistent with the National Voter Registration Act of 1993, 52 U.S.C. §§ 20501 et seq., as amended, or any other federal law; and

(b) To effectuate their general protective and beneficial purpose, including, without limitation, to:

(1) Protect against fraud, incompetence, negligence and mistakes in the voter registration process; and

(2) Help safeguard the public's faith and confidence in the integrity and reliability of the election process.

Sec. 8.8. 1. A voter registration organization shall not conduct a voter registration drive in any county in this State unless, before conducting the voter registration drive in that county, the organization registers with the

Secretary of State and the county clerk pursuant to the provisions of sections 8.1 to 8.8, inclusive, of this act.

2. To register with the Secretary of State and the county clerk, the organization shall submit a registration statement using the form and one of the methods for registration prescribed by the Secretary of State.

3. The registration statement must include, without limitation, a list that contains the name and signature, or a facsimile thereof, of any voter registration worker who will be acting on behalf of the organization as part of a voter registration drive.

4. The organization shall update the list of workers' names and signatures periodically, within the times prescribed by the Secretary of State, to add or remove workers from the list and to specify the date on which each worker was added to or removed from the list.

5. If any worker, while acting on behalf of the organization as part of a voter registration drive, collects from a potential voter any voter registration form or assists a potential voter to complete any voter registration form, the worker shall include the worker's name and signature and the name of the organization on or with the form in a manner prescribed by the Secretary of State.

6. If any worker violates the provisions of subsection 5, the worker is subject to a civil penalty pursuant to NRS 293.840 in an amount not to exceed \$500 for each violation, but the worker is not subject to any criminal penalty.

7. After receiving a voter registration form from the organization or any of the organization's workers, the Secretary of State and county clerk shall verify that the name and signature of the worker and the name of the organization included on or with the form are consistent with the information provided by the organization on the organization's list of workers.

8. If the name or signature of the worker included on or with the voter registration form is not included on the organization's list of workers, the organization is subject to a civil penalty pursuant to NRS 293.840 in an amount not to exceed \$1,000 for each violation, and the organization is also subject to any criminal penalty provided by law.

Sec. 8.9. NRS 293.507 is hereby amended to read as follows:

293.507 1. The Secretary of State shall prescribe:

- (a) A standard form for applications to register to vote;
- (b) A special form for registration to be used in a county where registrations are performed and records of registration are kept by computer; and
- (c) A standard form for the affidavit described in subsection 5.

2. The county clerks shall provide forms for applications to register to vote to field registrars in the form and number prescribed by the Secretary of State.

3. Each form for an application to register to vote must include a:

- (a) Unique control number assigned by the Secretary of State; and

(b) Receipt which:

(1) Includes a space for a person assisting an applicant in completing the form to enter the person's name; and

(2) May be retained by the applicant upon completion of the form.

4. The form for an application to register to vote must include:

(a) A line for use by the applicant to enter:

(1) The number indicated on the applicant's current and valid driver's license issued by the Department of Motor Vehicles, if the applicant has such a driver's license;

(2) The last four digits of the applicant's social security number, if the applicant does not have a driver's license issued by the Department of Motor Vehicles and does have a social security number; or

(3) The number issued to the applicant pursuant to subsection 5, if the applicant does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number.

(b) A line on which to enter the address at which the applicant actually resides, as set forth in NRS 293.486.

(c) A notice that the applicant may not list a business as the address required pursuant to paragraph (b) unless the applicant actually resides there.

(d) A line on which to enter an address at which the applicant may receive mail, including, without limitation, a post office box or general delivery.

5. If an applicant does not have the identification set forth in subparagraph (1) or (2) of paragraph (a) of subsection 4, the applicant shall sign an affidavit stating that he or she does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the applicant which must be the same number as the unique identifier assigned to the applicant for purposes of the statewide voter registration list.

6. The form for an application to register to vote may include:

(a) One or more lines for a voter registration worker to provide his or her name and signature and the name of the voter registration organization on whose behalf he or she is acting as part of a voter registration drive pursuant to the provisions of sections 8.1 to 8.8, inclusive, of this act; and

(b) Any other information that the Secretary of State determines is necessary to carry out the provisions of sections 8.1 to 8.8, inclusive, of this act.

7. The Secretary of State shall adopt regulations to carry out the provisions of ~~subsections 3, 4 and 5~~ this section.

Sec. 9. NRS 293.509 is hereby amended to read as follows:

293.509 1. A county clerk may provide the form for the application to register to vote prescribed by the Secretary of State pursuant to NRS 293.507 to ~~for~~ any candidate, major political party, minor political party or ~~any~~ other person submitting a request pursuant to subsection 2.

2. ~~[A]~~ Any candidate, major political party, minor political party or other person who wants to obtain forms for the application to register to vote from the county clerk shall:

(a) Submit a request for the forms for the application to register to vote to the county clerk in person, by telephone, in writing or by facsimile machine; and

(b) State the number of forms for the application to register to vote that the candidate, major political party, minor political party or other person is requesting.

3. The county clerk may record the control numbers assigned to the forms by the Secretary of State pursuant to NRS 293.507 of the forms he or she provided in response to the request. The county clerk shall maintain a request for multiple ~~[applications]~~ forms with the county clerk's records.

4. ~~[Any person who intends to conduct one or more voter registration drives and register more than 50 people during a calendar year must register with the Secretary of State, in a method prescribed by regulation of the Secretary of State. The regulations must, without limitation, prescribe a method to register online and by mail.] If any candidate, major political party, minor political party or other person who submits a request for multiple forms to the county clerk qualifies as a voter registration organization that will be conducting a voter registration drive in the county pursuant to the provisions of sections 8.1 to 8.8, inclusive, of this act, the candidate, major political party, minor political party or other person shall register with the Secretary of State and the county clerk as required by those provisions.~~

Sec. 10. ~~[NRS 293.525 is hereby amended to read as follows:~~

~~293.525 1. Any elector who is presently registered and has changed residence after the last preceding general election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 or 293.535 who moved:~~

~~(a) From one precinct to another or from one congressional district to another within the same county must be allowed to vote in the precinct where the elector previously resided after providing [an oral] proof of residence or a written affirmation before an election board officer attesting to his or her new address.~~

~~(b) Within the same precinct must be allowed to vote after providing proof of residence [an oral] or a written affirmation before an election board officer attesting to his or her new address.~~

~~2. If an elector alleges that the records in the registrar of voters' register or the election board register incorrectly indicate that the elector has changed residence, the elector must be permitted to vote after providing [an oral] proof of residence or a written affirmation before an election board officer attesting that he or she continues to reside at the same address.~~

~~3. If an elector refuses to provide [an oral] proof of residence or a written affirmation attesting to his or her address as required by this section, the~~

~~elector may only vote at the special polling place in the county in the manner set forth in NRS 293.304.~~

~~4. The county clerk shall use any information regarding the current address of an elector obtained pursuant to this section to correct information in the registrar of voters' register and the election board register.} (Deleted by amendment.)~~

~~Sec. 11. [NRS 293.530 is hereby amended to read as follows:  
293.530 Except as otherwise provided in NRS 293.541:~~

~~1. County clerks may use any reliable and reasonable means available to correct the portions of the statewide voter registration list which are relevant to the county clerks and to determine whether a registered voter's current residence is other than that indicated on the voter's application to register to vote.~~

~~2. A county clerk may, with the consent of the board of county commissioners, make investigations of registration in the county by census, by house to house canvass or by any other method.~~

~~3. A county clerk shall cancel the registration of a voter pursuant to this section if:~~

~~(a) The county clerk mails a written notice to the voter which the United States Postal Service is required to forward;~~

~~(b) The county clerk mails a return postcard with the notice which has a place for the voter to write his or her new address, is addressed to the county clerk and has postage guaranteed;~~

~~(c) The voter does not respond; and~~

~~(d) The voter does not appear to vote in an election before the polls have closed in the second general election following the date of the notice.~~

~~4. For the purposes of this section, the date of the notice is deemed to be 3 days after it is mailed.~~

~~5. The county clerk shall maintain records of:~~

~~(a) Any notice mailed pursuant to subsection 3;~~

~~(b) Any response to such notice; and~~

~~(c) Whether a person to whom a notice is mailed appears to vote in an election;~~

~~for not less than 2 years after creation.~~

~~6. The county clerk shall use any postcards which are returned to correct the portions of the statewide voter registration list which are relevant to the county clerk.~~

~~7. If a voter fails to return the postcard mailed pursuant to subsection 3 within 30 days, the county clerk shall designate the voter as inactive on the voter's application to register to vote. A voter designated as inactive who appears to vote on election day must provide proof of residence or a written affirmation before casting a ballot.~~

~~8. The Secretary of State shall adopt regulations to prescribe the method for maintaining a list of voters who have been designated as inactive pursuant to subsection 7.} (Deleted by amendment.)~~

Sec. 12. ~~[NRS 293.800 is hereby amended to read as follows:~~

~~293.800 1. A person who, for himself, herself or another person, willfully gives a false answer or answers to questions propounded to the person by the registrar or field registrar of voters relating to the information called for by the application to register to vote, or who willfully falsifies the application in any particular, or who violates any of the provisions of the election laws of this State or knowingly encourages another person to violate those laws is guilty of a category [E] D felony and shall be punished as provided in NRS 193.130.~~

~~2. A public officer or other person, upon whom any duty is imposed by this title, who willfully neglects his or her duty or willfully performs it in such a way as to hinder the objects and purposes of the election laws of this State, except where another penalty is provided, is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~3. If the person is a public officer, his or her office is forfeited upon conviction of any offense provided for in subsection 2.~~

~~4. A person who causes or endeavors to cause his or her name to be registered, knowing that he or she is not an elector or will not be an elector on or before the day of the next ensuing election in the precinct or district in which he or she causes or endeavors to cause the registration to be made, and any other person who induces, aids or abets the person in the commission of either of the acts is guilty of a category [E] D felony and shall be punished as provided in NRS 193.130.~~

~~5. A field registrar or other person who provides to an elector an application to register to vote and who:~~

~~(a) Knowingly falsifies the application or knowingly causes an application to be falsified;~~

~~(b) Knowingly provides money or other compensation to another for a falsified application; or~~

~~(c) Intentionally fails to submit to the county clerk a completed application;~~

~~is guilty of a category [E] D felony and shall be punished as provided in NRS 193.130.) (Deleted by amendment.)~~

Sec. 13. ~~[NRS 293C.270 is hereby amended to read as follows:~~

~~293C.270 1. If a person's name appears in the election board register or if the person provides [an] *proof of residence or a written* affirmation pursuant to NRS 293C.525, the person is entitled to vote and must sign his or her name in the election board register when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's original application to register to vote or one of the forms of identification listed in subsection 2.~~

~~2. The forms of identification that may be used to identify a voter at the polling place are:~~

~~(a) The card issued to the voter at the time he or she registered to vote;~~

~~(b) A driver's license;~~

~~— (e) An identification card issued by the Department of Motor Vehicles;~~  
~~— (d) A military identification card; or~~  
~~— (e) Any other form of identification issued by a governmental agency that contains the voter's signature and physical description or picture.] (Deleted by amendment.)~~

Sec. 14. ~~[NRS 293C.295 is hereby amended to read as follows:~~  
~~293C.295 1. If a person is successfully challenged on the ground set forth in paragraph (a) of subsection 2 of NRS 293C.292 or if a person refuses to provide [an] proof of residence or a written affirmation pursuant to NRS 293C.525, the election board shall instruct the voter that he or she may vote only at the special polling place in the manner set forth in this section.~~  
~~2. The city clerk shall maintain at least one special polling place at such locations as the city clerk deems necessary during each election. The ballots voted at the special polling place must be kept separate from the ballots of voters who have not been so challenged or who have provided [an] proof of residence or a written affirmation pursuant to NRS 293C.525 in a special sealed container if the ballots are ballots that are voted on a mechanical recording device which directly records the votes electronically.~~  
~~3. A person who votes at a special polling place may vote only for the following offices and questions:~~  
~~— (a) All officers for whom all voters in the city may vote; and~~  
~~— (b) Questions that have been submitted to all voters of the city.~~  
~~4. The ballots voted at the special polling place must be counted when other ballots are counted and, if the ballots are ballots that are voted on a mechanical recording device that directly records the votes electronically, maintained in a separate sealed container until any contest of election is resolved or the date for filing a contest of election has passed, whichever is later.] (Deleted by amendment.)~~

Sec. 15. ~~[NRS 293C.325 is hereby amended to read as follows:~~  
~~293C.325 1. Except as otherwise provided in subsection 2 and NRS 293D.200, when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent ballot record book, the city clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the precinct or district election board.~~  
~~2. Except as otherwise provided in NRS 293D.200, if an absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the [county] city clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the [county] city clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the [county] city clerk's register. If the city clerk determines that the absent voter is entitled to cast a ballot, the city clerk shall deposit the ballot in~~

~~the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the city clerk at all times. At the end of each day before election day, the city clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the [county] city clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293C.267 or 293C.297.~~

~~3. For any absent ballot delivered in accordance with subsection 2 of NRS 293.317, if the city clerk determines that the absent voter is entitled to cast a ballot, the city clerk shall neatly stack, unopened, the absent ballot with any other absent ballots received that day in a container and deliver, or cause to be delivered, that container to the appropriate board pursuant to the procedures prescribed by the Secretary of State for counting such ballots.] (Deleted by amendment.)~~

Sec. 16. ~~[NRS 293C.385 is hereby amended to read as follows:~~

~~293C.385 1. Each day after the initial withdrawal of the ballots pursuant to NRS 293C.382 and before the day of the election, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw from the appropriate ballot boxes or containers all the ballots received the previous day and determine whether each box or container has the required number of ballots according to the city clerk's absent voters' ballot record.~~

~~2. If any absent ballots are received by the city clerk on election day pursuant to NRS 293C.317, the city clerk shall deposit the absent ballots in the appropriate ballot boxes or containers.~~

~~3. Not earlier than 4 working days before the election, the appropriate board shall, in public, count the votes cast on the absent ballots.~~

~~4. If paper ballots are used, the results of the absent ballot vote in each precinct must be certified and submitted to the city clerk, who shall have the results added to the regular votes of the precinct. The returns of absent ballots must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot. The city clerks shall develop a procedure to ensure that each ballot is kept secret.~~

~~5. Any person who disseminates to the public information relating to the count of absent ballots before the polls close is guilty of a misdemeanor.~~

~~6. On the eighth day after the election, the appropriate board shall, in public, count the votes cast on the absent ballots properly received in accordance with subsection 2 of NRS 293.317.] (Deleted by amendment.)~~

Sec. 17. ~~[NRS 293C.387 is hereby amended to read as follows:~~

~~293C.387 1. The election returns from a special election, primary city election or general city election must be filed with the city clerk, who shall~~



~~immediately place the returns in a safe or vault designated by the city clerk. No person may handle, inspect or in any manner interfere with the returns until they are canvassed by the mayor and the governing body of the city.~~

~~2. After the governing body of a city receives the returns from all the precincts and districts in the city, it shall meet with the mayor to canvass the returns. The canvass must be completed on or before the [sixth] 10th working day following the election.~~

~~3. In completing the canvass of the returns, the governing body of the city and the mayor 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.~~

~~4. After the canvass is completed, the governing body of the city and mayor shall declare the result of the canvass.~~

~~5. The city clerk shall enter upon the records of the governing body of the city an abstract of the result. The abstract must be prepared in the manner prescribed by regulations adopted by the Secretary of State and must contain the number of votes cast for each candidate.~~

~~6. After the abstract is entered, the:~~

~~(a) City clerk shall seal the election returns, maintain them in a vault for at least 22 months and give no person access to them during that period, unless access is ordered by a court of competent jurisdiction or by the governing body of the city.~~

~~(b) Governing body of the city shall, by an order made and entered in the minutes of its proceedings, cause the city clerk to:~~

~~(1) Certify the abstract;~~

~~(2) Make a copy of the certified abstract;~~

~~(3) Make a mechanized report of the abstract in compliance with regulations adopted by the Secretary of State;~~

~~(4) Transmit a copy of the certified abstract and the mechanized report of the abstract to the Secretary of State within [7] 11 working days after the election; and~~

~~(5) Transmit on paper or by electronic means to each public library in the city, or post on a website maintained by the city or the city clerk on the Internet or its successor, if any, a copy of the certified abstract within 30 days after the election.~~

~~7. After the abstract of the results from a:~~

~~(a) Primary city election has been certified, the city clerk shall certify the name of each person nominated and the name of the office for which the person is nominated.~~

~~(b) General city election has been certified, the city clerk shall:~~

~~(1) Issue under his or her hand and official seal to each person elected a certificate of election; and~~

~~(2) Deliver the certificate to the persons elected upon their application at the office of the city clerk.~~

~~8. The officers elected to the governing body of the city qualify and enter upon the discharge of their respective duties on the first regular meeting of that body next succeeding that in which the canvass of returns was made pursuant to subsection 2.] (Deleted by amendment.)~~

Sec. 18. ~~[NRS 293C.525 is hereby amended to read as follows:~~

~~293C.525 1. Any elector who is registered to vote and has changed residence after the last preceding general city election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 or 293.535 who moved:~~

~~(a) From one precinct to another within the same city must be allowed to vote in the precinct where the elector previously resided after providing [an oral] proof of residence or a written affirmation before an election board officer attesting to his or her new address.~~

~~(b) Within the same precinct must be allowed to vote after providing [an oral] proof of residence or a written affirmation before an election board officer attesting to his or her new address.~~

~~2. If an elector alleges that the records in the registrar of voters' register or the election board register incorrectly indicate that the elector has changed residence, the elector must be allowed to vote after providing [an oral] proof of residence or a written affirmation before an election board officer attesting that he or she continues to reside at the same address.~~

~~3. If an elector refuses to provide [an oral] proof of residence or a written affirmation attesting to his or her address as required by this section, the elector may only vote at the special polling place in the city in the manner set forth in NRS 293C.295.] (Deleted by amendment.)~~

Sec. 19. ~~[NRS 293D.400 is hereby amended to read as follows:~~

~~293D.400 [A]~~

~~1. Except as otherwise provided in subsection 2, a military overseas ballot must be received by the appropriate local elections official not later than the close of the polls.~~

~~2. A military overseas ballot that is received after the polls close on the day of the election must be counted if the military overseas ballot is:~~

~~(a) Returned by mail;~~

~~(b) Postmarked on or before the day of the election; and~~

~~(c) Received by the appropriate local elections official not later than 7 days after the day of the election.] (Deleted by amendment.)~~

Sec. 20. This act becomes effective:

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

2. On January 1, 2016, for all other purposes.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

Amendment No. 625 to Senate Bill No. 436 deletes all sections of the bill except for section 9. In doing so, it clarifies in several new sections that a person or organization that

intends to conduct a voter registration drive to register 50 or more people must register with both the Secretary of State and the appropriate county clerk.

It provides, when registering with the Secretary of State and the county clerks, that any group must provide a list of those who will be registering voters. This list must be regularly updated.

It also provides that a person who collects a voter registration form or assists a person to register to vote on behalf of an organization conducting a voter registration drive must include his or her name and signature on or with the form. These names and signatures will be used by the Secretary of State and the county clerks to match those found on the lists filed.

Finally, it authorizes the Secretary of State to adopt regulations concerning these provisions.

Amendment adopted.

Senator Roberson moved that the bill be placed on the Secretary's desk, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Secretary's desk.

Senate Bill No. 459.

Bill read second time.

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

Amendment No. 629.

SUMMARY—Establishes an opioid overdose prevention policy for Nevada. (BDR 40-1199)

AN ACT relating to controlled substances; enacting the Good Samaritan Drug Overdose Act; authorizing certain health care professionals to prescribe and dispense an opioid antagonist to certain persons under certain circumstances; providing immunity from civil and criminal liability and professional discipline for such prescribing and dispensing of an opioid antagonist; providing criminal and other immunity for persons who seek medical assistance for a person who is experiencing a drug or alcohol overdose under certain circumstances; ~~requiring each person~~ authorizing certain licensing boards to require that certain persons registered by the State Board of Pharmacy ~~to~~ receive ~~annual~~ periodic training concerning the misuse and abuse of controlled substances; authorizing ~~the suspension or revocation of a registration~~ the imposition of disciplinary action for failure to complete such training; requiring that certain information concerning a prescription for a controlled substance be uploaded to the database of a certain computerized program; revising requirements for certain persons to access a certain computerized program before initiating a prescription for a controlled substance; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-12 of this bill enact the Good Samaritan Drug Overdose Act, the provisions of which have been enacted in part or in entirety by at least 28 other states.

Under existing law, certain health care professionals may prescribe, dispense or otherwise furnish an opioid antagonist to a person at risk of

experiencing an opioid-related drug overdose. (Chapter 454 of NRS) Section 7 of this bill authorizes certain physicians, physician assistants and advanced practice registered nurses to prescribe and dispense an opioid antagonist to a family member, friend or other person who is in a position to assist a person at risk of experiencing an opioid-related drug overdose and provides immunity from civil and criminal liability and professional discipline for doing so. Section 8 of this bill authorizes the storage and dispensing of opioid antagonists by certain persons who are not registered or licensed by the State Board of Pharmacy. Section 9 of this bill provides for the development of standardized procedures and protocols under which a registered pharmacist may furnish an opioid antagonist.

Existing law establishes criminal liability for various activities relating to controlled substances. (Chapter 453 of NRS) Section 12 of this bill provides that a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating: (1) ~~the provision~~ certain provisions of existing law governing controlled substances; (2) a restraining order; or (3) a condition of the person's parole or probation, if the evidence to support the arrest, charge, prosecution, conviction, seizure or penalty was gained as a result of the person's seeking such medical assistance. Section 12 also provides that the act of seeking such assistance may be raised ~~as an affirmative defense or~~ in mitigation in connection with certain other crimes.

Existing law requires every practitioner or other person who dispenses a controlled substance within this State to register biennially with the State Board of Pharmacy. (NRS 453.226) ~~[Section 14 of this bill requires each person who is registered by the Board to receive annual training concerning the misuse and abuse of controlled substances. Section 15 of this bill authorizes the Board to suspend or revoke a registration upon a finding that the registrant has failed to receive the required training.]~~ Sections 15.1-15.9 of this bill authorize the professional licensing boards of the various practitioners who are eligible for such registration to: (1) require their licensees who are registered to dispense a controlled substance to periodically complete certain training concerning the misuse and abuse of controlled substances; and (2) impose disciplinary action on a practitioner who fails to do so.

Existing law requires the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to cooperatively develop a computerized program to track each prescription for a controlled substance. Persons who prescribe or dispense controlled substances can choose to access the database of the program and are given access to the database after receiving a course of training developed by the Board and the Division. (NRS 453.1545) Section 13 of this bill requires each person who dispenses a

controlled substance to upload certain information to the database of the program ~~[within 24 hours]~~ not later than the end of the next business day after dispensing the controlled substance.

Existing law requires a practitioner to obtain a patient utilization report regarding a patient before writing a prescription for a controlled substance if the patient is a new patient or a current patient who has not received a prescription for a controlled substance from the practitioner in the preceding 12 months. (NRS 639.23507) Section 16 of this bill : (1) requires a practitioner to obtain a patient utilization report before initiating a prescription for a controlled substance ~~[-]~~ ; (2) exempts from liability a practitioner who fails to obtain such a report under certain circumstances; and (3) requires the Board to adopt regulations to provide alternative methods of complying with the requirement to obtain such a report for a physician who provides services in a hospital emergency department.

WHEREAS, The Nevada Legislature finds and declares that overdose deaths from drug or alcohol use is a major public health and safety problem in Nevada and in the United States, such that overdose deaths now annually exceed those caused by homicide or vehicle collisions; and

WHEREAS, The use and abuse of both legal and illegal substances, especially opioids, has increased in Nevada at an alarming rate, contributing to addiction, crime, incarceration and imprisonment, mental illness, suicide, family breakdown, and increased costs of medical and mental health treatment for youth and adults in Nevada; and

WHEREAS, Overdose death is preventable through the timely administration of safe, effective, nonnarcotic antidote drugs which reverse the effects of opioid overdose in minutes, are not controlled substances, and have no abuse potential; and

WHEREAS, Effective and successful opioid overdose prevention programs have been implemented in 25 states, and such efforts are now encouraged and promoted by the American Medical Association, the United States Conference of Mayors, the National Office of Drug Control Policy, the Substance Abuse and Mental Health Services Administration, the United States Department of Justice, the National Association of Boards of Pharmacy, the American Public Health Association, the National Association of State Alcohol and Drug Abuse Directors, the National Association of Drug Court Professionals and countless more law enforcement and treatment professionals; and

WHEREAS, Numerous states have implemented "911 Good Samaritan Statutes" encouraging citizens and professionals to seek or provide overdose reversal and emergency medical assistance to persons who appear to be experiencing a drug or alcohol overdose, and have provided for immunity from civil, criminal and professional liability for such actions; and

WHEREAS, The implementation of an opioid overdose prevention policy and "911 Good Samaritan Statutes" are in the best interest of Nevadans and such lifesaving practices and programs should be established, recognized,

encouraged and implemented in Nevada to be available to residents and visitors; now therefore,

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

Section 1. Title 40 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *This chapter may be cited as the Good Samaritan Drug Overdose Act.*

Sec. 3. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4, 5 and 6 of this act have the meanings ascribed to them in those sections.*

Sec. 4. 1. *"Health care professional" means a physician, a physician assistant or an advanced practice registered nurse.*

2. *As used in this section:*

(a) *"Advanced practice registered nurse" has the meaning ascribed to it in NRS 632.012.*

(b) *"Physician" means a physician licensed pursuant to chapter 630 or 633 of NRS.*

(c) *"Physician assistant" means a physician assistant licensed pursuant to chapter 630 or 633 of NRS.*

Sec. 5. *"Opioid antagonist" means any drug that binds to opioid receptors and blocks or disinhibits the effects of opioids acting on those receptors. The term includes, without limitation, naloxone hydrochloride.*

Sec. 6. *"Opioid-related drug overdose" means a condition including, without limitation, extreme physical illness, a decreased level of consciousness, respiratory depression, coma or death resulting from the consumption or use of an opioid, or another substance with which an opioid was combined, or that an ordinary layperson would reasonably believe to be an opioid-related drug overdose that requires medical assistance.*

Sec. 7. 1. *Notwithstanding any other provision of law, a health care professional otherwise authorized to prescribe an opioid antagonist may, directly or by standing order, prescribe and dispense an opioid antagonist to a person at risk of experiencing an opioid-related drug overdose or to a family member, friend or other person in a position to assist a person at risk of experiencing an opioid-related drug overdose. Any such prescription must be regarded as being issued for a legitimate medical purpose in the usual course of professional practice.*

2. *A person who, acting in good faith and with reasonable care, prescribes or dispenses an opioid antagonist pursuant to subsection 1, is not subject to any criminal or civil liability or any professional disciplinary action for:*

(a) *Such prescribing or dispensing; or*

(b) *Any outcomes that result from the eventual administration of the opioid antagonist.*

3. *Notwithstanding any other provision of law:*

(a) *Any person, including, without limitation, a law enforcement officer, acting in good faith, may possess and administer an opioid antagonist to another person whom he or she reasonably believes to be experiencing an opioid-related drug overdose.*

(b) *An emergency medical technician, advanced emergency medical technician or paramedic, as defined in chapter 450B of NRS, is authorized to administer an opioid antagonist as clinically indicated.*

4. *A person who, acting in good faith and with reasonable care, administers an opioid antagonist to another person whom the person believes to be experiencing an opioid-related drug overdose is immune from criminal prosecution, sanction under any professional licensing statute and civil liability for such act.*

Sec. 8. *Notwithstanding any other provision of law, a person acting under a standing order issued by a health care professional who is otherwise authorized to prescribe an opioid antagonist may store an opioid antagonist without being subject to the registration and licensing provisions of chapter 639 of NRS and may dispense an opioid antagonist if those activities are undertaken without charge or compensation.*

Sec. 9. 1. *Notwithstanding any other provision of law, a registered pharmacist may furnish an opioid antagonist in accordance with standardized procedures or protocols developed and approved by the State Board of Pharmacy pursuant to this section.*

2. *The State Board of Pharmacy may, in consultation with representatives of the Nevada Pharmacist Association, other appropriate professional licensing boards, state agencies and other interested parties, develop standardized procedures or protocols to enable a registered pharmacist and other appropriate entities to furnish an opioid antagonist pursuant to this section.*

3. *Standardized procedures or protocols adopted pursuant to this section must ensure that a person receive education before being furnished with an opioid antagonist pursuant to this section. The education must include, without limitation:*

(a) *Information concerning the prevention and recognition of and responses to opioid-related drug overdoses;*

(b) *Methods for the safe administration of opioid antagonists to a person experiencing an opioid-related drug overdose;*

(c) *Potential side effects and adverse events connected with the administration of opioid antagonists;*

(d) *The importance of seeking emergency medical assistance for a person experiencing an opioid-related drug overdose even after the administration of an opioid antagonist; and*

(e) *Information concerning the provisions of section 12 of this act.*

4. *A pharmacist shall, before furnishing an opioid antagonist pursuant to this section, complete a training program on the use of opioid antagonists.*

*The program must include at least 1 hour of approved continuing education on the use of opioid antagonists.*

*5. This section does not:*

*(a) Affect any provision of law concerning the confidentiality of medical information.*

*(b) Confer any authority on a registered pharmacist to prescribe an opioid antagonist or any other prescription medication or controlled substance.*

*Sec. 10. 1. The Department of Health and Human Services may engage in efforts to ascertain and document the number, trends, patterns and risk factors related to fatalities caused by unintentional opioid-related drug overdoses and other drug overdoses.*

*2. The Department of Health and Human Services may publish an annual report that:*

*(a) Presents the information acquired pursuant to subsection 1; and*

*(b) Provides information concerning interventions that may be effective in reducing fatal and nonfatal opioid-related drug overdoses and other drug overdoses.*

*Sec. 11. The Department of Health and Human Services may, within the limits of available money, award grants for:*

*1. Educational programs for the prevention and recognition of and responses to opioid-related drug overdoses and other drug overdoses;*

*2. Training programs for patients who receive opioid antagonists and for the families and caregivers of such patients concerning the prevention and recognition of and responses to opioid-related drug overdoses and other drug overdoses;*

*3. Projects to encourage, when appropriate, the prescription and distribution of opioid antagonists; and*

*4. Education and training programs on the prevention and recognition of and responses to opioid-related drug overdoses and other drug overdoses for members and volunteers of law enforcement agencies and agencies that provide emergency medical services and other emergency services.*

*Sec. 12. 1. Notwithstanding any other provision of law, a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating:*

*(a) ~~f-4~~ Except as otherwise provided in subsection 4, a provision of chapter 453 of NRS ~~f-1~~ relating to:*

*(1) Drug paraphernalia, including, without limitation, NRS 453.554 to 453.566, inclusive;*



(2) Possession, unless it is for the purpose of sale or violates the provisions of NRS 453.3385, subsection 2 of NRS 453.3393, 453.3395 or 453.3405; or

(3) Use of a controlled substance, including, without limitation, NRS 453.336.

(b) A local ordinance as described in NRS 453.3361 that establishes an offense that is similar to an offense set forth in NRS 453.366;

(c) A restraining order; or

~~[(e)]~~ (d) A condition of the person's parole or probation,

➤ if the evidence to support the arrest, charge, prosecution, conviction, seizure or penalty was obtained as a result of the person seeking medical assistance.

2. ~~[It is an affirmative defense to a charge of murder for making available a controlled substance that is the proximate cause of the death of a person in violation of NRS 453.333 that the defendant, in good faith, sought medical assistance for the deceased while he or she was still alive.]~~

~~—3.—~~ A court, before sentencing a person who has been convicted of a violation of chapter 453 of NRS for which ~~neither~~ immunity ~~nor an affirmative defense~~ is not provided by this section, shall consider in mitigation any evidence or information that the defendant, in good faith, sought medical assistance for a person who was experiencing a drug or alcohol overdose or other life-threatening emergency in connection with the events that constituted the violation.

~~[[3.]]~~ 3. For the purposes of this section, a person seeks medical assistance if the person:

(a) Reports a drug or alcohol overdose or other medical emergency to a member of a law enforcement agency, a 911 emergency service, a poison control center, a medical facility or a provider of emergency medical services;

(b) Assists another person making such a report;

(c) Provides care to a person who is experiencing a drug or alcohol overdose or other medical emergency while awaiting the arrival of medical assistance; or

(d) Delivers a person who is experiencing a drug or alcohol overdose or other medical emergency to a medical facility and notifies the appropriate authorities.

4. The provisions of this section do not prohibit any governmental entity from taking any actions required or authorized by chapter 432B of NRS relating to the abuse or neglect of a child.

5. As used in this section, "drug or alcohol overdose" means a condition, including, without limitation, extreme physical illness, a decreased level of consciousness, respiratory depression, coma, mania or death which is caused by the consumption or use of a controlled substance or alcohol, or another substance with which a controlled substance or alcohol was

*combined, or that an ordinary layperson would reasonably believe to be a drug or alcohol overdose that requires medical assistance.*

Sec. 13. NRS 453.1545 is hereby amended to read as follows:

453.1545 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III and IV to pharmacies, practitioners and appropriate state agencies to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient.

(b) Be administered by the Board, the Investigation Division, the Division of Public and Behavioral Health of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Investigation Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

(d) Include the contact information of each person who ~~selects~~ is required to access the database of the program pursuant to subsection ~~{2,}~~ 3, including, without limitation:

(1) The name of the person;

(2) The physical address of the person;

(3) The telephone number of the person; and

(4) If the person maintains an electronic mail address, the electronic mail address of the person.

2. *Except as otherwise provided in this subsection, each person registered pursuant to this chapter to dispense a controlled substance listed in Schedule II, III or IV shall, ~~within 24 hours~~ not later than the end of the next business day after dispensing a controlled substance, upload to the database of the program established pursuant to subsection 1 the information described in paragraph (d) of subsection 1. The requirements of this subsection do not apply if the controlled substance is administered directly by a practitioner to a patient in a health care facility, as defined in NRS 439.960, a child who is a resident in a child care facility, as defined in NRS 432A.024, or a prisoner, as defined in NRS 208.085. The Board shall establish by regulation and impose administrative penalties for the failure to upload information pursuant to this subsection.*

3. The Board shall provide Internet access to the database of the program established pursuant to subsection 1 to each practitioner who is authorized to

write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV who ~~is~~

~~(a) Elects to access the database of the program; and~~

~~(b) Completes~~ completes the course of instruction described in subsection ~~{7-}~~ 8.

~~{3-}~~ 4. The Board and the Division must have access to the program established pursuant to subsection 1 to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

~~{4-}~~ 5. The Board or the Division shall report any activity it reasonably suspects may be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board with the relevant information obtained from the program for further investigation.

~~{5-}~~ 6. The Board and the Division may cooperatively enter into a written agreement with an agency of any other state to provide, receive or exchange information obtained by the program with a program established in that state which is substantially similar to the program established pursuant to subsection 1, including, without limitation, providing such state access to the database of the program or transmitting information to and receiving information from such state. Any information provided, received or exchanged as part of an agreement made pursuant to this section may only be used in accordance with the provisions of this chapter.

~~{6-}~~ 7. Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section and NRS 239.0115, must not be disclosed to any person. That information must be disclosed:

(a) Upon the request of a person about whom the information requested concerns or upon the request on behalf of that person by his or her attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

~~{7-}~~ 8. The Board and the Division shall cooperatively develop a course of training for persons ~~{who elect}~~ required to access the database of the program pursuant to subsection ~~{2-}~~ 3 and require each such person to complete the course of training before the person is provided with Internet access to the database pursuant to subsection ~~{2-}~~ 3.

~~{8-}~~ 9. A practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV who acts with reasonable care when transmitting to the Board or the Division a report or information required by this section or a regulation adopted pursuant thereto is immune from civil and criminal liability relating to such action.

~~{9-}~~ 10. The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

Sec. 14. ~~{NRS 453.231 is hereby amended to read as follows:}~~

~~453.231 1. The Board shall register an applicant to dispense controlled substances included in schedules I to V, inclusive, unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the Board shall consider the following factors:~~

~~—(a) Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, research or industrial channels;~~

~~—(b) Compliance with state and local law;~~

~~—(c) Promotion of technical advances in the art of manufacturing controlled substances and the development of new substances;~~

~~—(d) Convictions of the applicant pursuant to laws of another country or federal or state laws relating to a controlled substance;~~

~~—(e) Past experience of the applicant in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion of controlled substances into other than legitimate medical, scientific research or industrial channels;~~

~~—(f) Furnishing by the applicant of false or fraudulent material in an application filed pursuant to the provisions of NRS 453.011 to 453.552, inclusive;~~

~~—(g) Suspension or revocation of the applicant's federal registration to manufacture, distribute, possess, administer or dispense controlled substances as authorized by federal law; and~~

~~—(h) Any other factors relevant to and consistent with the public health and safety.~~

~~2. Registration pursuant to subsection 1 entitles a registrant to dispense a substance included in schedules I or II only if it is specified in the registration.~~

~~3. A practitioner must be registered before dispensing a controlled substance or conducting research with respect to a controlled substance included in schedules II to V, inclusive. The Board need not require separate registration pursuant to the provisions of NRS 453.011 to 453.552, inclusive, for practitioners engaging in research with nonnarcotic controlled substances included in schedules II to V, inclusive, if the registrant is already registered in accordance with the provisions of NRS 453.011 to 453.552, inclusive, in another capacity. A practitioner registered in accordance with federal law to conduct research with a substance included in schedule I may conduct research with the substance in this State upon furnishing the Board evidence of the federal registration.~~

~~4. The Board shall require each practitioner who is registered pursuant to subsection 1 to complete annually at least 2 hours of training approved by the Board specific to the misuse and abuse of controlled substances.] (Deleted by amendment.)~~

Sec. 15. ~~[NRS 453.236 is hereby amended to read as follows:~~

~~453.226 1. The Board may suspend or revoke a registration pursuant to NRS 453.231 to dispense a controlled substance upon a finding that the registrant has:~~

~~— (a) Furnished false or fraudulent material information in an application filed pursuant to NRS 453.011 to 453.552, inclusive;~~

~~— (b) Been convicted of a felony under a state or federal law relating to a controlled substance;~~

~~— (c) Had his or her federal registration to dispense controlled substances suspended or revoked and is no longer authorized by federal law to dispense those substances; [or]~~

~~— (d) Failed to complete the training required pursuant to NRS 453.231; or~~

~~— (e) Committed an act that would render registration under NRS 453.231 inconsistent with the public interest as determined pursuant to that section.~~

~~2. The Board may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.~~

~~3. If a registration is suspended or revoked, the Board may place under seal all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. When a revocation becomes final, the court may order the controlled substances forfeited to the State.~~

~~4. The Board may seize or place under seal any controlled substance owned or possessed by a registrant whose registration has expired or who has ceased to practice or do business in the manner permitted by the registration. The controlled substance must be held for the benefit of the registrant or the registrant's successor in interest. The Board shall notify a registrant, or the registrant's successor in interest, whose controlled substance is seized or placed under seal, of the procedures to be followed to secure the return of the controlled substance and the conditions under which it will be returned. The Board may not dispose of a controlled substance seized or placed under seal under this subsection until the expiration of 180 days after the controlled substance was seized or placed under seal. The Board may recover costs it incurred in seizing, placing under seal, maintaining custody and disposing of any controlled substance under this subsection from the registrant, from any proceeds obtained from the disposition of the controlled substance, or from both. The Board shall pay to the registrant or the registrant's successor in interest any balance of the proceeds of any disposition remaining after the costs have been recovered.~~

~~5. The Board shall promptly notify the Drug Enforcement Administration and the Division of all orders suspending or revoking registration and the Division shall promptly notify the Drug Enforcement Administration and the Board of all forfeitures of controlled substances.~~

~~6. A registrant shall not employ as his or her agent or employee in any premises where controlled substances are sold, dispensed, stored or held for sale any person whose pharmacist's certificate has been suspended or revoked.] (Deleted by amendment.)~~

Sec. 15.1. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board may, by regulation, require each physician or physician assistant who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 1 hour of training relating specifically to the misuse and abuse of controlled substances during each period of licensure. Any licensee may use such training to satisfy 1 hour of any continuing education requirement established by the Board.

Sec. 15.2. NRS 630.306 is hereby amended to read as follows:

630.306 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

2. Engaging in any conduct:

(a) Which is intended to deceive;

(b) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(c) Which is in violation of a regulation adopted by the State Board of Pharmacy.

3. Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.

4. Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

5. Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.

6. Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

7. Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

8. Habitual intoxication from alcohol or dependency on controlled substances.

9. Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

10. Failing to comply with the requirements of NRS 630.254.

11. Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction.

12. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

13. Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

14. Operation of a medical facility at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➡ This subsection applies to an owner or other principal responsible for the operation of the facility.

15. Failure to comply with the requirements of NRS 630.373.

16. Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

17. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

18. Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

19. Failure to obtain any training required by the Board pursuant to section 15.1 of this act.

Sec. 15.3. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board may, by regulation, require each holder of a license to practice dentistry who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 1 hour of training relating specifically to the misuse and abuse of controlled substances during each period of licensure. Any such holder of a license may use such training to satisfy 1 hour of any continuing education requirement established by the Board.

Sec. 15.4. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;
2. Professional incompetence;
3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;
4. More than one act by the dentist or dental hygienist constituting substandard care in the practice of dentistry or dental hygiene;
5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;
6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:
  - (a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;
  - (b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or
  - (c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS;
7. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;
8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;
9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or
10. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:
  - (a) The license of the facility is suspended or revoked; or
  - (b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

11. Failure to obtain any training required by the Board pursuant to section 15.3 of this act.

Sec. 15.5. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board may, by regulation, require each advanced practice registered nurse who is registered to dispense controlled substances pursuant to



NRS 453.231 to complete at least 1 hour of training relating specifically to the misuse and abuse of controlled substances during each period of licensure. An advanced practice registered nurse may use such training to satisfy 1 hour of any continuing education requirement established by the Board.

Sec. 15.55. NRS 632.320 is hereby amended to read as follows:

632.320 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

↪ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➡ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(q) Is an advanced practice registered nurse who has failed to obtain any training required by the Board pursuant to section 15.5 of this act.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

Sec. 15.6. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board may, by regulation, require each osteopathic physician or physician assistant who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 1 hour of training relating specifically to the misuse and abuse of controlled substances during each period of licensure. Any licensee may use such training to satisfy 1 hour of any continuing education requirement established by the Board.

Sec. 15.65. NRS 633.511 is hereby amended to read as follows:

633.511 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.
2. Conviction of:
  - (a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;
  - (b) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;
  - (c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;
  - (d) Murder, voluntary manslaughter or mayhem;
  - (e) Any felony involving the use of a firearm or other deadly weapon;
  - (f) Assault with intent to kill or to commit sexual assault or mayhem;
  - (g) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
  - (h) Abuse or neglect of a child or contributory delinquency; or
  - (i) Any offense involving moral turpitude.
3. The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.
4. Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.
5. Professional incompetence.
6. Failure to comply with the requirements of NRS 633.527.
7. Failure to comply with the requirements of subsection 3 of NRS 633.471.
8. Failure to comply with the provisions of NRS 633.694.
9. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:
  - (a) The license of the facility is suspended or revoked; or
  - (b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➡ This subsection applies to an owner or other principal responsible for the operation of the facility.
10. Failure to comply with the provisions of subsection 2 of NRS 633.322.
11. Signing a blank prescription form.

12. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

13. Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

14. Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

15. In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

16. Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

17. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

18. Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

19. Failure to comply with the provisions of NRS 633.165.

20. Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

21. Failure to obtain any training required by the Board pursuant to section 15.6 of this act.

Sec. 15.7. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board may, by regulation, require each holder of a license to practice podiatry who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 1 hour of training relating specifically to the misuse and abuse of controlled substances during each period of licensure. Any such holder of a license may use such training to satisfy 1 hour of any continuing education requirement established by the Board.

Sec. 15.75. NRS 635.130 is hereby amended to read as follows:

635.130 1. The Board, after notice and a hearing as required by law, and upon any cause enumerated in subsection 2, may take one or more of the following disciplinary actions:

- (a) Deny an application for a license or refuse to renew a license.
- (b) Suspend or revoke a license.
- (c) Place a licensee on probation.
- (d) Impose a fine not to exceed \$5,000.

2. The Board may take disciplinary action against a licensee for any of the following causes:

(a) The making of a false statement in any affidavit required of the applicant for application, examination or licensure pursuant to the provisions of this chapter.

(b) Lending the use of the holder's name to an unlicensed person.

(c) If the holder is a podiatric physician, permitting an unlicensed person in his or her employ to practice as a podiatry hygienist.

(d) Habitual indulgence in the use of alcohol or any controlled substance which impairs the intellect and judgment to such an extent as in the opinion of the Board incapacitates the holder in the performance of his or her professional duties.

(e) Conviction of a crime involving moral turpitude.

(f) Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(g) Conduct which in the opinion of the Board disqualifies the licensee to practice with safety to the public.

(h) The commission of fraud by or on behalf of the licensee regarding his or her license or practice.

(i) Gross incompetency.

(j) Affliction of the licensee with any mental or physical disorder which seriously impairs his or her competence as a podiatric physician or podiatry hygienist.

(k) False representation by or on behalf of the licensee regarding his or her practice.

(l) Unethical or unprofessional conduct.

(m) Failure to comply with the requirements of subsection 1 of NRS 635.118.

(n) Willful or repeated violations of this chapter or regulations adopted by the Board.

(o) Willful violation of the regulations adopted by the State Board of Pharmacy.

(p) Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

(q) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➡ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(r) Failure to obtain any training required by the Board pursuant to section 15.7 of this act.

Sec. 15.8. Chapter 636 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board may, by regulation, require each optometrist who is certified to administer and prescribe therapeutic pharmaceutical agents pursuant to NRS 636.288 and who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 1 hour of training relating specifically to the misuse and abuse of controlled substances during each period of licensure. Any licensee may use such training to satisfy 1 hour of any continuing education requirement established by the Board.

Sec. 15.9. NRS 636.295 is hereby amended to read as follows:

636.295 The following acts, conduct, omissions, or mental or physical conditions, or any of them, committed, engaged in, omitted, or being suffered by a licensee, constitute sufficient cause for disciplinary action:

1. Affliction of the licensee with any communicable disease likely to be communicated to other persons.

2. Commission by the licensee of a felony relating to the practice of optometry or a gross misdemeanor involving moral turpitude of which the licensee has been convicted and from which he or she has been sentenced by a final judgment of a federal or state court in this or any other state, the judgment not having been reversed or vacated by a competent appellate court and the offense not having been pardoned by executive authority.

3. Conviction of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

4. Commission of fraud by or on behalf of the licensee in obtaining a license or a renewal thereof, or in practicing optometry thereunder.

5. Habitual drunkenness or addiction to any controlled substance.

6. Gross incompetency.

7. Affliction with any mental or physical disorder or disturbance seriously impairing his or her competency as an optometrist.

8. Making false or misleading representations, by or on behalf of the licensee, with respect to optometric materials or services.

9. Practice by the licensee, or attempting or offering so to do, while in an intoxicated condition.

10. Perpetration of unethical or unprofessional conduct in the practice of optometry.

11. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

12. Any violation of the provisions of this chapter or any regulations adopted pursuant thereto.

13. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

14. Failure to obtain any training required by the Board pursuant to section 15.8 of this act.

Sec. 16. NRS 639.23507 is hereby amended to read as follows:

639.23507 ~~[A]~~

1. Except as otherwise provided in this section, a practitioner shall, before ~~[writing]~~ initiating a prescription for a controlled substance listed in schedule II, III or IV for a patient, obtain a patient utilization report regarding the patient ~~[for the preceding 12 months]~~ from the computerized program established by the Board and the Investigation Division of the Department of Public Safety pursuant to NRS 453.1545. ~~[if the practitioner has a reasonable belief that the patient may be seeking the controlled substance, in whole or in part, for any reason other than the treatment of an existing medical condition and:~~

~~— 1. The patient is a new patient of the practitioner; or~~

~~— 2. The patient has not received any prescription for a controlled substance from the practitioner in the preceding 12 months.~~

↪ The practitioner shall review the patient utilization report to assess whether the prescription for the controlled substance is medically necessary.

2. If a practitioner who attempts to obtain a patient utilization report as required by subsection 1 fails to do so because the computerized program is unresponsive or otherwise unavailable, the practitioner:

(a) Shall be deemed to have complied with subsection 1 if the practitioner documents the attempt and failure in the medical record of the patient.

(b) Is not liable for the failure.

3. The Board shall adopt regulations to provide alternative methods of compliance with subsection 1 for a physician while he or she is providing service in a hospital emergency department. The regulations must include, without limitation, provisions that allow a hospital to designate members of hospital staff to act as delegates for the purposes of accessing the database of the computerized program and obtaining patient utilization reports from the computerized program on behalf of such a physician.

4. A practitioner who violates subsection 1:

(a) Is not guilty of a misdemeanor.

(b) May be subject to professional discipline if the appropriate professional licensing board determines that the practitioner's violation was intentional.

5. As used in this section, "initiating a prescription" means originating a new prescription for a new patient of a practitioner or originating a new prescription to begin a new course of treatment for an existing patient of a practitioner. The term does not include any act concerning an ongoing prescription that is written to continue a course of treatment for an existing patient of a practitioner.

Sec. 16.5. NRS 639.310 is hereby amended to read as follows:

639.310 ~~(Unless)~~ Except as otherwise provided in NRS 639.23507, unless a greater penalty is specified, any person who violates any of the provisions of this chapter is guilty of a misdemeanor.

Sec. 17. 1. The Department of Health and Human Services shall, not later than October 1, 2015, add naloxone hydrochloride for outpatient use to the list of preferred prescription drugs to be used for the Medicaid program established by the Department pursuant to NRS 422.4025.

2. Any expenses incurred by the Department to provide naloxone hydrochloride must be paid for through the existing resources of the Medicaid program.

Sec. 18. This act becomes effective:

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

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

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

The amendment authorizes the professional licensing boards of various practitioners to require their State Board of Pharmacy registered licensees who dispense controlled substances to periodically complete specific training concerning the misuse and abuse of controlled substances.

It clarifies that certain information be uploaded by no later than the end of the next business day, rather than within 24 hours, after dispensing the controlled substance.



Under certain circumstances, it exempts a practitioner from liability if he or she fails to obtain a patient utilization report before initiating a prescription.

Finally, it requires the State Board of Pharmacy to adopt regulations to provide alternative methods of complying with the requirement to obtain such a report for a physician who provides services in a hospital emergency department.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 4:14 p.m.

#### SENATE IN SESSION

At 4:22 p.m.

President Hutchison presiding.

Quorum present.

Senate Bill No. 495.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 339.

SUMMARY—~~[Requires the licensing of]~~ Revises provisions relating to commercial animal feed\_ ~~[sold in Nevada.]~~ (BDR 51-1165)

AN ACT relating to agriculture; requiring the licensing of manufacturers, distributors and guarantors of commercial animal feed ~~[in this State]~~ by the State Department of Agriculture; requiring a licensee to submit certain fees and reports to the Department on a quarterly basis; creating the Commercial Feed Account in the State General Fund; authorizing the Department to conduct certain inspections and audits; establishing labeling requirements for commercial animal feed ~~[sold]~~ manufactured, distributed or guaranteed in this State; ~~[establishing labeling requirements for pet food and specialty pet food sold in this State;]~~ prohibiting the misbranding, adulteration or reuse of packaging of commercial feed; requiring the Department to publish certain information on an annual basis; making various other changes relating to commercial feed; requiring the Department to establish fees; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain requirements for the labeling of commercial feed for livestock in this State. (NRS 587.690) ~~[Section 2 of this bill requires any commercial animal feed sold or delivered.]~~ This bill repeals the existing provisions of law relating to labeling of commercial feed and enacts new provisions relating to commercial feed.

Section 26 of this bill provides that is it unlawful for a person to manufacture, distribute or act as a guarantor of commercial feed in this State

~~[to be licensed]~~ without a license issued by the State Department of Agriculture. Section ~~[3]~~ 27 of this bill establishes certain ~~[application]~~ requirements ~~[for the licensing of commercial animal feed by the Department and requires the payment of a fee not to exceed \$75 for the licensing of each product.]~~ to obtain such a license.

Section 32 of this bill requires each licensee to submit to the Department on a quarterly basis certain fees and a report that includes a statement of the amount of commercial feed manufactured, distributed or guaranteed, as applicable, by the licensee in the immediately preceding calendar quarter.

Section 33 of this bill creates the Commercial Feed Account in the State General Fund and sets forth permissible uses of money in the Account.

Sections 34-36 of this bill authorize a representative of the Department to conduct certain inspections or audits related to commercial feed.

Section 37 of this bill sets forth requirements for labeling of commercial feed. Section 38 of this bill prohibits misbranding commercial feed and sets forth the circumstances in which commercial feed is deemed to be misbranded. Section 39 of this bill prohibits the adulteration of commercial feed and sets forth the circumstances in which commercial feed is deemed to be adulterated. Section 40 generally prohibits the reuse of packaging of commercial feed.

Section ~~[4]~~ 41 of this bill imposes a civil penalty on a person ~~[failing to license such commercial animal feed]~~ who violates any of the provisions of this bill and any regulations adopted pursuant thereto relating to commercial animal feed, in an amount not to exceed: (1) for a first offense, \$250; (2) for a second offense, \$500; and (3) for a third or subsequent offense, \$1,000.

~~[Sections 6-9 of this bill require a label of a pet food or specialty pet food to contain various nutritional information, including, an ingredient list, a guaranteed analysis of certain nutrient levels contained in the pet food or specialty pet food and feeding directions for the species for which the food is intended.]~~

~~Section 10 of this bill includes dogs, cats and other domesticated animals in the definition of "livestock" for the purposes of regulating commercial animal feed for livestock.]~~

Section 42 of this bill requires the Department to publish annually certain information relating to commercial feed.

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

Section 1. Chapter 587 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2 to 9,]~~ 14 to 44, inclusive, of this act.

Sec. 2. ~~[1. Except as otherwise provided in subsection 3, no person shall sell, offer for sale or deliver to a consumer a commercial animal feed, in package or in bulk, which has not been licensed by the Department.]~~

~~2. The manufacturer of each brand of commercial animal feed to be sold in this State, whether in package or in bulk, shall license annually such products with the Department pursuant to section 3 of this act.~~

~~3. Any person who makes only retail sales of commercial animal feed which bears a label or another approved indication that such commercial animal feed is produced by a manufacturer or distributor who has assumed responsibility for licensing as required by this section is not required to license such commercial animal feed.}] (Deleted by amendment.)~~

Sec. 3. ~~[1. An application for the licensing of a commercial animal feed must be made on a form provided by the Department and must be accompanied by an annual licensing fee for each product not to exceed \$75, as established by regulation by the Department.~~

~~2. An application pursuant to subsection 1 must:~~

~~(a) Be filed by January 1 of each year; and~~

~~(b) Include a list of the products the applicant intends to market during the upcoming year.}] (Deleted by amendment.)~~

Sec. 4. ~~[1. Any person violating the provisions of NRS 587.680 or 587.690 or sections 2 to 9, inclusive, of this act, or any regulations adopted pursuant thereto, is subject to a civil penalty not to exceed:~~

~~(a) For a first offense, \$250.~~

~~(b) For a second offense, \$500.~~

~~(c) For a third or subsequent offense, \$1,000.~~

~~2. Of the money collected by the Department from a civil penalty pursuant to subsection 1:~~

~~(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and~~

~~(b) The remaining 50 percent must be deposited in the Account for the Control of Weeds created by NRS 555.035.}] (Deleted by amendment.)~~

Sec. 5. ~~[1. The label of a commercial animal feed must contain the name and address of the manufacturer or distributor. The address must include the street address, city, state and zip code of the manufacturer or distributor, unless such street address is shown in a current city directory or telephone directory for the city listed on the label.~~

~~2. If a person manufactures or distributes a commercial animal feed in a place other than the person's principal place of business, the label may state the principal place of business.}] (Deleted by amendment.)~~

Sec. 6. ~~[1. It is unlawful to sell, offer to sell or distribute in this State any pet food or specialty pet food unless each container in which it is marketed bears a descriptive label or tag conspicuously stating:~~

~~(a) The name of the product;~~

~~(b) The species name of the animal for which the pet food is intended;~~

~~(c) The quantity of pet food in the container, by weight, liquid measure or count;~~

~~(d) A guaranteed analysis of the pet food or specialty pet food pursuant to section 7 of this act;~~

~~(e) An ingredient statement; and~~

~~(f) The directions for use.~~

~~2. If a pet food or specialty pet food intended for retail sale is enclosed in an outer container or wrapper, the information required pursuant to subsection 1 must appear on the outer container or wrapper.~~

~~3. A vignette, graphic or pictorial representation on the label of a pet food or specialty pet food must not misrepresent the contents of the container.~~

~~4. Any information claimed to be proven on a label of a pet food or specialty pet food is prohibited unless the claim is substantiated by scientific or other empirical evidence.~~

~~5. Any statement on a label of a pet food or specialty pet food that makes false or misleading comparisons between that product and any other product is prohibited.~~

~~6. A personal or commercial endorsement is permitted on the label of a pet food or specialty pet food, unless the endorsement is false or misleading.~~

~~7. A statement on the label of a pet food or specialty pet food stating:~~

~~(a) That the product is new or improved must be substantiated and limited to 6 consecutive months of production.~~

~~(b) A preference or comparative claim must be substantiated and limited to 12 consecutive months of production.} (Deleted by amendment.)~~

Sec. 7. ~~{1. Except as otherwise provided in subsections 4 and 12, the guaranteed analysis of pet food as required by paragraph (d) of subsection 1 of section 6 of this act must contain, in the following order, the:~~

~~(a) Minimum percentage of crude protein;~~

~~(b) Minimum percentage of crude fat;~~

~~(c) Maximum percentage of crude fat;~~

~~(d) Maximum percentage of crude fiber;~~

~~(e) Maximum percentage of moisture; and~~

~~(f) Maximum percentage of ash, if applicable.~~

~~2. If the pet food or specialty pet food is intended for a dog or cat, the analysis of the nutrients described in subsection 1 must also include the units of the nutrients listed in the Guide.~~

~~3. Any guaranteed analysis of a nutrient listed on a label of pet food intended for a dog or cat that is not listed in the Guide must be accompanied by a disclaimer which includes the following statement in substantially the same form: "Not recognized as an essential nutrient by the Guide."~~

~~4. A specialty pet food label must list other required or voluntary guidelines for guarantees as they are listed in the Guide for the specific species for which the specialty pet food is intended. If no such species-specific guidelines exist, the analysis of nutrients must follow the same order as an analysis pursuant to subsection 1.~~

~~5. Any guarantee listed on a label of specialty pet food described in subsection 4 not listed in the Guide for that specific species must be accompanied by a disclaimer which includes the following statement in substantially the same form: "Not recognized as an essential nutrient by the Guide."~~

~~6. Providing a guaranteed analysis on a pet food or specialty pet food label in the form of a range of minimum and maximum percentages is prohibited.~~

~~7. The label of a pet food or specialty pet food which represents the product to be a mineral or vitamin supplement must include minimum percentages:~~

~~(a) If species specific guidelines exist, for all minerals or vitamins, as applicable, from sources listed in the ingredient statement and established by the Guide for the specific species, expressed in the units specified in the Guide; or~~

~~(b) If no species specific guidelines exist, for all minerals or vitamins, as applicable, from sources listed in the ingredient statement and established for cats by the Guide.~~

~~8. The percentages required pursuant to subsection 7 may be expressed in milligrams per unit, or a weight equivalent for liquid products, if consistent with the quantity and directions for use stated pursuant to subsection 1 of section 6 of this act.~~

~~9. If a label of a pet food or specialty pet food includes a comparison of the nutrient content of the food with nutrient levels established by the Association of American Feed Control Officials, the following conditions apply:~~

~~(a) The pet food or specialty pet food must comply with the nutrient levels established by the Association of American Feed Control Officials.~~

~~(b) The comparison must be preceded by a statement that the pet food or specialty pet food meets such nutrient levels.~~

~~10. Except as otherwise provided in subsection 11, the maximum percentage of moisture declared on a label of a pet food or specialty pet food cannot exceed 78 percent or the natural moisture content of the ingredients, whichever is greater.~~

~~11. The maximum percentage of moisture declared on a label of a pet food or specialty pet food that consists principally of stew, gravy, sauce, broth, aspie, juice or a milk replacer may contain a maximum percentage of moisture in excess of 78 percent.~~

~~12. Percentages of crude protein, crude fat and crude fiber are not required when:~~

~~(a) The pet food or specialty pet food is intended for purposes other than to furnish these substances; or~~

~~(b) The substances are of minor significance in relation to the primary purpose of the pet food or specialty pet food, such as a mineral or vitamin supplement.~~

~~13. Minimum percentages of microorganisms and enzymes must be stated if such substances are being claimed on a label of a pet food or specialty pet food.~~

~~14. As used in this section, "Guide" means the Pet Food and Specialty Pet Food Labeling Guide developed by the Association of American Feed Control Officials.~~ (Deleted by amendment.)

Sec. 8. ~~[1. Each ingredient of a pet food or specialty pet food must be listed in the ingredient statement required by subsection 1 of section 6 of this act as follows:~~

~~(a) The names of all ingredients in the ingredient statement must be printed in letters or type of the same size, style and color.~~

~~(b) The ingredients must be listed in descending order by their predominance by weight.~~

~~(c) The ingredients must be listed and identified by the name and definition established by the Association of American Feed Control Officials.~~

~~(d) Any ingredient for which no name and definition have been established pursuant to paragraph (c) must be identified by the common name of the ingredient.~~

~~2. Any ingredient identified as "meat" or "meat by products" must have a designation of the animal from which the meat or meat by products was derived, unless the meat or meat by products are derived from cattle, swine, sheep, goats or any combination thereof.~~

~~3. Any brand or trade name is prohibited from use in an ingredient statement.~~

~~4. A claim to the quality, nature, form or any other attribute of an ingredient can be made only when the claim meets the following:~~

~~(a) The claim is not false or misleading;~~

~~(b) The ingredient provides a distinctive characteristic to the pet food or specialty pet food; and~~

~~(c) A reference to the quality or grade of the ingredient does not appear in the ingredient statement.~~ (Deleted by amendment.)

Sec. 9. ~~[1. Except as otherwise provided in subsection 2, any pet food or specialty pet food labeled as "complete and balanced" for any stage of life of the animal, must include directions for use which are consistent with the intended use or uses indicated in a statement of nutritional adequacy, as provided by regulation.~~

~~2. If a pet food is intended for use by or under the supervision or direction of a veterinarian, a statement indicating such intention may be used in place of the directions described in subsection 1.]~~ (Deleted by amendment.)

Sec. 10. [NRS 587.670 is hereby amended to read as follows:

~~587.670 As used in this section and NRS 587.680 and 587.690 [:] and sections 2 to 9, inclusive, of this act:~~

~~1. "Commercial animal feed" means all materials except seed, whole or processed, which are distributed for use as feed or for mixing in feed intended for livestock as defined in subsection 4 except that the Director by regulation may exempt from this definition or from specific provisions of NRS 587.680 and 587.690 and sections 2 to 9, inclusive, of this act~~

~~commodities including hay, straw, stover, silage, cobs, husk, hull and individual chemical compounds and substances if those commodities, compounds or substances are not intermixed or mixed with other materials.~~

~~2. "Contract feeder" means a person who as an independent contractor feeds commercial *animal* feed to animals pursuant to a contract whereby the commercial *animal* feed is supplied, furnished or otherwise provided to the person and whereby the person's remuneration is determined in whole or in part by feed consumption, mortality, profits or the amount or quality of the product.~~

~~3. "Customer formula feed" means commercial *animal* feed which consists of a mixture of commercial *animal* feeds or feed ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser.~~

~~4. "Livestock" means:~~

- ~~(a) All cattle or animals of the bovine species;~~
- ~~(b) All horses, mules, burros and asses or animals of the equine species;~~
- ~~(c) All swine or animals of the porcine species;~~
- ~~(d) All goats or animals of the caprine species;~~
- ~~(e) All poultry or domesticated fowl or birds;~~
- ~~(f) All rabbits of the genus *oryctolagus*;~~
- ~~(g) All sheep or animals of the ovine species;~~
- ~~(h) All dogs, cats or other animals domesticated or under the restraint or control of a human;~~
- ~~(i) All alternative livestock as defined in NRS 501.003.~~

~~5. "Pet food" means any commercial animal feed manufactured for consumption by a dog or cat.~~

~~6. "Specialty pet food" means any commercial animal feed manufactured for consumption by any domesticated animal kept primarily for personal enjoyment, other than a dog or cat.] (Deleted by amendment.)~~

Sec. 11. ~~[NRS 587.680 is hereby amended to read as follows:~~

~~587.680 The Director may adopt such rules and regulations for commercial *animal* feed for livestock as are necessary for the efficient enforcement of the provisions of NRS 587.690 [.] and sections 2 to 9, inclusive, of this act. Regulations must include, but are not limited to:~~

- ~~1. Methods of labeling;~~
- ~~2. Descriptions or statements of the ingredients or the effects thereof;~~
- ~~3. Directions for use for all feed containing drugs; and~~
- ~~4. Warning or caution statements necessary for the safe and effective use of the commercial *animal* feed.] (Deleted by amendment.)~~

Sec. 12. ~~[NRS 587.690 is hereby amended to read as follows:~~

~~587.690 1. It is unlawful to sell, offer to sell or distribute in this state any commercial *animal* feed for livestock unless each container in which it is marketed bears a descriptive label or tag, approved by the Department, stating:~~

- ~~(a) The net weight of the commercial *animal* feed;~~

~~— (b) The commonly recognized or official name of each ingredient used in its manufacture; and~~

~~— (c) The guaranteed analysis of crude protein, crude fat, crude fiber and, except as otherwise provided in subsection 2, of minerals and vitamins.~~

~~— 2. Minerals need not be guaranteed if mineral elements are less than 6 1/2 percent and no claim is made on the label. Vitamins need not be guaranteed if the commercial animal feed is neither formulated nor represented in any manner as a vitamin supplement.~~

~~— 3. Each delivery of commercial animal feed for livestock in bulk shall be accompanied by an invoice or delivery slip containing the information required by subsection 1, except that in the case of repeated bulk deliveries of the same ingredients, only the first invoice or delivery slip is required to contain this information.~~

~~— 4. This section does not apply to customer formula feeds or to contract feeders.] (Deleted by amendment.)~~

~~Sec. 13. [This act becomes effective upon passage and approval.] (Deleted by amendment.)~~

*Sec. 14. As used in sections 14 to 44, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 15 to 24, inclusive, of this act have the meanings ascribed to them in those sections.*

*Sec. 15. 1. "Commercial feed" means all materials or combinations of materials which are distributed or intended for distribution for use as feed or for mixing in feed. The term includes, without limitation, pet food, specialty pet food and mineral feed.*

*2. The term does not include:*

*(a) Unmixed whole seeds, including, without limitation, unmixed whole seeds which are physically altered, if such seeds are not chemically changed or adulterated.*

*(b) Commodities, including, without limitation, hay, straw, stover, silage, cobs, husks and hulls and individual chemical compounds and substances if those commodities, compounds or substances are not intermixed, mixed with other materials or adulterated.*

*Sec. 16. "Distribute" means:*

*1. To offer for sale, sell, exchange or barter commercial feed; or*

*2. To supply, furnish or otherwise provide commercial feed to a contract feeder.*

*Sec. 17. "Drug" means any substance or article other than feed that is intended:*

*1. For use in the diagnosis, cure, mitigation, treatment or prevention of disease in an animal; or*

*2. To affect the structure or any function of an animal's body.*

*Sec. 18. "Guarantor" means the person who is indicated on the label of commercial feed as having verified the accuracy of the information contained on the label relating to the ingredients, substances and elements contained in the commercial feed.*



Sec. 19. "Label" means any written, printed or graphic representation:

1. On or affixed to the container in which commercial feed is distributed;

or

2. On the invoice or delivery slip accompanying commercial feed.

Sec. 20. "Licensee" means a person who has obtained a license pursuant to section 26 of this act.

Sec. 21. "Manufacture" means to grind, mix, blend or further process commercial feed for distribution.

Sec. 22. "Mineral feed" means commercial feed primarily intended to supply mineral elements or inorganic nutrients.

Sec. 23. "Pet food" means any commercial feed prepared and distributed for consumption by domesticated dogs or cats.

Sec. 24. "Specialty pet food" means any commercial feed prepared and distributed for consumption by any domesticated animal kept primarily for personal enjoyment, other than a dog or cat.

Sec. 25. 1. The provisions of sections 14 to 44, inclusive, of this act do not apply to customer-formula feed, or a manufacturer, distributor or guarantor thereof, or a contract feeder.

2. As used in this section:

(a) "Contract feeder" means a person who as an independent contractor feeds commercial feed to animals pursuant to a contract whereby the commercial feed is supplied, furnished or otherwise provided to the person and whereby the person's remuneration is determined in whole or in part by feed consumption, mortality, profits or the amount or quality of the product.

(b) "Customer-formula feed" means commercial feed which consists of a mixture of commercial feeds or ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser.

Sec. 26. 1. Except as otherwise provided in subsection 2:

(a) It is unlawful for a person to manufacture, distribute or act as a guarantor of commercial feed in this State unless the person has been issued by the Department a license pursuant to section 28 of this act; and

(b) A person who manufactures, distributes or acts as a guarantor of commercial feed must obtain a license from the Department for each facility in this State:

(1) Where he or she intends to manufacture or distribute commercial feed.

(2) For which he or she is a guarantor of any or all of the commercial feed that is manufactured at or distributed from the facility.

2. A person is not required to obtain a license pursuant to subsection 1 if he or she conducts only retail sales of commercial feed and the packaging of the commercial feed includes a label indicating that the commercial feed is from a manufacturer or distributor who is licensed pursuant to subsection 1.

Sec. 27. 1. A person applying for a license to manufacture, distribute or be a guarantor of commercial feed must:

(a) File an application with the Department on a form prescribed and furnished by the Department; and

(b) Pay the fee for the issuance of a license established by the Department pursuant to subsection 2.

2. The Department shall establish a fee for the issuance and annual renewal of a license required by section 26 of this act in an amount not to exceed \$75.

3. A license expires on December 31 of each year. An application to renew a license must be received by the Department on or before December 31 of each year. If a licensee submits an application for renewal after December 31 of the year in which the license expires, the licensee must pay a late fee of \$20 in addition to the annual license fee established by the Department pursuant to subsection 2.

Sec. 28. 1. Except as otherwise provided in subsection 2 and section 29 of this act, the Department shall issue a license to or renew the license of an applicant who files with the Department a complete application and pays the fee established by the Department pursuant to section 27 of this act.

2. The Department may refuse to issue or renew or may suspend, revoke or place conditions on a license for a violation of any provision of sections 14 to 44, inclusive, of this act, but no license may be refused, suspended or revoked or have conditions imposed upon its issuance pursuant to this section until the Department has provided the applicant or licensee an opportunity for a hearing.

Sec. 29. 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license required by section 26 of this act shall:

(a) Include the social security number of the applicant in the application submitted to the Department.

(b) Submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Department shall include the statement required by subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Department.

3. A license must not be issued or renewed by the Department if the applicant:

(a) Fails to submit the statement required by subsection 1; or

(b) Indicates on the statement that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 30. 1. If the Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a licensee, the Department shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Department receives a letter issued to the licensee by the district attorney or other public agency pursuant to NRS 425.550 stating that the licensee has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Department shall reinstate a license that has been suspended by a district court pursuant to NRS 425.540 if the Department receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 31. 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license required by section 26 of this act must indicate in the application submitted to the Department whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.

2. A license may not be renewed by the Department if:

(a) The applicant fails to submit the information required by subsection 1;  
or

(b) The State Controller has informed the Department pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Sec. 32. 1. Each licensee shall submit to the Department on or before the end of each calendar quarter:

(a) A report that includes, without limitation, a statement of the amount of commercial feed manufactured, distributed or guaranteed, as applicable, by the licensee in this State during the preceding calendar quarter; and

(b) The quarterly fee in the amount required pursuant to subsection 2.

2. Except as otherwise provided in subsection 3, the amount of the quarterly fee that a licensee must pay is the greater of:

(a) Five dollars; or

(b) The fee established by the Department by regulation to be paid per ton of commercial feed manufactured, distributed or guaranteed, as applicable, in this State, which may not exceed 15 cents per ton.

➡ If a licensee does not submit the amount required pursuant to this subsection on or before 15 days after the date on which it is due, the licensee must submit, in addition to that amount, a late fee in the amount of 50 percent of the amount due.

3. A licensee is not required to submit the fees required pursuant to subsection 2 for commercial feed if another licensee has submitted the required fees for the same commercial feed. The Department shall adopt regulations specifying the circumstances under which a licensee is not required to pay fees pursuant to this subsection.

4. Each licensee shall maintain records sufficient to verify that the information contained in a report submitted pursuant to subsection 1 is complete and accurate.

5. A report submitted pursuant to subsection 1 is a public record.

Sec. 33. 1. All fees received pursuant to sections 27 and 32 of this act must be deposited in the Commercial Feed Account, which is hereby created in the State General Fund. The Director shall administer the Account. The money in the Account must be expended only to pay for the costs to the Department for administering the provisions of sections 14 to 44, inclusive, of this act, including, without limitation, the costs of inspection, sampling and analysis of commercial feed.

2. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Money that remains in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 34. 1. After showing proper credentials, a representative of the Department may, during normal business hours, enter and inspect:

(a) Any building, factory, warehouse or other facility in this State where commercial feed is manufactured, processed, packaged or held for distribution;

(b) Any records, equipment, materials, containers and labels located in a building, factory, warehouse or other facility in this State where commercial feed is manufactured, processed, packaged or held for distribution; and

(c) Any vehicle used to transport or hold commercial feed,  
↪ for purposes of determining compliance with sections 14 to 44, inclusive,  
of this act, and any regulations adopted by the Department pursuant thereto.

2. An inspection conducted pursuant to subsection 1 must be conducted  
and completed in a reasonable manner.

3. A representative of the Department who conducts an inspection  
pursuant to this section:

(a) May obtain samples of any commercial feed, ingredient, substance or  
element. If a representative obtains such a sample, the representative must  
provide the owner, operator or authorized agent of the building, factory,  
warehouse, facility or vehicle being inspected with a receipt describing all  
samples that were obtained.

(b) May enter any public or private part of the building, factory,  
warehouse, facility or vehicle being inspected.

(c) Must inform the owner, operator or authorized agent of the building,  
factory, warehouse, facility or vehicle being inspected when the inspection is  
completed.

4. Every sample obtained by a representative pursuant to subsection 3  
must be tested in accordance with methods published by the AOAC  
International, or its successor organization, or any other generally  
recognized method.

5. If the owner, operator or authorized agent refuses to allow an  
inspector of the Department to inspect the building, factory, warehouse,  
facility or vehicle, as applicable, the Department may obtain a search  
warrant from any court of competent jurisdiction to enter the premises and  
conduct the inspection.

Sec. 35. The Department may:

1. Inspect or audit any licensee at the request of the licensee.

2. Establish a schedule of fees for the costs of the inspection or audit.

Sec. 36. 1. If the Director or a representative of the Department has  
reasonable cause to believe that any commercial feed does not comply with  
the provisions of sections 14 to 44, inclusive, of this act, the Director or a  
representative of the Department may issue an order that:

(a) Prohibits the licensee from disposing of the lot of commercial feed  
until written permission is provided by the Director; and

(b) Requires the licensee to allow the Director or a representative of the  
Department to inspect the commercial feed.

2. If the Director or representative of the Department determines that the  
commercial feed:

(a) Complies with the provisions of sections 14 to 44, inclusive, of this act,  
the Director or representative of the Department must immediately rescind  
the order issued pursuant to paragraph (a) of subsection 1.

(b) Does not comply with the provisions of sections 14 to 44, inclusive, of  
this act, the Director or representative of the Department must provide to the  
licensee an explanation of how the commercial feed does not comply with the

provisions of sections 14 to 44, inclusive, of this act. If the licensee does not demonstrate compliance with the provisions of sections 14 to 44, inclusive, of this act within 30 days after receipt of the explanation, the Director must begin proceedings to condemn the lot of commercial feed pursuant to the requirements established by the Department.

Sec. 37. 1. Commercial feed must have a label which includes:

(a) The quantity of the commercial feed by weight, liquid measure or count.

(b) The product name and brand name, if any, under which the commercial feed is distributed.

(c) The analysis, in the form and manner prescribed by the Department, of substances and elements included in the commercial feed.

(d) An ingredient list with the common or usual name of each ingredient used in the commercial feed. The Department may:

(1) Provide for the use of a collective term on the ingredient list for a group of ingredients which perform a similar function.

(2) Exempt certain commercial feed from the requirement to include an ingredient list on the label if the Department determines that such a list is not necessary for the interests of consumers.

(e) The name and principal mailing address of the manufacturer and distributor of the commercial feed.

(f) If applicable, directions for the use of commercial feed that:

(1) Contains a drug; or

(2) Requires directions for the safe and effective use thereof.

(g) Any other statement that is required by the Department.

2. The Department may request that an applicant for a license or a licensee provide to the Department copies of any label for commercial feed which the person manufactures or distributes.

3. As used in this section:

(a) "Brand name" means any word, symbol or device, or any combination thereof, used to identify and distinguish the commercial feed of one manufacturer or distributor from another.

(b) "Product name" means the name which identifies the kind, class or specific use of commercial feed and distinguishes the commercial feed from other products bearing the same brand name.

Sec. 38. 1. It is unlawful for a person to misbrand commercial feed.

2. For the purposes of subsection 1, commercial feed is misbranded if:

(a) The label on the commercial feed does not meet the requirements set forth in section 37 of this act or is false or misleading;

(b) Any word, statement or other information required to appear on the label pursuant to section 37 of this act is:

(1) Not prominently or conspicuously displayed on the label; or

(2) Written in a way that is likely to be misunderstood by a person under the conditions of customary purchase and use; or

(c) The commercial feed is distributed under the name of a different commercial feed.

Sec. 39. 1. It is unlawful for a person to adulterate commercial feed.

2. For the purposes of subsection 1, commercial feed is adulterated if:

(a) It contains a poisonous or deleterious substance which may cause it to be injurious to the health of an animal;

(b) It contains a poisonous, deleterious or nonnutritive substance which is unsafe pursuant to section 406 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 346;

(c) It contains a food additive which is unsafe pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 348;

(d) It is a raw agricultural commodity that contains a pesticide which is unsafe pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 346a, unless:

(1) The raw agricultural commodity has been processed using a method such as canning, cooking, freezing, dehydrating or milling;

(2) The residue of the pesticide has been removed to the extent possible through such a method;

(3) The concentration of the pesticide in the commercial feed is not greater than the tolerance prescribed for the raw agricultural commodity; and

(4) Feeding the commercial feed to an animal is not likely to result in a pesticide residue in any edible product of the animal which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 346a;

(e) It contains any color additive which is unsafe pursuant to section 721 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 379e;

(f) It contains an animal drug which is unsafe pursuant to section 512 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 360b;

(g) It contains any filthy, putrid or decomposed substance or is for any other reason unfit to be used as commercial feed;

(h) It has been prepared, packaged or held under unsanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to the health of an animal;

(i) It contains the product of a diseased animal or an animal which has died in a manner which is unsafe within the meaning of section 402 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 342;

(j) The container of the commercial feed is composed, in whole or in part, of any poisonous or deleterious substance which may render the commercial feed injurious to the health of an animal;

(k) It has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 348;

(l) Any valuable component of the commercial feed has been, in whole or in part, omitted or abstracted;

(m) The composition or quality of the commercial feed is below or differs from that which is listed on the label;

(n) It contains a drug and the methods, facilities or controls used to manufacture, process or package the commercial feed do not conform to current practices of good manufacturing, unless the Department determines that such a practice is not appropriate for use in this State; or

(o) It contains viable weed seeds in an amount which exceeds the limits established by the Department. As used in this paragraph, "weed seeds" has the meaning ascribed to it in NRS 587.073.

Sec. 40. It is unlawful for a person to reuse any packaging, including, without limitation, a bag or tote for commercial feed, unless the packaging is cleaned pursuant to the methods prescribed by the Department.

Sec. 41. 1. A person who violates the provisions of sections 14 to 44, inclusive, of this act, or any regulation adopted pursuant thereto, is subject to a civil penalty not to exceed:

(a) For a first offense, \$250.

(b) For a second offense, \$500.

(c) For a third or subsequent offense, \$1,000.

2. Any money collected from the imposition of a civil penalty pursuant to subsection 1 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 42. The Department shall publish annually:

1. Except as otherwise provided in this subsection, information concerning the sale of commercial feed and any data related to the production and use of commercial feed in this State. The Department shall not publish any information that discloses confidential or proprietary information regarding the operations of any manufacturer, distributor, guarantor or other person.

2. A report of the results of tests performed on samples of commercial feed obtained pursuant to section 34 of this act.

Sec. 43. The Department may cooperate with and enter into an agreement with any person or federal or state agency for the purposes of carrying out the provisions of sections 14 to 44, inclusive, of this act.

Sec. 44. The Department may adopt regulations to carry out the provisions of sections 14 to 44, inclusive, of this act.

Sec. 45. NRS 587.670, 587.680 and 587.690 are hereby repealed.

Sec. 46. 1. This act becomes effective:



(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2016, for all other purposes.

2. Sections 29 and 30 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

#### TEXT OF REPEALED SECTIONS

587.670 Definitions. As used in this section and NRS 587.680 and 587.690:

1. "Commercial feed" means all materials except seed, whole or processed, which are distributed for use as feed or for mixing in feed intended for livestock except that the Director by regulation may exempt from this definition or from specific provisions of NRS 587.680 and 587.690 commodities including hay, straw, stover, silage, cobs, husk, hull and individual chemical compounds and substances if those commodities, compounds or substances are not intermixed or mixed with other materials.

2. "Contract feeder" means a person who as an independent contractor feeds commercial feed to animals pursuant to a contract whereby the commercial feed is supplied, furnished or otherwise provided to the person and whereby the person's remuneration is determined in whole or in part by feed consumption, mortality, profits or the amount or quality of the product.

3. "Customer-formula feed" means commercial feed which consists of a mixture of commercial feeds or feed ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser.

4. "Livestock" means:

(a) All cattle or animals of the bovine species.

(b) All horses, mules, burros and asses or animals of the equine species.

(c) All swine or animals of the porcine species.

(d) All goats or animals of the caprine species.

(e) All poultry or domesticated fowl or birds.

(f) All rabbits of the genus oryctolagus.

(g) All sheep or animals of the ovine species.

587.680 Adoption of rules and regulations. The Director may adopt such rules and regulations for commercial feed for livestock as are necessary for the efficient enforcement of the provisions of NRS 587.690. Regulations must include, but are not limited to:

1. Methods of labeling;

- 2. Descriptions or statements of the ingredients or the effects thereof;
- 3. Directions for use for all feed containing drugs; and
- 4. Warning or caution statements necessary for the safe and effective use of the commercial feed.
- 587.690 Requirements for labels; information to be furnished to purchaser; exceptions.
- 1. It is unlawful to sell, offer to sell or distribute in this state any commercial feed for livestock unless each container in which it is marketed bears a descriptive label or tag stating:
  - (a) The net weight of the commercial feed;
  - (b) The commonly recognized or official name of each ingredient used in its manufacture; and
  - (c) The guaranteed analysis of crude protein, crude fat, crude fiber and, except as otherwise provided in subsection 2, of minerals and vitamins.
- 2. Minerals need not be guaranteed if mineral elements are less than 6 1/2 percent and no claim is made on the label. Vitamins need not be guaranteed if the commercial feed is neither formulated nor represented in any manner as a vitamin supplement.
- 3. Each delivery of commercial feed for livestock in bulk shall be accompanied by an invoice or delivery slip containing the information required by subsection 1, except that in the case of repeated bulk deliveries of the same ingredients, only the first invoice or delivery slip is required to contain this information.
- 4. This section does not apply to customer-formula feeds or to contract feeders.

Senator Gustavson moved the adoption of the amendment.

Remarks by Senator Gustavson.

Amendment No. 339 to Senate Bill No. 495 does several things. First, it deletes the language of the original bill and replaces it with new language. Specifically, the amendment: 1) provides that a license issued by the State Department of Agriculture is required to manufacture, distribute or act as a guarantor of commercial feed, and establishes requirements to obtain such a license; 2) authorizes the Department to perform certain inspections related to commercial feed and creates the Commercial Feed Account in the State General Fund for deposit of licensing fees; 3) provides that the Account may only be expended by the Department for certain costs of administration, including costs of inspection, sampling and analysis of commercial feed; 4) sets forth labeling requirements and prohibits misbranding, adulteration and reuse of packaging of commercial feed; and 5) imposes a civil penalty on a person who violates the provisions of the measure and provides that 50 percent of penalties collected must be used to fund a program to provide loans to persons engaged in agriculture who are 21 years of age or less; and the other 50 percent must be deposited in the Account for the Control of Weeds.

This is a Department of Administration bill and is a great bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 4:14 p.m.

## SENATE IN SESSION

At 4:22 p.m.

President Hutchison presiding.

Quorum present.

Senate Bill No. 499.

Bill read second time.

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

Amendment No. 529.

SUMMARY—~~[Creates a modified blanket primary election system.]~~  
Revises certain deadlines relating to elections. (BDR 24-1149)

AN ACT relating to elections; ~~[creating a modified blanket primary election system for partisan offices; authorizing any person who files a declaration or acceptance of candidacy and pays a filing fee to be a candidate for a partisan office at a primary election; providing, with limited exceptions, that the two candidates at a primary election for a partisan office who receive the highest number of votes must be declared nominees and have their names placed on the ballot for the general election; providing, with limited exceptions, that the two nominees on the ballot for the general election must not be affiliated with the same political party unless all of the candidates at the primary election are affiliated with the same political party; providing that the two nominees on the ballot for the general election may not be independent candidates unless all of the candidates at the primary election are independent candidates; eliminating provisions that prohibit a voter from casting a ballot in a primary election for partisan office for a candidate with a political affiliation different than that of the voter; making various conforming changes.]~~ revising deadlines by which certain signature petitions of minor political parties and independent candidates for office must be submitted and filed; revising deadlines by which signatures of certain signature petitions must be verified; revising deadlines by which certain vacancies in nominations for office must be filled; revising deadlines by which certain challenges to candidacies must be filed; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, ~~[major party candidates for a partisan office are nominated at a primary election. (NRS 293.175) Any person who files a declaration or acceptance of candidacy and pays a required filing fee may be named on a primary election ballot as a major party candidate for a partisan office. (NRS 293.177) The]~~ the names of candidates for a partisan office of a minor political party do not appear on the ballot at a primary election. Instead, if the minor political party has qualified as such, either by receiving a certain percentage of votes at the preceding election or by collecting a certain number of signatures, the party can name one candidate for each partisan office, and the name of each such candidate must appear on the

general election ballot. (NRS 293.1715) The names of independent candidates for a partisan office also do not appear on the ballot at a primary election. Instead, a person wishing to run as an independent candidate can be named as such on the general election ballot if he or she files a petition with a certain number of signatures. (NRS 293.200)

~~This bill changes the [nominating process for partisan office to create a modified "blanket" primary system in which the names of all candidates appear on the primary election ballot and any registered voter may vote for a candidate, regardless of affiliation with any political party. Under section 11 of this bill, any person, regardless of party affiliation or lack thereof, may become a candidate for partisan office at a primary election by filing a declaration or acceptance of candidacy and paying the required fee. Under section 17 of this bill, the two candidates who receive the highest number of votes in the primary election are declared the nominees, and their names are placed on the general election ballot. However, if both of those candidates are affiliated with the same major or minor political party, the candidate who receives the second highest number of votes is not declared a nominee. Instead, the candidate who receives the next highest number of votes and who is not affiliated with the same major or minor political party is declared a nominee, and his or her name is placed on the general election ballot. Similarly, if the two candidates with the highest number of votes at a primary election are independent candidates, the candidate with the second highest number of votes is not declared a nominee. Instead, the candidate who receives the next highest number of votes and who is not an independent candidate is declared a nominee, and his or her name is placed on the general election ballot. The prohibition on the two nominees being affiliated with the same political party or both being independent candidates does not apply if all of the candidates at the primary election are affiliated with the same political party or are all independent candidates. Sections 1 10, 12 16 and 18 31 of this bill make conforming changes.] deadlines by which those petitions for minor political parties and independent candidates must be filed and the deadlines for verifying the signatures on those petitions.~~

Under existing law, if a minor political party wishes to place a candidate on the ballot for a general election by collecting a certain number of signatures, it must file the petition with the signatures with the Secretary of State not later than the third Friday in May before the general election. (NRS 293.1715) It must also have submitted the petition with the signatures to the applicable county clerk not later than 25 days before that May deadline. (NRS 293.172) A person wishing to run as an independent candidate must file a petition with the requisite number of signatures not later than the second Friday after the first Monday in March, and must have submitted a copy of the petition not later than 25 days before that March deadline. (NRS 293.200) A county clerk who receives those petitions must verify the signatures on the petitions within 25 days. (NRS 293.1276, 293.1277, 293.1279)

Sections 8 and 15.5 of this bill change the deadlines for minor political parties and independent candidates, respectively, to file their petitions with signatures to the third Friday in June before the general election. Sections 9 and 15.5 of this bill change the deadlines for submitting those petitions to the county clerk to not later than 10 days before the filing deadline. Sections 2-4 of this bill change the deadline for a county clerk to verify the signatures on each petition from 25 days to 10 days.

Under existing law, certain vacancies in nominations must be filled not later than the fourth Friday in June of an election year. (NRS 293.165, 293.166, 293.368) Sections 5, 6 and 21 of this bill change that deadline to the fourth Friday in July of an election year.

Existing law requires a challenge to the qualification of a minor political party to place the names of candidates on the ballot to be filed in a district court not later than the third Friday in June of an election year. (NRS 293.174) Section 10 of this bill changes that deadline to the fourth Friday in June. A challenge to the candidacy of an independent candidate must also be filed in district court not later than the third Friday in June. (NRS 293.200) Section 15.5 of this bill requires that any challenge to the sufficiency of a petition of an independent candidate must be filed in district court also not later than the fourth Friday in June of an election year.

Under existing law, in certain situations in which only one major political party has candidates for a partisan office and there are no minor political party or independent candidates for the office, a primary election is not held and the names of the candidates of the major political party all appear on the ballot at the general election. (NRS 293.260) Section 17 of this bill provides that, if a major political party has two or more candidates for an office, there must be a primary election regardless of whether there are any minor political party or independent candidates for the office.

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

Section 1. ~~NRS 293.127565 is hereby amended to read as follows:~~

~~293.127565 1. At each building that is open to the general public and occupied by the government of this State or a political subdivision of this State or an agency thereof, other than a building of a public elementary or secondary school, an area must be designated for the use of any person to gather signatures on a petition at any time that the building is open to the public. The area must be reasonable and may be inside or outside of the building. Each public officer or employee in control of the operation of a building governed by this subsection shall:~~

~~(a) Designate the area at the building for the gathering of signatures; and~~  
~~(b) On an annual basis, submit to the Secretary of State and the county clerk for the county in which the building is located a notice of the area at the building designated for the gathering of signatures on a petition. The Secretary of State and the county clerks shall make available to the public a~~

~~list of the areas at public buildings designated for the gathering of signatures on a petition.~~

~~2. Before a person may use an area designated pursuant to subsection 1, the person must notify the public officer or employee in control of the operation of the building governed by subsection 1 of the dates and times that the person intends to use the area to gather signatures on a petition. The public officer or employee may not deny the person the use of the area.~~

~~3. Not later than 3 working days after the date of the decision that aggrieved the person, a person aggrieved by a decision made by a public officer or employee pursuant to subsection 1 or 2 may appeal the decision to the Secretary of State. The Secretary of State shall review the decision to determine whether the public officer or employee violated subsection 1 or 2. If the Secretary of State determines a public officer or employee violated subsection 1 or 2 and that a person was denied the use of a public building for the purpose of gathering signatures on a petition, the Secretary of State shall order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.172, [293.200,] 295.056, 298.109, 306.035 or 306.110 must be extended for a period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition, but in no event may the deadline be extended for a period of more than 5 days.~~

~~4. The decision of the Secretary of State is a final decision for the purposes of judicial review. Not later than 7 days after the date of the decision by the Secretary of State, the decision of the Secretary of State may only be appealed in the First Judicial District Court. If the First Judicial District Court determines that the public officer or employee violated subsection 1 or 2 and that a person was denied the use of a public building for the purpose of gathering signatures on a petition, the Court shall order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.172, [293.200,] 295.056, 298.109, 306.035 or 306.110 must be extended for a period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition, but in no event may the deadline be extended for a period of more than 5 days.~~

~~5. The Secretary of State may adopt regulations to carry out the provisions of subsection 3.] (Deleted by amendment.)~~

Sec. 2. NRS 293.1276 is hereby amended to read as follows:

293.1276 1. Within 4 days, excluding Saturdays, Sundays and holidays, after the submission of a petition containing signatures which are required to be verified pursuant to NRS 293.128, ~~[293.172, 293.200,]~~ 295.056, 298.109, 306.035 or 306.110, and within 2 days, excluding Saturdays, Sundays and holidays, after the submission of a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200, the county clerk shall determine the total number of signatures affixed to the documents and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide

measure, shall tally the number of signatures for each petition district contained fully or partially within the county and forward that information to the Secretary of State.

2. If the Secretary of State finds that the total number of signatures filed with all the county clerks is less than 100 percent of the required number of registered voters, the Secretary of State shall so notify the person who submitted the petition and the county clerks and no further action may be taken in regard to the petition. If the petition is a petition to recall a county, district or municipal officer, the Secretary of State shall also notify the officer with whom the petition is to be filed.

3. After the petition is submitted to the county clerk, it must not be handled by any other person except by an employee of the county clerk's office until it is filed with the Secretary of State.

4. The Secretary of State may adopt regulations establishing procedures to carry out the provisions of this section.

Sec. 3. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. ~~Within 9 days, excluding Saturdays, Sundays and holidays, after~~ *After the notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. This determination must be completed within 9 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109, 306.035 or 306.110, and within 3 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200.* For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsection 3, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater. If documents were submitted to the county clerk for

more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in subsection 5, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

5. If:

(a) Pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer; or

(b) A person registers to vote pursuant to NRS 293D.230 and signs his or her application to register to vote using a digital signature or an electronic signature,

➡ the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.

6. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

7. Except as otherwise provided in subsection 9, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the



Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

8. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

9. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

10. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 4. NRS 293.1279 is hereby amended to read as follows:

293.1279 1. If the statistical sampling shows that the number of valid signatures filed is 90 percent or more, but less than the sum of 100 percent of the number of signatures of registered voters needed to declare the petition sufficient plus the total number of requests to remove a name received by the county clerks pursuant to NRS 295.055 or 306.015, the Secretary of State shall order the county clerks to examine the signatures for verification. The county clerks shall examine the signatures for verification until they determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid. If the county clerks received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerks may not determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid until they have removed each name as requested pursuant to NRS 295.055 or 306.015.

2. Except as otherwise provided in this subsection, if the statistical sampling shows that the number of valid signatures filed in any county is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county plus the total number of requests to remove a name received by the county clerk in that county pursuant to NRS 295.055 or 306.015, the Secretary of State may order the county clerk in that county to examine every signature for verification. If the county clerk received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerk may not determine that 100 percent or more of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county are valid until the county clerk has

removed each name as requested pursuant to NRS 295.055 or 306.015. In the case of a petition for initiative or referendum that proposes a constitutional amendment or statewide measure, if the statistical sampling shows that the number of valid signatures in any petition district is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters required for that petition district pursuant to NRS 295.012 plus the total number of requests to remove a name received by the county clerk or county clerks, if the petition district comprises more than one county, pursuant to NRS 295.055, the Secretary of State may order a county clerk to examine every signature for verification.

3. ~~[Within 12 days, excluding Saturdays, Sundays and holidays, after]~~ *After the* receipt of such an order, the county clerk or county clerks shall determine from the records of registration what number of registered voters have signed the petition and, if appropriate, tally those signatures by petition district. *This determination must be completed within 12 days, excluding Saturdays, Sundays and holidays, after the receipt of an order regarding a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109, 306.035 or 306.110, and within 5 days, excluding Saturdays, Sundays and holidays, after the receipt of an order regarding a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200.* If necessary, the board of county commissioners shall allow the county clerk additional assistants for examining the signatures and provide for their compensation. In determining from the records of registration what number of registered voters have signed the petition and in determining in which petition district the voters reside, the county clerk must use the statewide voter registration list. The county clerk may rely on the appearance of the signature and the address and date included with each signature in determining the number of registered voters that signed the petition.

4. Except as otherwise provided in subsection 5, upon completing the examination, the county clerk or county clerks shall immediately attach to the documents of the petition an amended certificate, properly dated, showing the result of the examination and shall immediately forward the documents with the amended certificate to the Secretary of State. A copy of the amended certificate must be filed in the county clerk's office. In the case of a petition for initiative or referendum to propose a constitutional amendment or statewide measure, if a petition district comprises more than one county, the county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the amended certificate.

5. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not forward to the Secretary of State the documents containing the signatures of the registered voters.

6. Except for a petition to recall a county, district or municipal officer, the petition shall be deemed filed with the Secretary of State as of the date on which the Secretary of State receives certificates from the county clerks showing the petition to be signed by the requisite number of voters of the State.

7. If the amended certificates received from all county clerks by the Secretary of State establish that the petition is still insufficient, the Secretary of State shall immediately so notify the petitioners and the county clerks. If the petition is a petition to recall a county, district or municipal officer, the Secretary of State shall also notify the officer with whom the petition is to be filed.

8. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 5. NRS 293.165 is hereby amended to read as follows:

293.165 1. Except as otherwise provided in NRS 293.166, ~~for~~ a vacancy occurring ~~occurs~~ in a major or minor political party nomination for a partisan office ~~and the candidate originally nominated for the office is affiliated with a political party, the vacancy~~ may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party or by the executive committee of the minor political party subject to the provisions of subsections 3, 4 ~~5~~ and 5 ~~6~~.

2. A vacancy occurring in a nonpartisan office or nomination for a nonpartisan office after the close of filing and before 5 p.m. of the fourth Friday in ~~June~~ July of the year in which the general election is held must be filled by the person who receives or received the next highest vote for the nomination in the primary election if a primary election was held for that nonpartisan office. If no primary election was held for that nonpartisan office or if there was not more than one person who was seeking the nonpartisan nomination in the primary election, a person may become a candidate for the nonpartisan office at the general election if the person files a declaration of candidacy or acceptance of candidacy, and pays the fee required by NRS 293.193, on or after 8 a.m. on the third Monday in June and before 5 p.m. on the fourth Friday in ~~June~~ July.

3. If a vacancy occurs in a major political party nomination for a partisan office after the primary election and before 5 p.m. on the fourth Friday in ~~June~~ July of the year in which the general election is held ~~the candidate originally nominated for the office is affiliated with a political party~~ and:

(a) The vacancy occurs because the nominee dies or is adjudicated insane or mentally incompetent, the vacancy may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party ~~or by the executive committee of the minor political party~~.

(b) The vacancy occurs for a reason other than the reasons described in paragraph (a), the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

4. ~~If a vacancy occurs in a nomination for a partisan office after the primary election and before 5 p.m. on the fourth Friday in June of the year in which the general election is held, the candidate originally nominated for the office is an independent candidate and:~~

~~(a) The vacancy occurs because the nominee dies or is adjudicated insane or mentally incompetent:~~

~~(1) If a primary election was held for that partisan office, the vacancy must be filled by the person who received the next highest vote for the nomination in the primary election and who is an independent candidate:~~

~~(2) If no primary election was held for that partisan office or if there was not more than one person who was seeking the partisan nomination in the primary election, a person may become a candidate for the partisan office at the general election if, on or after the third Monday in June and before 5 p.m. on the fourth Friday in June, the person:~~

~~(I) Files a declaration of candidacy or acceptance of candidacy on a form prescribed by paragraph (b) of subsection 2 of NRS 293.177 indicating that the person is an independent candidate; and~~

~~(II) Pays the fee required by NRS 293.193.~~

~~(b) The vacancy occurs for a reason other than the reasons described in paragraph (a), the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.~~

~~5.7~~ No change may be made on the ballot for the general election after 5 p.m. on the fourth Friday in ~~June~~ July of the year in which the general election is held. If, after that time and date:

(a) A nominee dies or is adjudicated insane or mentally incompetent; or

(b) A vacancy in the nomination is otherwise created,

→ the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

5. ~~6.7~~ All designations provided for in this section must be filed on or before 5 p.m. on the fourth Friday in ~~June~~ July of the year in which the general election is held. In each case, the statutory filing fee must be paid and an acceptance of the designation must be filed on or before 5 p.m. on the date the designation is filed.

Sec. 6. NRS 293.166 is hereby amended to read as follows:

293.166 1. A ~~If a~~ vacancy occurring ~~occurs~~ in a party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county ~~and the candidate originally nominated for the office is affiliated with a political party, the vacancy~~ may be filled as follows, subject to the provisions of subsections 2, 3 and 4. The county commissioners of each county, all or part of which is included within the legislative district, shall meet to appoint a person who is of the same political party as the former nominee and who actually, as

opposed to constructively, resides in the district to fill the vacancy, with the chair of the board of county commissioners of the county whose population residing within the district is the greatest presiding. Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy. Then, the boards shall meet jointly and the chairs on behalf of the boards shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of its county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce. The person who receives a plurality of these votes is appointed to fill the vacancy. If no person receives a plurality of the votes, the boards of county commissioners of the respective counties shall each as a group select one candidate, and the nominee must be chosen by drawing lots among the persons so selected.

2. If a vacancy occurs in a party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county after the primary election and before 5 p.m. on the fourth Friday in ~~[June]~~ July of the year in which the general election is held and:

(a) The vacancy occurs because the nominee dies or is adjudicated insane or mentally incompetent, the vacancy may be filled pursuant to the provisions of subsection 1.

(b) The vacancy occurs for a reason other than the reasons described in paragraph (a), the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

3. No change may be made on the ballot for the general election after 5 p.m. on the fourth Friday in ~~[June]~~ July of the year in which the general election is held. If, after that time and date:

(a) A nominee dies or is adjudicated insane or mentally incompetent; or

(b) A vacancy in the nomination is otherwise created,

→ the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

4. The designation of a nominee pursuant to this section must be filed with the Secretary of State on or before 5 p.m. on the fourth Friday in ~~[June]~~ July of the year in which the general election is held, and the statutory filing fee must be paid with the designation.

Sec. 7. ~~[NRS 203.171 is hereby amended to read as follows:~~

~~203.171 1. To be organized as a minor political party, an organization must file with the Secretary of State a certificate of existence which includes the:~~

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

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

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

~~— (d) Name of the person authorized to file the list of its candidates for partisan office with the Secretary of State.~~

~~— 2. A copy of the constitution or bylaws of the party must be affixed to the certificate.~~

~~— 3. A minor 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.~~

~~— 4. [The constitution or bylaws of a minor political party must provide a procedure for the nomination of its candidates in such a manner that only one candidate may be nominated for each office.~~

~~— 5.] A minor political party whose candidates for partisan office do not appear on the ballot for the [general] primary election must file a notice of continued existence with the Secretary of State not later than the second Friday in August preceding the general election.~~

~~— [6.] 5. A minor political party which fails to file a notice of continued existence as required by subsection [5] 4 ceases to exist as a minor political party in this State.] (Deleted by amendment.)~~

Sec. 8. NRS 293.1715 is hereby amended to read as follows:

293.1715 1. The names of the candidates for partisan office of a minor political party must not appear on the ballot for a primary election.

2. The names of the candidates for partisan office of ~~that~~ a minor political party ~~wishes to place on the ballot for the offices of President and Vice President of the United States~~ must be placed on the ballot for the general election if the minor political party is qualified. To qualify as a minor political party, the minor political party must have filed a certificate of existence and be organized pursuant to NRS 293.171, must have filed a list ~~with the Secretary of State the names~~ of its candidates for partisan office pursuant to the provisions of NRS 293.1725 with the Secretary of State ~~for the offices of President and Vice President of the United States not later than the last Tuesday in August~~ and:

(a) At the last preceding general election, the minor political party must have polled for any of its candidates for partisan office a number of votes equal to or more than 1 percent of the total number of votes cast for the offices of Representative in Congress;

(b) On January 1 preceding a primary election, the minor political party must have been designated as the political party on the applications to register to vote of at least 1 percent of the total number of registered voters in this State; or

(c) Not later than the third Friday in ~~May~~ June preceding the general election, must file a petition with the Secretary of State which is signed by a number of registered voters equal to at least 1 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.

3. The name of only one candidate of each minor political party for each partisan office may appear on the ballot for a general election.

4. ~~2.~~ A minor political party must file a copy of the petition required by paragraph (c) of subsection 2 ~~4~~ with the Secretary of State before the petition may be circulated for signatures.

Sec. 9. NRS 293.172 is hereby amended to read as follows:

293.172 1. A petition filed pursuant to subsection 2 ~~4~~ of NRS 293.1715 may consist of more than one document. Each document of the petition must:

(a) Bear the name of the minor political party and if applicable, the candidate and office to which the candidate is to be nominated. ~~names of the candidates for the offices of President and Vice President of the United States.~~

(b) Include the affidavit of the person who circulated the document verifying that the signers are registered voters in this State according to his or her best information and belief and that the signatures are genuine and were signed in his or her presence.

(c) Bear the name of a county and be submitted to the county clerk of that county for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than ~~25~~ 10 working days before the last day to file the petition. A challenge to the form of a document must be made in a district court in the county that is named on the document.

(d) Be signed only by registered voters of the county that is named on the document.

2. If the office to which the candidate is to be nominated is a county office, only the registered voters of that county may sign the petition. If the office to which the candidate is to be nominated is a district office, only the registered voters of that district may sign the petition.

3. Each person who signs a petition shall also provide the address of the place where he or she resides, the date that he or she signs and the name of the county in which he or she is registered to vote.

4. ~~3.~~ The county clerk shall not disqualify the signature of a voter who failed to provide all the information required by subsection 3 ~~2~~ if the voter is registered in the county named on the document.

Sec. 10. NRS 293.174 is hereby amended to read as follows:

293.174 If the qualification of a minor political party to place the names of candidates ~~for the offices of President and Vice President of the United States~~ on the ballot pursuant to NRS 293.1715 is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the ~~third~~ fourth Friday in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the ~~third~~ fourth Friday in June. A challenge pursuant to this section must be filed with the First Judicial District Court if the petition was filed with the Secretary of State. The district court in which the challenge is filed shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

Sec. 11. ~~NRS 293.175 is hereby amended to read as follows:~~

~~293.175 1. The primary election must be held on the second Tuesday in June of each even numbered year.~~

~~2. Candidates for partisan office [of a major political party] and candidates for nonpartisan office must be nominated at the primary election. Any person may become a candidate for partisan office at the primary election by filing a declaration of candidacy or acceptance of candidacy and paying the fee required by NRS 293.193 during the period prescribed by paragraph (b) of subsection 1 of NRS 293.177.~~

~~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.] (Deleted by amendment.)~~

Sec. 12. ~~[NRS 293.177 is hereby amended to read as follows:~~

~~293.177 1. Except as otherwise provided in NRS 293.165, 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 nor later than 5 p.m. on the second Friday after the first Monday in January; and~~

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

~~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 [:], if the candidate is affiliated with a political party:~~

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 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 partisan office, if the candidate will run for the office as an independent candidate:~~

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 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~~

~~(Designation of name)~~

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

~~(c) For nonpartisan office:~~

~~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. 13. ~~[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, or as a candidate for nomination] *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 nor later than 5 p.m. on the first Friday in March; 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 nor later than 5 p.m. on the first Friday in January of 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. 14. ~~[NRS 293.187 is hereby amended to read as follows:~~

~~293.187 1. Not later than 5 working days after the last day on which any candidate may withdraw his or her candidacy pursuant to NRS 293.202:~~

~~—(a) The Secretary of State shall forward to each county clerk a certified list containing the name and mailing address of each person for whom candidacy papers have been filed in the Office of the Secretary of State, and who is entitled to be voted for in the county at the next succeeding primary election, together with the title of the office for which the person is a candidate and, if applicable, the party or principles he or she represents; and~~

~~—(b) Each county clerk shall forward to the Secretary of State a certified list containing the name and mailing address of each person for whom candidacy papers have been filed in the office of the county clerk, and who is entitled to be voted for in the county at the next succeeding primary election, together with the title of the office for which the person is a candidate and, if applicable, the party or principles he or she represents.~~

~~—2. There must be a party designation only for candidates for partisan offices [.] who have filed a declaration of candidacy or acceptance of candidacy form indicating an affiliation with a political party.] (Deleted by amendment.)~~

Sec. 15. ~~[NRS 293.194 is hereby amended to read as follows:~~

~~—293.194 The filing fee of an independent candidate who files a petition pursuant to NRS [293.200 or] 298.109 [, of a candidate of a minor political party or of a candidate of a new major political party,] must be returned to the candidate by the [officer to whom the fee was paid] Secretary of State within 10 days after the date on which a final determination is made that the petition of the candidate [, minor political party or new major political party] failed to contain the required number of signatures.] (Deleted by amendment.)~~

Sec. 15.5. NRS 293.200 is hereby amended to read as follows:

293.200 1. An independent candidate for partisan office must file with the appropriate filing officer as set forth in NRS 293.185:

(a) A copy of the petition of candidacy that he or she intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than ~~[25]~~ 10 working days before the last day to file the petition pursuant to subsection 4. The copy of the petition must be filed with the appropriate filing officer before the petition may be circulated for signatures.

(b) Either of the following:

(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:

(I) This State for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;

(II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; or

(III) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.

(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than ~~{25}~~ 10 working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his or her signature the address of the place at which the person actually resides, the date that he or she signs the petition and the name of the county where he or she is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his or her knowledge and belief and were signed in his or her presence by persons registered to vote in that county.

3. The petition of candidacy may state the principle, if any, which the person qualified represents.

4. Petitions of candidacy must be filed not earlier than the first Monday in March preceding the general election and not later than 5 p.m. on the ~~{second}~~ third Friday ~~{after the first Monday in March.}~~ in June.

5. No petition of candidacy may contain the name of more than one candidate for each office to be filled.

6. A person may not file as an independent candidate if he or she is proposing to run as the candidate of a political party.

7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

8. If the sufficiency of the petition of the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth ~~{Monday}~~ Friday in ~~{March.}~~ June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth ~~{Monday}~~ Friday in ~~{March.}~~ June.

9. Any challenge pursuant to subsection 8 must be filed with:

(a) The First Judicial District Court if the petition of candidacy was filed with the Secretary of State.

(b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.

10. The district court in which the challenge is filed shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

11. An independent candidate for partisan office must file a declaration of candidacy with the appropriate filing officer and pay the fee required by NRS 293.193 not earlier than the first Monday in March of the year in which the election is held nor later than 5 p.m. on the second Friday after the first Monday in March.

Sec. 16. ~~[NRS 293.257 is hereby amended to read as follows:~~  
~~293.257~~ [1. There must be a separate primary ballot for each major political party. The names of candidates for partisan offices who have designated a major political party in the declaration of candidacy or acceptance of candidacy must appear on the primary ballot of the major political party designated.  
 2. The county clerk may choose to place the names of candidates for nonpartisan offices on the ballots for each major political party or on a separate nonpartisan primary ballot, but the arrangement which the county clerk selects must permit all registered voters to vote on them.  
 3. A] ~~Any registered voter may cast a [primary] ballot for [a major political party at a primary election only if the registered voter designated on his or her application to register to vote an affiliation with that major political party.] any candidate for partisan office regardless of the political party affiliation of the voter or candidate.]~~ (Deleted by amendment.)

Sec. 17. NRS 293.260 is hereby amended to read as follows:

293.260 1. 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 ~~[ ]~~ at the primary election.

2. ~~[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. ~~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. ~~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) 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, 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) 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. Except as otherwise provided in subsections 3 and 4, at an election for a partisan office, the two candidates who receive the highest number of votes at the primary election must be declared the nominees, and their names must be placed on the ballot at the general election.~~

~~—3. Except as otherwise provided in subsection 5, if the two candidates who receive the highest number of votes at the primary election are affiliated with the same political party:~~

~~—(a) The candidate who receives the second highest number of votes must not be declared a nominee, and his or her name must not be placed on the ballot at the general election; and~~

~~—(b) The candidate who receives the next highest number of votes and who is not affiliated with the political party with which the candidate who receives the highest number of votes is affiliated must be declared a nominee, and his or her name must be placed on the ballot at the general election.~~

~~—4. Except as otherwise provided in subsection 5, if the two candidates who receive the highest number of votes at the primary election are independent candidates:~~

~~—(a) The candidate who receives the second highest number of votes must not be declared the nominee, and his or her name must not be placed on the ballot at the general election; and~~

~~—(b) The candidate who receives the next highest number of votes and who is affiliated with a political party must be declared the nominee, and his or her name must be placed on the ballot at the general election.~~

~~—5. The provisions of subsections 3 and 4 do not apply if all of the candidates at a primary election for a partisan office are affiliated with the same political party or are all independent candidates.~~

~~—6.† If a major political party has two or more candidates for a particular office, the person who receives the highest number of votes at the primary election must be declared the nominee of that major political party for the office.~~

3. Where no more than the number of candidates to be elected have filed for nomination for:

(a) 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) 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) 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. 7.}~~ 4. 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.

Sec. 18. ~~{NRS 293.263 is hereby amended to read as follows:~~  
~~293.263 On the primary ballots for a [major political party, the name of the major political party] partisan office, there must appear at the top of the ballot [.] the designation "Partisan Offices." Except as otherwise provided in NRS 293.2565, following this designation must appear the names of candidates grouped alphabetically under the title and length of term of the partisan office for which those candidates filed. Next to the name of each candidate must appear the party affiliation of the candidate or the designation of the candidate as an independent candidate, as applicable.}~~  
 (Deleted by amendment.)

Sec. 19. ~~{NRS 293.267 is hereby amended to read as follows:~~  
~~293.267 1. Ballots for a general election must contain the names of candidates who were nominated at the primary election. [, the names of the candidates of a minor political party and the names of independent candidates.]~~  
~~2. Except as otherwise provided in NRS 293.2565, names of candidates must be grouped alphabetically under the title and length of term of the office for which those candidates filed.~~  
~~3. Except as otherwise provided in subsection 4:~~  
~~(a) Immediately following the name of each candidate for a partisan office must appear the name or abbreviation of his or her political party, the word "independent" or the abbreviation "IND," as the case may be.~~  
~~(b) Immediately following the name of each candidate for a nonpartisan office must appear the word "nonpartisan" or the abbreviation "NP."~~  
~~4. Where a system of voting other than by paper ballot is used, the Secretary of State may provide for any placement of the name or abbreviation of the political party, the word "independent" or "nonpartisan"~~

or the abbreviation "IND" or "NP," as appropriate, which clearly relates the designation to the name of the candidate to whom it applies.

~~5. If the Legislature rejects a statewide measure proposed by initiative and proposes a different measure on the same subject which the Governor approves, the measure proposed by the Legislature and approved by the Governor must be listed on the ballot before the statewide measure proposed by initiative. Each ballot and sample ballot upon which the measures appear must contain a statement that reads substantially as follows:~~

~~The following questions are alternative approaches to the same issue, and only one approach may be enacted into law. Please vote for only one.] (Deleted by amendment.)~~

Sec. 20. ~~[NRS 293.287 is hereby amended to read as follows:~~

~~293.287 1. A registered voter applying to vote at any primary election shall give his or her name [and political affiliation, if any,] to the election board officer in charge of the election board register, and the officer shall immediately announce the name. [and political affiliation.]~~

~~2. Any person's right to vote may be challenged by any registered voter upon [:~~

~~— (a) Any] any of the grounds allowed for a challenge in NRS 293.303. [;~~

~~— (b) The ground that the person applying does not belong to the political party designated upon the register; or~~

~~— (c) The ground that the register does not show that the person designated the political party to which he or she claims to belong.]~~

~~3. Any such challenge must be disposed of in the manner provided by NRS 293.303.~~

~~[4. A registered voter who has designated on his or her application to register to vote an affiliation with a minor political party may vote a nonpartisan ballot at the primary election.]] (Deleted by amendment.)~~

Sec. 21. NRS 293.368 is hereby amended to read as follows:

293.368 1. Except as otherwise provided in subsection 4 ~~457~~ 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, 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~~ July of the

year in which the general election is held, the votes cast for the deceased candidate must be counted in determining the results of the election for the office for which the decedent was a candidate.

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

Sec. 22. ~~[NRS 293B.070 is hereby amended to read as follows:  
293B.070 A mechanical voting system must provide facilities for voting for [the] all candidates [of as many political parties or organizations as may make nominations,] and for or against all measures [.] to which a voter is entitled to vote.] (Deleted by amendment.)~~

Sec. 23. ~~[NRS 293B.080 is hereby amended to read as follows:  
293B.080 A mechanical voting system must [, except at primary elections,] permit the voter to vote for all the candidates of one party or in part for the candidates of one party and in part for the candidates of one or more other parties.] (Deleted by amendment.)~~

Sec. 24. ~~[NRS 293B.130 is hereby amended to read as follows:  
293B.130 1. Before any election where a mechanical voting system is to be used, the county clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:~~

~~— (a) All lawful votes cast by each voter must be counted;  
— (b) All unlawful votes [, including, but not limited to, overvotes or, in a primary election, votes cast for a candidate of a major political party other than the party, if any, of the registration of the voter] must not be counted;~~

~~— (c) If the election is:  
— (1) A primary election held in an even numbered year; or  
— (2) A general election;  
— the total votes, other than absentee votes and votes in a mailing precinct, must be accumulated by precinct.~~

~~— (d) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered which lacks a code identifying the precinct in which it was voted . [and, in a primary election, identifying the major political party of the voter.]~~

~~— 2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.~~

~~— 3. The county clerk shall take such measures as he or she deems necessary to protect the program from being altered or damaged.] (Deleted by amendment.)~~

Sec. 25. ~~[NRS 293C.115 is hereby amended to read as follows:~~

~~293C.115 1. The governing body of a city incorporated pursuant to general law may by ordinance provide for a primary city election and a general city election on:~~

~~— (a) The dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS; or~~

~~— (b) The dates set forth for primary city elections and general city elections pursuant to the provisions of this chapter.~~

~~2. If a governing body of a city adopts an ordinance pursuant to paragraph (a) of subsection 1, the dates set forth in NRS 293.12755, in subsections 2 to [5,] 6, inclusive, of NRS 293.165, and in NRS 293.175, 293.177, 293.345 and 293.368 apply for purposes of conducting the primary city elections and general city elections of the city.~~

~~3. If a governing body of a city adopts an ordinance pursuant to subsection 1:~~

~~— (a) The term of office of any elected city official may not be shortened as a result of the ordinance; and~~

~~— (b) Each elected city official holds office until the end of his or her term and until his or her successor has been elected and qualified.} (Deleted by amendment.)~~

Sec. 26. ~~{NRS 298.035 is hereby amended to read as follows:~~

~~298.035 1. Each major political party shall, at the state convention of the major political party held in that year, select from the qualified electors who are legally registered members of the major political party:~~

~~— (a) A nominee to the position of presidential elector; and~~

~~— (b) An alternate to the nominee for presidential elector;~~

~~→ for each position of presidential elector required by law.~~

~~2. Each minor political party shall choose from the qualified electors who are legally registered members of the minor political party:~~

~~— (a) A nominee to the position of presidential elector; and~~

~~— (b) An alternate to the nominee for presidential elector;~~

~~→ for each position of presidential elector required by law. [The] 4 person who is authorized to file the list of candidates for partisan office of the minor political party with the Secretary of State [pursuant to NRS 293.1725] shall, not later than the last Tuesday in August, submit to the Secretary of State the list of nominees for presidential elector and alternates.~~

~~3. Each independent candidate nominated for the office of President pursuant to NRS 298.109 shall, at the time of filing the petition as required pursuant to subsection 1 of NRS 298.109, or within 10 days thereafter, choose from the qualified electors:~~

~~— (a) A nominee to the position of presidential elector; and~~

~~— (b) An alternate to the nominee for presidential elector;~~

~~→ for each position of presidential elector required by law.} (Deleted by amendment.)~~

Sec. 27. ~~{NRS 298.045 is hereby amended to read as follows:~~

~~298.045 1. Except as otherwise provided in subsection 2, a nominee for presidential elector or an alternate may not serve as a presidential elector unless the nominee for presidential elector or the alternate signs a pledge in substantially the following form:~~

~~If selected for the position of presidential elector, I agree to serve as such and to vote only for the nominees for President and Vice President of the political party or the independent candidates who received the highest number of votes in this State at the general election.~~

~~2. If a nominee for presidential elector or an alternate is physically unable to sign the pledge, the pledge may be signed by proxy in the presence of the nominee for presidential elector or the alternate, as applicable.~~

~~3. The chair and secretary of the convention of a major political party, [the] a person who is authorized to file the list of candidates for partisan office of a minor political party with the Secretary of State [pursuant to NRS 293.1725] or an independent candidate shall submit to the Secretary of State each pledge signed pursuant to this section with the list of nominees for presidential elector and alternates.] (Deleted by amendment.)~~

Sec. 28. ~~[NRS 304.040 is hereby amended to read as follows:~~

~~304.040 Except as otherwise provided in NRS 304.200 to 304.250, inclusive, [party] candidates for Representative in Congress shall be nominated in the same manner as state officers are nominated.] (Deleted by amendment.)~~

Sec. 29. ~~[NRS 304.240 is hereby amended to read as follows:~~

~~304.240 1. If the Governor issues an election proclamation calling for a special election pursuant to NRS 304.220, no primary election may be held. [Except as otherwise provided in this subsection, a candidate must be nominated in the manner provided in chapter 293 of NRS and must file a declaration or acceptance of candidacy within the time prescribed by the Secretary of State pursuant to NRS 293.204, which must be established to allow a sufficient amount of time for the mailing of election ballots.] A candidate [of a major political party] is nominated by filing a declaration or acceptance of candidacy within the time prescribed by the Secretary of State pursuant to NRS 293.204 [ A minor political party that wishes to place its candidates on the ballot must file a list of its candidates with the Secretary of State not more than 46 days before the special election and not less than 32 days before the special election. To have his or her name appear on the ballot, an independent candidate must file a petition of candidacy with the appropriate filing officer not more than 46 days before the special election and not less than 32 days before the special election.], which must be established to allow a sufficient amount of time for the mailing of election ballots.~~

~~2. Except as otherwise provided in NRS 304.200 to 304.250, inclusive:~~

~~(a) The election must be conducted pursuant to the provisions of chapter 293 of NRS.~~

~~(b) The general election laws of this State apply to the election.] (Deleted by amendment.)~~

Sec. 30. ~~[NRS 450.080 is hereby amended to read as follows:  
450.080 Except in counties where the board of county commissioners is the board of hospital trustees:~~

~~1. The offices of hospital trustees are hereby declared to be nonpartisan, and the names of candidates for such offices shall appear alike upon the ballots [of all parties] at all primary elections.~~

~~2. At the general election only the names of those candidates, not to exceed twice the number of hospital trustees to be elected, who received the highest numbers of votes at the primary election shall appear on the ballot.] (Deleted by amendment.)~~

Sec. 31. ~~[NRS 293.1725, 293.176, 293.200, 293B.190, 293B.300, 293B.305 and 293B.310 are hereby repealed.] (Deleted by amendment.)~~

‡

#### ~~LEADLINES OF REPEALED SECTIONS~~

~~293.1725 Candidates: Submission of list to Secretary of State; filing of declaration of candidacy and certificate of nomination.~~

~~293.176 When candidacy for major political party prohibited; exception.~~

~~293.200 Independent candidates: Qualification; petition of candidacy; time limit for challenge; declaration of candidacy.~~

~~293B.190 Primary elections: Partisan and nonpartisan arrangement of list of candidates and measures to be voted on at election.~~

~~293B.300 Primary elections: Issuance of partisan ballot; directions to voter.~~

~~293B.305 Primary elections: Issuance of nonpartisan ballot; alternative directions to voter.~~

~~293B.310 Primary elections: Optional manner of voting when party comprises less than 5 percent of voters.]~~

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Amendment No. 529 to Senate Bill No. 499 amends the bill in its entirety by removing the proposal for a modified blanket primary elections. It moves the deadline for minor party and independent candidates to file their petitions for ballot access to the third Friday in June. In relation to this change, the deadlines by which petition signatures are verified are moved up to accommodate this later petition filing.

It also makes petition timeline adjustments to allow enough time for court challenges relating to the sufficiency of the petitions filed by minor party or independent candidates.

Finally, it modifies the primary election rules to require a primary election any time there are two or more major party candidates, regardless of whether a minor party or independent candidate has filed.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Joint Resolution No. 1.

Resolution read second time.

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

Amendment No. 580.

SUMMARY—Urges Congress to enact legislation transferring title to certain public lands to the State of Nevada in accordance with the report prepared by the Nevada Land Management Task Force. (BDR R-451)

SENATE JOINT RESOLUTION—Urging Congress to enact legislation transferring title to certain public lands to the State of Nevada in accordance with the report prepared by the Nevada Land Management Task Force.

WHEREAS, The Federal Government manages and controls over 80 percent of the land in this State; and

WHEREAS, The paucity of state and private land in the State of Nevada severely constrains the size and diversity of the State's economy; and

WHEREAS, In Section 10 of Chapter 36 of the 38th Congress, the Act enabling the formation of a constitution and state government in the territory of Nevada, Congress directed the Federal Government to pay to the State of Nevada, upon admission, a portion of the proceeds from the sale of public lands in the State; and

WHEREAS, In all states east of the State of Colorado, the Federal Government controls 4 percent of the land; and

WHEREAS, In the States of Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, the Federal Government still controls a significant amount of public lands; and

WHEREAS, A July 2014 report prepared by the Nevada Land Management Task Force pursuant to Assembly Bill No. 227 of the 77th Nevada Legislative Session concluded that the State of Nevada could generate significant net revenue if afforded the opportunity to manage an expanded state land portfolio; and

WHEREAS, The Nevada Land Management Task Force concluded in the report that a Congressional transfer to the State of Nevada of certain federally administered land should be accomplished in phases; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 78th Session of the Nevada Legislature hereby urge Congress to enact legislation transferring title to certain public lands to the State of Nevada in accordance with the report prepared by the Nevada Land Management Task Force; and be it further

RESOLVED, That any such legislation should exclude the following lands from consideration for transfer ~~to~~, except as otherwise directed by Congress:

1. Lands designated by Congress as wilderness;
2. Lands designated by Congress as National Conservation Areas;
3. Lands designated by the Bureau of Land Management as Areas of Critical Environmental Concern established to protect the desert tortoise; and
4. Lands administered by:

- (a) The United States Department of Energy;
- (b) The United States Department of Defense;
- (c) The Bureau of Indian Affairs of the United States Department of the Interior;
- (d) The United States Fish and Wildlife Service of the United States Department of the Interior; and
- (e) The National Park Service of the United States Department of the Interior; and be it further

RESOLVED, That the following public lands should be included in an initial phase for transfer to the State of Nevada:

1. All parcels of land, administered by the Bureau of Land Management, which remain within the original Central Pacific Railroad corridor along Interstate 80 in Northern Nevada;
2. All land previously identified by the Bureau of Land Management as suitable for disposal, or currently moving forward in planning documents for federal land use plans, that have not yet been disposed of in the State of Nevada;
3. All parcels of land in the State of Nevada, administered by the Bureau of Land Management that is under existing lease pursuant to the Recreation and Public Purposes Act;
4. All parcels of land in the State of Nevada, administered by the Bureau of Land Management that is authorized under rights-of-way granted to the State of Nevada and any political subdivisions of this State, and nonlinear rights-of-way granted to private parties within this State;
5. All subsurface estates managed by the Bureau of Land Management, where the surface estate is privately held within this State;
6. All land in the State of Nevada designated by the Secretary of the Interior as Solar Energy Zones and held by the Bureau of Land Management;
7. All parcels of land in the State of Nevada, administered by the Bureau of Land Management that is leased for geothermal exploration and utilization; and
8. All parcels of land in the State of Nevada, administered by the Bureau of Land Management which has been authorized for disposal within enacted and introduced federal legislation; and be it further

RESOLVED, That the State of Nevada should be authorized to select not less than 7.2 million acres from among the aforementioned classes of land to be transferred during the initial phase; and be it further

RESOLVED, That upon request by a local government or the Nevada Legislature within 10 years after the initial phase, the following public lands should be transferred in subsequent phases:

1. Other land in the State of Nevada administered by the Bureau of Land Management;
2. Land in the State of Nevada administered by the United States Forest Service;



3. Land in the State of Nevada deemed by the Bureau of Reclamation of the United States Department of the Interior to be surplus; and

4. Any other federally managed and controlled lands in this State; and be it further

RESOLVED, That any such transfer of public lands to the State of Nevada must include both the surface and subsurface estate and any federally held water rights appurtenant to the land; and be it further

RESOLVED, That the public lands included in the initial phase must be managed for long-term maximization of net revenue; and be it further

RESOLVED, That the public lands subsequently transferred ~~(must)~~ shall become state public lands to be managed in accordance with state and local plans and for multiple uses, as well as on-going net revenue generation and environmental health, function, productivity and sustainability; and be it further

RESOLVED, That payments to local governments to replace revenue lost through reduced federal payments pursuant to the Payments in Lieu of Taxes Act, 31 U.S.C. § 6901 et seq., will be made by the State of Nevada from gross revenues derived through the management of federal public lands transferred to the State of Nevada; and be it further

RESOLVED, That payments to local governments to replace the revenue which would otherwise be shared with local governments in this State by the Bureau of Land Management from the sale of materials, mineral leases and permits, grazing permits and other revenues from public lands transferred to the State of Nevada will be made by the State of Nevada from the gross revenues derived by the State of Nevada from managing those public lands; and be it further

RESOLVED, That the payments to local governments to replace the revenue which would otherwise have been shared with local governments in this State by the Office of Natural Resources Revenue of the United States Department of the Interior from royalties, rents and bonuses generated throughout the life of energy and mineral leases on public lands transferred to the State of Nevada will be made by the State of Nevada from the gross revenues derived by the State of Nevada from managing those public lands; and be it further

RESOLVED, That consistent with the Southern Nevada Public Land Management Act of 1998, Public Law 105-263, 112 Stat. 2343, the Lincoln County Conservation, Recreation, and Development Act of 2004, Public Law 108-424, 118 Stat. 2403, and the White Pine County Conservation, Recreation, and Development Act of 2006, Public Law 109-432, 120 Stat. 3028, 10 percent of the proceeds of the sale of transferred land by the State of Nevada which is identified in those Acts for disposal by the Bureau of Land Management will be provided to the Southern Nevada Water Authority, Lincoln County and White Pine County for uses identified by each respective act; and be it further

RESOLVED, That the following principles will guide the State of Nevada in the management of transferred lands:

1. All transferred land will be subject to applicable State of Nevada and local government statutes, regulations, ordinances and codes;
2. All transferred land will be subject to valid existing federal, state and local government permits, land use authorizations, existing authorized multiple uses, rights of access and property rights;
3. The administration and management, including without limitation, the disposal, of transferred land by the State of Nevada must be subject to review by the governing board of any local government within which public lands to be disposed of are located for consistency with local master plans, resource management plans, open space plans, land disposal lists, ordinances and land use policies; and
4. Any costs incurred by the State of Nevada in administering transferred land will be covered by gross revenue derived from managing the land, and will not be passed on to any local government; and be it further

RESOLVED, That any net revenue derived from the management of transferred public lands must be deposited into a permanent trust fund and held for the benefit of the following beneficiaries:

1. Public primary and secondary education;
2. Public higher education, including the Nevada System of Higher Education;
3. Public specialized education;
4. Public mental and medical health services;
5. Social, senior and veteran services;
6. Public programs to preserve any species that is listed as, or is a candidate species for listing as, threatened or endangered under the Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et seq.; and
7. Local governments, to pay for any services and infrastructure provided on transferred public lands; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution become effective upon passage.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

Amendment No. 580 to Senate Joint Resolution No. 1 makes a minor adjustment to a resolved clause by stating that the public lands subsequently transferred shall become State public lands to be managed in accordance with State and local plans for multiple-uses; and specifies that any legislation transferring federal lands to Nevada should not impact lands previously excepted by Congress.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the third reading.

Senate Joint Resolution No. 3.

Resolution read second time.

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

Amendment No. 581.

SUMMARY—Proposes to amend the Nevada Constitution to provide for the Lieutenant Governor to be elected jointly with the Governor. (BDR C-486)

SENATE JOINT RESOLUTION—Proposing to amend Section 17 of Article 5 of the Nevada Constitution to provide for the Lieutenant Governor to be elected jointly with the Governor.

Legislative Counsel's Digest:

This resolution proposes to amend Section 17 of Article 5 of the Nevada Constitution to provide for the Lieutenant Governor to be elected jointly with the Governor in the manner provided by law so that each qualified elector who votes will cast a single vote for a candidate for Governor and a candidate for Lieutenant Governor running together. This resolution requires a candidate for Governor to designate the candidate for Lieutenant Governor who would be elected with that candidate for Governor not later than the first Tuesday after the primary election or, if there is no primary election held for the Office of Governor, not later than 7 days after the deadline for filing candidacy papers. Additionally, this resolution prohibits a person from accepting contributions to a campaign for election to the Office of Lieutenant Governor unless the person has been designated as a candidate for Lieutenant Governor. This resolution also provides that, for the purposes of the limitations on campaign contributions in Section 10 of Article 2 of the Nevada Constitution, the Office of Governor and the Office of Lieutenant Governor are one office, and a contribution to a candidate for either office constitutes a contribution to his or her running mate. The final provision of the resolution requires the Legislature to provide by law for a candidate for Governor and a candidate for Lieutenant Governor running together to report jointly the contributions made to and expenditures made by each candidate.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 17 of Article 5 of the Nevada Constitution be amended to read as follows:

~~{Sec.}~~ *Sec. 17. 1. A Lieutenant Governor shall be elected ~~at the same time and places and in the same manner as~~ jointly with the Governor ~~and his~~ by each qualified elector who votes casting a single vote for a candidate for Governor and a candidate for Lieutenant Governor running together, as provided by law.*

*2. A candidate for Governor shall, in the manner provided by law, designate the candidate for Lieutenant Governor who would be elected jointly with that candidate for Governor:*

*(a) If there is a primary election held for the Office of Governor, not later than the first Tuesday after the primary election; or*

(b) If there is not a primary election held for the Office of Governor, not later than 7 days after the deadline provided by law for filing candidacy papers for the Office of Governor.

3. No person may accept a contribution to a campaign for election to the Office of Lieutenant Governor unless the person has been designated as a candidate for Lieutenant Governor pursuant to subsection 2.

4. For the purposes of Section 10 of Article 2 of this Constitution:

(a) The Office of Governor and the Office of Lieutenant Governor are one office;

(b) A contribution to a candidate for Governor also constitutes a contribution to the candidate for Lieutenant Governor designated by that candidate for Governor pursuant to subsection 2, regardless of whether the candidate for Governor has yet designated a candidate for Lieutenant Governor pursuant to subsection 2; and

(c) A contribution to a candidate for Lieutenant Governor also constitutes a contribution to the candidate for Governor who designated that candidate for Lieutenant Governor pursuant to subsection 2.

5. The Legislature shall provide by law for a candidate for Governor and a candidate for Lieutenant Governor running together to report jointly the contributions made to and expenditures made by each candidate.

6. The term of Office ~~is~~ and ~~his~~ eligibility ~~is~~ of the Lieutenant Governor shall ~~also~~ be the same ~~as~~ ~~He~~ as for the Governor.

~~2.7~~ 7. The Lieutenant Governor shall be President of the Senate, but shall only have a casting vote therein.

~~3.7~~ 8. If during a Vacancy of the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of the office, or be absent from the State, the President pro-tempore of the Senate shall act as Governor until the vacancy be filled or the disability cease.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 581 to Senate Joint Resolution No. 3 provides that, if a primary election is held, successful candidates for Governor at the primary election will have no more than seven days to announce his or her selection for Lieutenant Governor. If no primary election is held, candidates for Governor would be required to announce their respective selections for Lieutenant Governor no later than the seven days after the candidate filing deadline.

It prohibits a person from accepting contributions to a campaign for election to the Office of Lieutenant Governor unless the person has been designated as a candidate for Lieutenant Governor.

It specifies that for the purposes of the campaign contribution caps in the *Nevada Constitution*, the Office of Governor and the Office of Lieutenant Governor are considered one office and that a contribution to a candidate for either office constitutes a contribution to his or

her running mate; and it provides that contributions and expenditures for both the Governor and Lieutenant Governor must be reported jointly.

Amendment adopted.

Senator Roberson moved that the resolution be placed on the Secretary's desk, upon return from reprint.

Motion carried.

Resolution ordered reprinted, engrossed and to the Secretary's desk.

Senate Joint Resolution No. 5.

Resolution read second time.

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

Amendment No. 572.

SUMMARY—Expresses support for the 2014 Nevada Greater Sage-Grouse Conservation Plan developed by the Sagebrush Ecosystem Council and urges the United States Fish and Wildlife Service not to list the greater sage-grouse as endangered or threatened under the Endangered Species Act of 1973. (BDR R-480)

SENATE JOINT RESOLUTION—Expressing support for the 2014 Nevada Greater Sage-Grouse Conservation Plan developed by the Sagebrush Ecosystem Council and urging the United States Fish and Wildlife Service not to list the greater sage-grouse as an endangered or threatened species under the Endangered Species Act of 1973.

WHEREAS, The greater sage-grouse (*Centrocercus urophasianus*) is a species of bird that inhabits much of the sagebrush habitat in Nevada as well as other western states; and

WHEREAS, In 2010, the United States Fish and Wildlife Service determined that the greater sage-grouse warranted listing as endangered or threatened under the Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et seq., largely due to what was determined to be a lack of regulatory mechanisms, and a decision on this listing is scheduled for September 2015; and

WHEREAS, The listing of the greater sage-grouse as an endangered or threatened species would have a devastatingly negative impact on Nevada's land development, land use, water use, mining, recreational activities and local economies; and

WHEREAS, In 2011, the Bureau of Land Management and the United States Forest Service began a process to amend the agencies' land use plans to incorporate greater sage-grouse conservation measures as regulatory mechanisms; and

WHEREAS, In 2011, the United States Secretary of the Interior invited those states impacted by the potential listing of the greater sage-grouse to develop state-specific regulatory mechanisms to conserve the species; and

WHEREAS, In 2012, Governor Brian Sandoval strengthened the State of Nevada's commitment to sage-grouse conservation by issuing Executive

Order 2012-09, establishing the Governor's Greater Sage-grouse Advisory Committee, which led to Executive Order 2012-19, creating the Sagebrush Ecosystem Council; and

WHEREAS, In 2013, the Nevada Legislature enacted the provisions of Assembly Bill No. 461, which created the Sagebrush Ecosystem Council within the State Department of Conservation and Natural Resources and required the Council to establish and carry out strategies for managing the greater sage-grouse and sagebrush ecosystems in this State; and

WHEREAS, In 2014, the Sagebrush Ecosystem Council directed the preparation of and adopted the 2014 Nevada Greater Sage-Grouse Conservation Plan, which combines the best available scientific information and stakeholder input into a conservation and management plan to ameliorate the primary threats to greater sage-grouse in the State of Nevada and which is intended to be the alternative for management of greater sage-grouse in Nevada by the Bureau of Land Management, the United States Forest Service and any other land management agency; and

WHEREAS, The Draft Environmental Impact Statement for the Bureau of Land Management and the United States Forest Service Land Use Plan Amendment outline measures under the agencies' preferred alternative that are not the provisions of the State's Conservation Plan and could prove as detrimental to Nevada's economy and way of life as an Endangered Species Act listing of the greater sage-grouse; and

WHEREAS, The State's Conservation Plan was not outlined as the alternative to be adopted by the Bureau of Land Management and the United States Forest Service for management of greater sage-grouse in Nevada; and

WHEREAS, Based on ~~this~~ the State's Conservation Plan, the State of Nevada is ~~currently developing a Nevada Sage-Grouse Strategic Action Plan to carry out the recommendations of~~ poised and ready to implement the State's Conservation Plan and achieve landscape-scale conservation of greater sage-grouse and the sagebrush ecosystem; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 78th Session of the Nevada Legislature express their confidence in and support of the 2014 Nevada Greater Sage-Grouse Conservation Plan and the ability of the State of Nevada to conserve greater sage-grouse and the sagebrush ecosystem effectively; and be it further

RESOLVED, That the members of the 78th Session of the Nevada Legislature exhort and strongly request the Bureau of Land Management and the United States Forest Service to adopt the State's Conservation Plan as the management alternative for greater sage-grouse in Nevada; and be it further

RESOLVED, That the members of the 78th Session of the Nevada Legislature urge and strongly request the United States Fish and Wildlife Service to not list the greater sage-grouse as endangered or threatened under the Endangered Species Act of 1973 and allow the State of Nevada to

implement the State's Conservation Plan to demonstrate the effectiveness of the Plan as an adequate regulatory mechanism in conserving the greater sage-grouse; and be it further

RESOLVED, That if the Bureau of Land Management and the United States Fish and Wildlife Service choose not to follow the guidance and exhortations of this resolution, the members of the 78th Session of the Nevada Legislature urge and strongly request the United States Congress to intervene and enact federal legislation to provide an extension of time, for a period of 10 years through and including Fiscal Year 2025, before the United States Secretary of the Interior can consider, write or issue pursuant to Section 4 of the Endangered Species Act of 1973 a finding or proposed federal endangered species regulation in order to allow the State's Conservation Plan to be implemented and demonstrate the effectiveness of the Plan as an adequate regulatory mechanism in conserving the greater sage-grouse; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the United States Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation, the United States Secretary of the Interior, the Director of the United States Fish and Wildlife Service and the Governor of the State of Nevada; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

Amendment No. 572 to Senate Joint Resolution No. 5 adds language to the resolution to clarify that the BLM and U.S. Forest Service have embarked on land use plans to incorporate sage grouse conservation measures.

It adds language noting that the "preferred alternative" of the draft environmental impact statement of the BLM and Forest Service does not take into account the State's Sage Grouse Conservation Plan and urges the BLM and Forest Service to adopt the Plan as its preferred alternative. It adds language urging Congress to intervene if the BLM and Forest Service do not follow the guidance of the resolution and, if so, urges Congress to enact legislation to extend, for a period of ten years, a decision on a sage grouse listing to allow the implementation of the Conservation Plan.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Senate Bill No. 5.

Bill read second time.

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

Amendment No. 310.

SUMMARY—Revises provisions governing elections for nonpartisan offices. (BDR 24-90)

AN ACT relating to elections; providing that a candidate for nonpartisan office who receives a majority of the votes cast in a primary election or

certain primary city elections must be declared the winner and not be placed on the ballot at a general election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if there are more candidates than twice the number to be elected to a nonpartisan office, other than a city office: (1) the names of the candidates must appear on the ballot for a primary election; and (2) 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. (NRS 293.260) Section 1 of this bill provides that if one candidate receives a majority of the votes cast in the primary election for the office for which he or she is a candidate, 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.

For primary city elections conducted in certain general law cities, existing law provides that if one candidate receives "more than a majority" of the votes cast in such an election for the office for which he or she is a candidate, the candidate must be declared to be elected to the office and the candidate's name must not be placed on the ballot for the general city election. (NRS 293C.175) Section 2 of this bill amends the statute to clarify that such a candidate need only receive a majority of the votes cast, not some greater number, to be declared to be elected. Section 3 of this bill makes a similar change to the Charter of Carson City.

For most charter cities that hold primary city elections, existing law provides that if one candidate receives a majority of votes cast in the primary city election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. (Boulder City Charter § 96, Henderson City Charter § 5.010, Las Vegas City Charter § 5.010, North Las Vegas City Charter § 5.020) ~~[Sections] Section 3, 4 and 6 of this bill amend~~ amends the ~~[Charters] Charter of Carson City [and the Cities of Reno and Sparks]~~ Charter of Carson City ~~[and the Cities of Reno and Sparks]~~ so that this rule applies to ~~[all charter cities that hold primary city elections.] Carson City as well.~~

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

Section 1. NRS 293.260 is hereby amended to read as follows:

293.260 1. 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. 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. 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. 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) 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, 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) 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. Where no more than the number of candidates to be elected have filed for nomination for:

(a) 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) 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) 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. 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]~~ *Except as otherwise provided in this subsection, 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. *If one candidate receives a majority of the votes cast in the primary*

*election for that office, 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.*

Sec. 2. NRS 293C.175 is hereby amended to read as follows:

293C.175 1. Except as otherwise provided in NRS 293C.115, a primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the first Tuesday after the first Monday in April of every year in which a general city election is to be held, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. Except as otherwise provided in NRS 293C.115, a candidate for any office to be voted for at the primary city election must file a declaration of candidacy with the city clerk not less than 60 days or more than 70 days before the date of the primary city election. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

3. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

4. If, in a primary city election held in a city of population category one or two, one candidate receives ~~[more than]~~ a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.

Sec. 3. Section 5.010 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 100, Statutes of Nevada 1999, at page 271, is hereby amended to read as follows:

Sec. 5.010 Primary election.

1. A primary election must be held on the date fixed by the election laws of this state for statewide elections, at which time there must be nominated candidates for offices to be voted for at the next general election.

2. A candidate for any office to be voted for at any primary election must file a declaration of candidacy as provided by the election laws of this state.

3. All candidates for the office of Mayor and Supervisor, and candidates for the office of Municipal Judge if a third department of the Municipal Court has been established, must be voted upon by the registered voters of Carson City at large.

4. If only two persons file for a particular office, their names must not appear on the primary ballot but their names must be placed on the ballot for the general election.

5. If in the primary election one candidate receives ~~[more than]~~ a majority of votes cast in that election for the office for which he or she is a candidate, ~~[his or her name alone must be placed on the ballot for the general 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 in the primary election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest numbers of votes must be placed on the ballot for the general election.

Sec. 4. ~~[Section 5.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1829, is hereby amended to read as follows:~~

~~Sec. 5.020 Primary elections; declaration of candidacy.~~

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

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

~~3. In the primary election:~~

~~(a) [The] Except as otherwise provided in paragraph (d), the names of the two candidates for Municipal Judge, City Attorney or a particular City Council seat, as the case may be, who receive the highest number of votes must be placed on the ballot for the general election.~~

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

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

~~(d) If one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, 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. A candidate declared~~

~~electd pursuant to this paragraph does not enter upon the discharge of his or her duties until after the general election.~~

~~4. The Mayor and all Council Members must be voted upon by all registered voters of the City at the general election.} (Deleted by amendment.)~~

Sec. 5. ~~{Section 5.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1830, is hereby amended to read as follows:~~

~~Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.~~

~~1. The election returns from any special, primary or general election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may handle, inspect or in any manner interfere with those returns until canvassed by the City Council.~~

~~2. The City Council and City Manager shall meet within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.~~

~~3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. [The] Except as otherwise provided in paragraph (d) of subsection 3 of section 5.020 of this Charter, the officers elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting following their election.~~

~~4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie as provided in this subsection. The City Clerk shall provide and open in the presence of the candidates who received the tie vote an unused 52-card deck of playing cards, removing any jokers and blank cards. The City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose. One of the candidates who received the tie vote shall then draw one card from the deck, and the City Clerk shall record the suit and number of the card. The card then must be returned to the deck, and the City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose, and another of the candidates who received the tie vote shall draw one card from the deck. This process must be repeated until each of the candidates who received the tie vote has drawn one card from the deck and the result of each draw has been recorded. The candidate who draws the high card shall be deemed the winner of the election. For the purposes of this subsection, aces are high and twos are low. If the candidates draw~~

~~eards of otherwise equal value, the card of the higher suit is the high card. Spades are highest, followed in descending order by hearts, clubs and diamonds. The City Clerk shall issue to the winner a certificate of election.] (Deleted by amendment.)~~

Sec. 6. ~~[Section 5.020 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 398, is hereby amended to read as follows:~~

~~Sec. 5.020 Primary elections:~~

~~1. Candidates for the offices of Mayor, City Attorney and Municipal Judge must be voted upon by the registered voters of the City at large. Candidates to represent a ward as a member of the City Council must be voted upon by the registered voters of the ward to be represented by them.~~

~~2. [The] Except as otherwise provided in subsection 3, the names of the two candidates for Mayor, City Attorney and Municipal Judge and the names of the two candidates to represent the ward as a member of the City Council from each ward who receive the highest number of votes at the primary election must be placed on the ballot for the general election.~~

~~3. If one candidate receives a majority of the votes cast in the primary election for the office for which he or she is a candidate, 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. A candidate declared elected pursuant to this subsection does not enter upon the discharge of his or her duties until after the general election.] (Deleted by amendment.)~~

Sec. 7. ~~[Section 5.100 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 399, is hereby amended to read as follows:~~

~~Sec. 5.100 Election returns: Canvass; certificates of election; entry of officers upon duties; tie vote procedure.~~

~~1. The election returns from any election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault. No person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.~~

~~2. The City Council shall meet within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 22 months, and no person may have access to them except on order of a court of competent jurisdiction or by order of the City Council.~~

~~3. The City Clerk, under his or her hand and official seal, shall issue a certificate of election to each person elected. [The] Except as otherwise provided in subsection 3 of section 5.020 of this Charter, the officers elected shall qualify and enter upon the discharge of their~~

~~respective duties at the first regular City Council meeting following their election.~~

~~4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.]~~  
(Deleted by amendment.)

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Amendment No. 310 to Senate Bill No. 5 deletes sections 4 through 7 of the bill that proposed to amend the City Charters of Reno and Sparks, because they had not requested to be in the bill, they requested to be removed. The other point that came up earlier today, about still appearing on the election, that is the current way it works for primary city elections and everything lower does not apply as the Senator from District 4 indicated on Assembly or up races. However, on the local level that is the way it occurs. If you win the primary by 50.1 you do not appear on the general city election and that is what this is consistent with.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 125.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 264.

SUMMARY—Makes various changes related to recruiting, retaining, stabilizing and expanding regional commercial air service in this State. (BDR 18-610)

AN ACT relating to economic development; creating the Nevada Air Service Development Commission; setting forth the duties of the Commission; creating the Nevada Air Service Development Fund; requiring the Commission to administer the Fund; establishing the criteria for awarding grants to certain ~~airports~~ air carriers from the Fund; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Constitution contains a provision commonly known as a "gift clause" which restricts the State, under certain circumstances, from donating or loaning the State's money or credit to any company, association or corporation, except corporations formed for educational or charitable purposes. (Nev. Const. Art. 8, § 9) The State does not donate, loan or "gift" its money in violation of this constitutional provision when the State dispenses state funds for a public purpose and the State receives a valuable benefit or fair consideration in exchange for the dispensation of such funds. (Lawrence v. Clark County, 127 Nev. Adv. Op. 32, 254 P.3d 606, 616 (2011)) In most cases, the courts generally will give great weight and due deference to the Legislature's finding that a particular dispensation of state funds serves a public purpose and the State receives a valuable benefit or fair consideration in exchange for the dispensation. (Washoe County

Water Conserv. Dist. v. Beemer, 56 Nev. 104, 115 (1935); Cauble v. Beemer, 64 Nev. 77, 82-85 (1947); McLaughlin v. Hous. Auth. of Las Vegas, 68 Nev. 84, 93 (1951); State ex rel. Brennan v. Bowman, 89 Nev. 330, 332-33 (1973); Lawrence v. Clark County, 127 Nev. Adv. Op. 32, 254 P.3d 606, 612 (2011))

Sections 2-10 of this bill create the: (1) Nevada Air Service Development Commission, which consists of the Executive Director of the Office of Economic Development within the Office of the Governor and the members of the Commission on Tourism of the Department of Tourism and Cultural Affairs; and (2) Nevada Air Service Development Fund. The Commission will administer the Fund and award grants to ~~the operators of~~ air carriers who will serve, or enhance service to, small airports in this State for the purpose of recruiting, retaining, stabilizing and expanding regional air service in this State. ~~Airports that receive grants.~~ Grants from the Fund must ~~use the grants~~ be used to pay the costs associated with an agreement entered into between the ~~airport~~ Commission and an air carrier for the air carrier to commence or continue air service to the airport in exchange for a guarantee of receiving certain revenue or subsidies from the ~~airport operator or the local government that has jurisdiction over the airport.~~ Commission. Section 10 of this bill ~~requires~~ provides that : (1) a grant from the Commission must pay 80 percent of the cost of the guarantee; and (2) a local air service development entity, an airport ~~which receives such a grant~~ receiving service or increased service or the governing body of the local government having jurisdiction over such an airport must pay 20 percent of the cost of such a guarantee ~~, but does not indicate how such costs will be apportioned. Therefore, the governing body of such a local government could be required to pay for up to 20 percent of the cost of a guarantee even if the governing body did not consent to the application for or the acceptance of a grant.~~ in the form of in-kind contributions.

Section 11 of this bill makes an appropriation to the Nevada Air Service Development Fund.

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

Section 1. 1. The Legislature hereby finds and declares that:

(a) Section 9 of Article 8 of the Nevada Constitution contains a provision commonly known as a "gift clause" which restricts the State under certain circumstances from donating or loaning the State's money or credit to any company, association or corporation, except corporations formed for educational or charitable purposes.

(b) In *Employers Insurance Company of Nevada v. State Board of Examiners*, 117 Nev. 249, 258 (2001), the Nevada Supreme Court held that the State loans its credit in violation of Section 9 of Article 8 of the Nevada Constitution only when the State acts as a surety or guarantor for the debts of a company, corporation or association.

(c) In *Lawrence v. Clark County*, 127 Nev. Adv. Op. 32, 254 P.3d 606, 616 (2011), the Nevada Supreme Court held that the State does not donate.

loan or "gift" its money in violation of Section 9 of Article 8 of the Nevada Constitution when the State dispenses state funds for a public purpose and the State receives a valuable benefit or fair consideration in exchange for the dispensation of the state funds.

(d) In *McLaughlin v. Housing Authority of the City of Las Vegas*, 68 Nev. 84, 93 (1951), and *Lawrence v. Clark County*, 127 Nev. Adv. Op. 32, 254 P.3d 606, 616 (2011), the Nevada Supreme Court held that when the Legislature authorizes a state agency to dispense state funds:

(1) The courts will carefully examine whether the Legislature made an informed and appropriate finding that dispensation of the state funds serves a public purpose and the State receives a valuable benefit or fair consideration in exchange for the dispensation;

(2) The courts will give great weight and due deference to the Legislature's finding, and the courts will uphold the Legislature's finding unless it clearly appears to be erroneous and without reasonable foundation; and

(3) The courts will closely examine whether the dispensing state agency reviews all facts, figures and necessary information when making the dispensation, and when the state agency has done so, it will not be second-guessed by the courts.

2. The Legislature further finds and declares that:

(a) The state program developed and carried into effect pursuant to this act will not result in the State acting as a surety or guarantor of the debts of an air carrier receiving a grant.

(b) The purpose of this act is to develop and carry into effect a state program to encourage air carriers to resume, retain or enhance the provision of commercial air service to and from small hub airports and nonhub airports that serve rural communities in this State.

(c) The provisions of this act are intended to serve an important public purpose and ensure that the State receives valuable benefits and fair consideration in exchange for each grant from the program because:

(1) The program requires the dispensing state agency to review all facts, figures and necessary information when making each grant from the program to determine whether the grant will provide economic benefit to this State;

(2) The provision of air transportation service to and from small hub airports and nonhub airports enables the citizens and businesses of this State to travel more efficiently and at lower cost, to and from the rural communities in this State; and

(3) The dispensing state agency may not make a grant from the program unless the agency receives a commitment from the air carrier receiving the grant to commence or continue air service to a designated small hub airport or nonhub airport.

~~[Section 1.]~~ *Sec. 1.5.* Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.



Sec. 2. *As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 ~~f, 4 and 5~~ to 5.7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Air carrier" means a person who provides commercial air transportation to passengers.*

Sec. 4. *"Commission" means the Nevada Air Service Development Commission created by section 6 of this act.*

Sec. 5. *"Fund" means the Nevada Air Service Development Fund created by section 8 of this act.*

Sec. 5.3. 1. "Local air service development entity" means a regional development authority, an organization formed to encourage increased air service for small communities in this State or any other person who receives the benefit of increased air service for small communities in this State.

2. As used in this section, "regional development authority" has the meaning ascribed to it in NRS 231.009.

Sec. 5.5. "Nonhub airport" has the meaning ascribed to it in 49 U.S.C. § 47102.

Sec. 5.7. "Small hub airport" has the meaning ascribed to it in 49 U.S.C. § 47102.

Sec. 6. *1. There is hereby created the Nevada Air Service Development Commission, consisting of:*

*(a) The Executive Director of the Office of Economic Development; and*

*(b) The members of the Commission on Tourism appointed pursuant to NRS 231.170.*

*2. At the first meeting of each fiscal year, the Commission shall elect from among its members a Chair, a Vice Chair and a Secretary.*

*3. The Commission shall meet at least once each calendar quarter and at other times on the call of the Chair or a majority of its members.*

*4. A majority of the members of the Commission constitutes a quorum for the transaction of all business.*

Sec. 7. *The Commission shall:*

*1. Administer the Fund; and*

*2. Adopt any regulations necessary or convenient to carry out the provisions of sections 2 to 10, inclusive, of this act.*

Sec. 8. *1. There is hereby created as a special revenue fund in the State Treasury a Nevada Air Service Development Fund. The Commission may accept gifts, grants and donations from any source for deposit in the Fund.*

*2. The money in the Fund must be invested as other state funds are invested. All interest earned on the deposit or investment of the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.*

3. ~~The Commission may make grants of money from the Fund to~~ air carriers that satisfy the criteria set forth in section 9 of this act.

Sec. 9. 1. ~~{An airport may apply for a grant from the Commission if the airport:~~

~~(a) Is: The Commission shall develop a program to provide grants of money from the Fund to an air carrier that will service or provide enhanced air service to a commercial service airport that {does not have more passenger boardings on an annual basis than a} is:~~

~~(a) A small hub airport {+} or nonhub airport; and~~

~~(b) {Is certified} Certified by the Federal Aviation Administration pursuant to 14 C.F.R. Part 139. {+}~~

~~(c) Is located more than 150 miles from the nearest medium hub airport or large hub airport; and~~

~~(d) Demonstrates to the Commission that air carriers charge unreasonably high fees to service the airport or provide insufficient service to the airport.}~~

2. An application for a grant from the Fund must be in the form prescribed by the Commission and must include, without limitation:

(a) A statement designating the small hub airport or nonhub airport for which the air carrier will commence or continue air service if the grant is awarded;

(b) Commitments from {an} the air carrier {and the airport} that if the Commission awards the grant to the {airport,} air carrier, the {two parties} air carrier will enter into a written agreement with the Commission that provides for the air carrier to commence or continue air service to the airport designated in the application in exchange for receiving from the Commission one of the guarantees set forth in subsection {+} 2 of section 10 of this act;

~~{(b) The cost and terms of the agreement between the air carrier and the airport;} and~~

(c) The amount of the in-kind contribution from {the airport} a local air service development entity, the airport designated in the application or the governing body of the local government that has jurisdiction over the airport pursuant to subsection {2} 3 of section 10 of this act and the method in which the {money for such a} contribution will be {generated; and

~~(d) The amount of the grant for which the airport is applying;~~

~~3. As used in this section, the terms "large hub airport," "medium hub airport," "passenger boardings" and "small hub airport" have the meanings ascribed to them in 49 U.S.C. § 47102.} provided.~~

Sec. 10. 1. ~~{A grant awarded}~~ The Commission may make a grant if the Commission finds that the grant will enable an air carrier to commence or continue air service to a small hub airport or nonhub airport and provide economic benefit to this State.

2. The Commission may make a grant from the Fund {may} only {be used by an airport} to:

(a) Guarantee that an air carrier will receive an agreed amount of revenue per flight that the air carrier operates in to or out of the airport ~~+~~ designated in the application pursuant to paragraph (a) of subsection 2 of section 9 of this act;

(b) Guarantee that the air carrier will charge a reduced or subsidized price to customers who use the air carrier to travel to or from the airport ~~+~~ designated in the application pursuant to paragraph (a) of subsection 2 of section 9 of this act; or

(c) Guarantee a profit goal for the air carrier that is established by agreement between the air carrier and the ~~airport.~~

~~2. An airport that receives a~~ Commission.

3. A grant awarded from the Fund must pay ~~with the grant~~ 80 percent of the cost of a guarantee described in subsection 1. The remaining 20 percent of the cost of the guarantee must be paid by ~~the airport or~~ a local air service development entity, the airport designated in the application pursuant to paragraph (a) of subsection 2 of section 9 of this act or the governing body of the local government that has jurisdiction over the airport.

4. The contribution to the cost of the guarantee pursuant to subsection 2 from the local air service development entity, airport or governing body ~~of the local government must~~, as applicable:

(a) Must not violate federal law or any regulations or guidelines adopted by the Federal Aviation Administration of the United States Department of Transportation; and

(b) Must be in the form of ~~money or in kind, or both. An~~ an in-kind contribution ~~may be in the form of:~~

~~(a)~~, which may include, without limitation:

(1) A waiver or reduction in favor of the air carrier:

~~+(1)~~ (I) Of rent for use of the terminal;

~~+(2)~~ (II) For landing fees; or

~~+(3)~~ (III) For other airport charges or taxes; or

~~+(b)~~ (2) Marketing and advertising services provided by the local air service development entity, airport or local government to the air carrier.

Sec. 11. 1. There is hereby appropriated from the State General Fund to the Nevada Air Service Development Commission created by section 6 of this act the following sums for deposit in the Nevada Air Service Development Fund created by section 8 of this act:

For the Fiscal Year 2015-2016 ..... \$1,000,000

For the Fiscal Year 2016-2017 ..... \$1,000,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16,

2016, and September 15, 2017, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2016, and September 15, 2017, respectively.

Sec. 12. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 13. This act becomes effective upon passage and approval.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

Clearly, the intent of the amendment is that local government will have an unfunded mandate of 20 percent. They would be on the hook to provide 20 percent of the gift or grant. However, the law prohibits local government or the airport from directly contributing to an airline so that is why we created the Nevada Air Service Development Commission. That does, in fact, then, take away 80 percent of the unfunded mandate. I have talked with my colleague from Senate District 11, and I think is as clear as we can get it as it gets redrafted. I think the intent is clear, but the language is a little confusing. One says maintain, one says not maintain but the bottom line is it is 20 percent to local government and 80 percent to the new Nevada Air Service Development Commission, and it makes it legal. We have a lot of case law in the amendment that allows for that.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

WAIVERS AND EXEMPTIONS  
NOTICE OF EXEMPTION

April 20, 2015

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

MARK KRMPOTIC  
*Fiscal Analysis Division*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that Senate Bills Nos. 125, 163, 203, 210, 328 be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 463.

Bill read third time.

The following amendment was proposed by Senator Gustavson:

Amendment No. 634.

SUMMARY—Revises provisions relating to education. (BDR 34-411)

AN ACT relating to education; requiring certain providers of electronic applications used for educational purposes to provide written disclosures concerning personally identifiable information that is collected; requiring such a provider to allow certain persons to review and correct personally identifiable information about a pupil maintained by the provider; limiting the circumstances under which such a provider may collect, use, allow access to or transfer personally identifiable information concerning a pupil; requiring such a provider to establish and carry out a detailed plan for the

security of data concerning pupils; requiring teachers and other licensed personnel employed by a school district or charter school to complete certain professional development; requiring certain disciplinary action against a teacher or administrator for breaches in security or confidentiality of certain examinations; providing a civil penalty for certain violations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.25 of this bill declares that : (1) the educational records of a pupil, including the personally identifiable information contained in such records, belong to the pupil and his or her parent or legal guardian; and (2) it is the public policy of this State to protect [the educational] such records [of pupils, including the personally identifiable] and information ; [contained in such records,] and [that] (3) the provisions of this bill are intended to provide greater protection over such records and information.

Section 5 of this bill requires a school service provider to provide to the board of trustees of a school district or the governing body of a school, as applicable, and a teacher who uses a school service, a written disclosure of: (1) the types of personally identifiable information collected by the school service provider; (2) the manner in which such information is used; (3) a description of the plan for security of data concerning pupils which has been established by the school service provider; and (4) any material change to such a plan. Section 3 of this bill defines the term "school service" to mean an Internet website, online service or mobile application that: (1) collects or maintains personally identifiable information concerning a pupil; (2) is used primarily for educational purposes; (3) is designed and marketed for use in public schools; and (4) is used at the direction of teachers and other educational personnel. Section 5 requires a school service provider to: (1) allow certain pupils or the parent or guardian of a pupil to review personally identifiable information about the pupil maintained by the school service provider; and (2) establish a process for making any corrections to such information.

Section 6 of this bill limits the circumstances under which a school service provider may collect, use, allow access to or transfer personally identifiable information concerning a pupil. Section 6 requires a school service provider to delete personally identifiable information concerning a pupil at the request of the board of trustees of the school district or the governing body of the school, as applicable. Section 6 requires any agreement entered into by a school service provider that provides for the disclosure of personally identifiable information to limit the circumstances under which the person or governmental entity to whom the information is disclosed may collect, use or transfer such information to circumstances authorized by law. Section 6 also subjects any school service provider that violates these requirements to a civil penalty.

Section 7 of this bill requires a school service provider to establish and carry out a detailed plan for the security of any data concerning pupils that is

collected or maintained by the school service provider. Section 8 of this bill requires each school district and the governing body of a charter school or university school for profoundly gifted pupils, as applicable, to annually provide professional development regarding the use of school service providers and the security of data concerning pupils. Section 8 also requires teachers and other licensed personnel employed by a school district or charter school to annually complete professional development regarding school service providers and the security of data concerning pupils.

Section 8.3 of this bill authorizes a school service provider to use and disclose information derived from personally identifiable information to demonstrate the effectiveness of the products or services of the school service provider. Section 8.5 of this bill prohibits a person or governmental entity from waiving or modifying any right, obligation or liability provided by the provisions of sections 1.5-8.5. Section 8.5 also provides that any condition, stipulation, or provision in a contract that conflicts with the provisions of sections 1.5-8.5 is void and unenforceable.

Existing law authorizes a teacher to be suspended, dismissed or not reemployed and an administrator to be demoted, suspended, dismissed or not reemployed for breaches in security or confidentiality of the questions and answers of certain examinations. (NRS 391.3127) Section 9 of this bill instead requires a teacher to be suspended, dismissed or not reemployed and an administrator to be demoted, suspended, dismissed or not reemployed for such breaches.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.25 to 8.5, inclusive, of this act.

Sec. 1.25. *The Legislature hereby finds and declares that ~~the~~:*

*1. The educational records of a pupil, including, without limitation, the personally identifiable information of the pupil, belong to the pupil and his or her parent or legal guardian.*

*2. It is the public policy of this State to protect ~~the educational~~ such records ~~of pupils including, without limitation, the personally identifiable~~ and information. ~~of pupils and that the~~*

*3. The provisions of sections 1.5 to 8.5, inclusive, of this act are intended to:*

*~~1.1~~ (a) Provide greater protection of such records and information;*

*~~1.2~~ (b) Limit and restrict the collection, transfer and maintenance of such information;*

*~~1.3~~ (c) Provide greater control of such information to pupils and their parents or guardians;*

*~~1.4~~ (d) Provide notification to persons and governmental entities regarding the types of personally identifiable information collected and how such information is kept secure;*

~~{5.}~~ (e) Establish a process for the correction or deletion of any personally identifiable information collected by a school service provider;

~~{6.}~~ (f) Prohibit a school service provider from using personally identifiable information to target advertising to minors; and

~~{7.}~~ (g) Ensure that teachers and other licensed educational personnel understand how to use school services in a manner that protects personally identifiable information concerning pupils.

Sec. 1.5. As used in sections 1.25 to 8.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2 to 4.5, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 2. "Personally identifiable information" has the meaning ascribed to it in 34 C.F.R. § 99.3.

Sec. 3. 1. "School service" means an Internet website, online service or mobile application that:

(a) Collects or maintains personally identifiable information concerning a pupil;

(b) Is used primarily for educational purposes; and

(c) Is designed and marketed for use in public schools and is used at the direction of teachers and other educational personnel.

2. The term does not include an Internet website, online service or mobile application that is designed or marketed for use by a general audience, even if the school service is also marketed to public schools.

Sec. 4. "School service provider" means a person that operates a school service, to the extent the provider is operating in that capacity.

Sec. 4.5. "Targeted advertising" means presenting advertisements to a pupil where the advertisement is selected based on information obtained or inferred from the online behavior of a pupil, the use of applications by a pupil or personally identifiable information concerning a pupil. The term does not include advertising to a pupil at an online location based upon the current visit to the location by the pupil or a single search query without the collection and retention of the online activities of a pupil over time.

Sec. 5. 1. Before the persons or governmental entities described in subsection 3 begin using a school service, a school service provider must provide a written disclosure to such persons or governmental entities in language that is easy to understand, which includes, without limitation:

(a) The types of personally identifiable information collected by the school service provider and the manner in which such information is used; and

(b) A description of the plan for the security of data concerning pupils which has been established by the school service provider pursuant to section 7 of this act.

2. Before a school service provider makes a material change to the plan for the security of data concerning pupils established pursuant to section 7 of this act, the school service provider must provide notice to the persons or governmental entities set forth in subsection 3.

3. *The disclosure or notice provided pursuant to subsection 1 or 2, as applicable, must be provided to:*

*(a) The board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils, as applicable, that uses the school service of the school service provider; and*

*(b) Any teacher who uses the school service.*

4. *A school service provider shall:*

*(a) Allow a pupil who is at least 13 years of age and the parent or legal guardian of any pupil to review personally identifiable information concerning the pupil that is maintained by the school service provider; and*

*(b) Establish a process, in accordance with any contract governing the activities of a school service provider and which is consistent with the provisions of sections 1.5 to 8.5, inclusive, of this act, for the correction of such information upon the request of:*

*(1) A pupil who is at least 13 years of age or the parent or legal guardian of any pupil; or*

*(2) The teacher of the pupil or the board of trustees of the school district in which the school that the pupil attends is located, the governing body of the charter school that the pupil attends or the governing body of the university school for profoundly gifted pupils that the pupil attends, as applicable.*

Sec. 6. 1. *Except as otherwise provided in subsection 2, a school service provider may collect, use, allow access to or transfer personally identifiable information concerning a pupil only:*

*(a) For purposes inherent to the use of a school service by a teacher in a classroom or for the purposes authorized by the board of trustees of the school district in which the school that the pupil attends is located, the governing body of the charter school that the pupil attends or the governing body of the university school for profoundly gifted pupils that the pupil attends, as applicable, so long as it is authorized by federal and state law;*

*(b) If required by federal or state law;*

*(c) In response to a subpoena issued by a court of competent jurisdiction;*

*(d) To protect the safety of a user of the school service; or*

*(e) With the consent of any person required in a policy of the school district, charter school or university school for profoundly gifted pupils, as applicable, or, if none, with the consent of the pupil, if the pupil is at least 13 years of age, or the parent or legal guardian of the pupil if the parent or legal guardian has requested to provide consent before any such action is taken or if the pupil is less than 13 years of age.*

2. *A school service provider may transfer personally identifiable information concerning a pupil to a third-party service provider if the school service provider provides notice to the appropriate person described in paragraph (e) of subsection 1 and:*



*(a) Contractually prohibits the third-party service provider from using any such information for any purpose other than providing the contracted school services to, or on behalf of, the school service provider;*

*(b) Prohibits the third-party service provider from disclosing any personally identifiable information concerning a pupil unless the disclosure is authorized pursuant to subsection 1; and*

*(c) Requires the third-party service provider to comply with the requirements of sections 1.5 to 8.5, inclusive, of this act.*

*3. A school service provider shall delete any personally identifiable information concerning a pupil that is collected or maintained by the school service provider and that is under the control of the school service provider within a reasonable time not to exceed 30 days after receiving a request from the board of trustees of the school district in which the school that the pupil attends is located, the governing body of the charter school that the pupil attends or the governing body of the university school for profoundly gifted pupils that the pupil attends, as applicable. The board of trustees or the governing body, as applicable, must have a policy which allows a parent or legal guardian of a pupil to request that such information about the pupil be deleted. The school service provider shall delete such information upon the request of the parent or legal guardian of a pupil if no such policy exists.*

*4. Any agreement entered into by a school service provider that provides for the disclosure of personally identifiable information must require that the person or governmental entity to whom the information will be disclosed abide by the requirements imposed pursuant to this section.*

*5. A school service provider shall not:*

*(a) Use personally identifiable information to engage in targeted advertising.*

*(b) Except as otherwise provided in this paragraph, sell personally identifiable information concerning a pupil. A school service provider may provide personally identifiable information concerning pupils to an entity that purchases, merges with or otherwise acquires the school service and the acquiring entity becomes subject to the requirements of sections 1.5 to 8.5, inclusive, of this act.*

*(c) Use personally identifiable information concerning a pupil to create a profile of the pupil without the consent of the appropriate person described in paragraph (e) of subsection 1. For the purposes of this paragraph, "creating a profile" does not include collecting or retaining account registration records or information that remains under the control of the pupil if he or she is at least 13 years of age, the parent or legal guardian of any pupil, the teacher of the pupil or the board of trustees of the school district in which the school that the pupil attends is located, the governing body of the charter school that the pupil attends or the governing body of the university school for profoundly gifted pupils that the pupil attends, as applicable.*

(d) Use personally identifiable information concerning a pupil in a manner that is inconsistent with any contract governing the activities of the school service provider for the school service in effect at the time the information is collected or in a manner that violates any of the provisions of sections 1.5 to 8.5, inclusive, of this act.

(e) Knowingly retain, without the consent of the appropriate person described in paragraph (e) of subsection 1, personally identifiable information concerning a pupil beyond the period authorized by the contract governing the activities of the school service provider.

6. This section does not prohibit the use of personally identifiable information concerning a pupil that is collected or maintained by a school service provider for the purposes of:

- (a) Adaptive learning or providing personalized or customized education;
- (b) Maintaining or improving the school service;
- (c) Recommending additional content or services within a school service;
- (d) Responding to a request for information by a pupil;
- (e) Soliciting feedback regarding a school service; or
- (f) Allowing a pupil who is at least 13 years of age or the parent or legal guardian of any pupil to download, transfer, or otherwise maintain data concerning a pupil.

7. A school service provider that violates the provisions of this section is subject to a civil penalty in an amount not to exceed \$5,000 per violation. The Attorney General may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

Sec. 7. 1. A school service provider shall establish and carry out a detailed plan for the security of any data concerning pupils that is collected or maintained by the school service provider. The plan must include, without limitation:

- (a) Procedures for protecting the security, privacy, confidentiality and integrity of personally identifiable information concerning a pupil; and
- (b) Appropriate administrative, technological and physical safeguards to ensure the security of data concerning pupils.

2. A school service provider shall ensure that any successor entity understands that it is subject to the provisions of sections 1.5 to 8.5, inclusive, of this act and agrees to abide by all privacy and security commitments related to personally identifiable information concerning a pupil collected and maintained by the school service provider before allowing a successor entity to access such personally identifiable information.

Sec. 8. 1. Each school district and the governing body of a charter school or a university school for profoundly gifted pupils, as applicable, shall annually provide professional development regarding the use of school service providers and the security of data concerning pupils.

2. Teachers and other licensed educational personnel employed by a school district, charter school or university school for profoundly gifted

*pupils shall complete the professional development provided pursuant to subsection 1.*

*Sec. 8.3. A school service provider may use and disclose information derived from personally identifiable information concerning a pupil to demonstrate the effectiveness of the products or services of the school service provider, including, without limitation, for use in advertising or marketing regarding the school service so long as the information is aggregated or is presented in a manner which does not disclose the identity of the pupil about whom the information relates.*

*Sec. 8.5. A person or governmental entity may not waive or modify any right, obligation or liability set forth in sections 1.5 to 8.5, inclusive, of this act. Any condition, stipulation or provision in a contract which seeks to do so or which in any way conflicts with the provisions of sections 1.5 to 8.5, inclusive, of this act is against public policy and is void and unenforceable.*

Sec. 9. NRS 391.31297 is hereby amended to read as follows:

391.31297 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

- (a) Inefficiency;
- (b) Immorality;
- (c) Unprofessional conduct;
- (d) Insubordination;
- (e) Neglect of duty;
- (f) Physical or mental incapacity;
- (g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;
- (h) Conviction of a felony or of a crime involving moral turpitude;
- (i) Inadequate performance;
- (j) Evident unfitness for service;
- (k) Failure to comply with such reasonable requirements as a board may prescribe;
- (l) Failure to show normal improvement and evidence of professional training and growth;
- (m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;
- (n) Any cause which constitutes grounds for the revocation of a teacher's license;
- (o) Willful neglect or failure to observe and carry out the requirements of this title;
- (p) Dishonesty;
- (q) ~~Breaches in the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 389.550~~

~~or 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807.~~

~~—(r)~~ Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 389.616 or 389.620;

~~[(s)]~~ (r) An intentional violation of NRS 388.5265 or 388.527;

~~[(t)]~~ (s) Gross misconduct; or

~~[(u)]~~ (t) An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation.

2. *If a teacher or administrator breaches the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 389.550 or 389.805 or the college and career readiness assessment administered pursuant to NRS 389.807, the board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils, as applicable, shall:*

*(a) Suspend, dismiss or fail to reemploy the teacher; or*

*(b) Demote, suspend, dismiss or fail to reemploy the administrator.*

3. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

~~{3.}~~ 4. As used in this section, "gross misconduct" includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

Sec. 10. NRS 391.313 is hereby amended to read as follows:

391.313 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that the administrator believes may lead to demotion or dismissal or may cause the employee not to be reemployed under the provisions of NRS 391.31297, the administrator shall:

(a) Except as otherwise provided in subsection 3, bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to the employee's demotion, dismissal or a refusal to reemploy him or her, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for the employee's potential demotion, dismissal or a potential recommendation not to reemploy him or her; and

(b) Except as otherwise provided in NRS 391.314, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

➤ The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.

2. An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for the employee by the administrator who issued the admonition must be removed from the records

of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

3. An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his or her employment will be terminated pursuant to NRS 391.3197.

4. A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.311 to 391.3197, inclusive, without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h), (p) and ~~((t))~~ (s) of subsection 1 of NRS 391.31297.

Sec. 11. NRS 391.3161 is hereby amended to read as follows:

391.3161 1. Each request for the appointment of a person to serve as a hearing officer must be submitted to the Superintendent of Public Instruction.

2. Within 10 days after receipt of such a request, the Superintendent of Public Instruction shall request that the Hearings Division of the Department of Administration appoint a hearing officer.

3. The State Board shall prescribe the procedures for exercising challenges to a hearing officer, including, without limitation, the number of challenges that may be exercised and the time limits in which the challenges must be exercised.

4. A hearing officer shall conduct hearings in cases of demotion, dismissal or a refusal to reemploy based on the grounds contained in ~~[subsection]~~ subsections 1 and 2 of NRS 391.31297.

5. This section does not preclude the employee and the superintendent from mutually selecting an attorney who is a resident of this State, an arbitrator provided by the American Arbitration Association or a representative of an agency or organization that provides alternative dispute resolution services to serve as a hearing officer to conduct a particular hearing.

Sec. 12. The provisions of sections 1.5 to 8.5, inclusive, of this act:

1. Apply to any agreement entered into, extended or renewed on or after July 1, 2015, and any provision of the agreement that is in conflict with that section is void.

2. Apply on July 1, 2018, to any agreement entered into before July 1, 2015.

Sec. 13. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 14. This act becomes effective on July 1, 2015.

Senator Gustavson moved that the bill be taken from the General File and placed on the Secretary's desk.

Motion carried.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 4:39 p.m.

SENATE IN SESSION

At 4:45 p.m.

President Hutchison presiding.

Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 114.

Bill read second time.

The following amendment was proposed by Senator Hardy:

Amendment No. 164.

SUMMARY—Makes changes relating to prescriptions for certain controlled substances. (BDR 40-239)

AN ACT relating to controlled substances; requiring the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to provide access to the computerized program to track prescriptions of controlled substances developed by the [State] Board [of Pharmacy] and the [Investigation] Division [of the Department of Public Safety to include certain information; authorizing access to such information for] to certain [purposes;] occupational licensing boards; requiring the Board and the Division to [use such] provide information [for certain purposes;] concerning the inappropriate use of a controlled substance by a patient to the occupational licensing board of a practitioner who prescribes the controlled substance to the patient; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to cooperatively develop a computerized program to track prescriptions for certain controlled substances that are filled by a pharmacy or dispensed by a practitioner that is registered with the Board. This program is required to be designed to provide certain information concerning the use of controlled substances, including data relating to the use of controlled substances that is not specific to a particular patient. The Board and Division use the program to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances and are required to report such activity to the appropriate law enforcement agency or occupational licensing board. (NRS 453.1545) This bill ~~expands the information that this computerized system is required to be designed to provide to also include data relating to the prescribing of controlled substances that is specific to a particular patient. This bill also requires the Board and the Division to monitor the prescription activity of prescribing practitioners for certain controlled substances and notify a practitioner if he or she has written a certain comparatively high number of such prescriptions. Finally, this bill authorizes access to information concerning particular~~

~~patients to: (1) the Board and the Division for the purpose of such monitoring; and (2) a practitioner who has received such notice from the Board for the purpose of confirming the accuracy of information contained in the notice.]~~ requires the Board and the Division to report to the occupational licensing board of a practitioner who prescribes a controlled substance to a patient any activity that may indicate that the patient is using the controlled substance inappropriately. This bill also requires the Board and the Division to give access to the database of the program to the occupational licensing boards of practitioners for the purpose of investigating such inappropriate use, if the occupational licensing board determines that an investigation is warranted.

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

Section 1. NRS 453.1545 is hereby amended to read as follows:

453.1545 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III and IV to pharmacies, practitioners and appropriate state agencies and occupational licensing boards to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient ~~;~~ and

~~(3) Data relating to the prescribing of those controlled substances that is specific to a particular patient, access to which must be restricted to persons who are authorized to access such information for the purposes set forth in subsections 3, 4 and 5.]~~

(b) Be administered by the Board, the Investigation Division, the Division of Public and Behavioral Health of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Investigation Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

(d) Include the contact information of each person who elects to access the database of the program pursuant to subsection 2, including, without limitation:

(1) The name of the person;

(2) The physical address of the person;

(3) The telephone number of the person; and

(4) If the person maintains an electronic mail address, the electronic mail address of the person.

2. The Board shall provide Internet access to the database of the program established pursuant to subsection 1 to ~~to each~~

(a) Each practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV who:

~~[(a)]~~ (1) Elects to access the database of the program; and

~~[(b)]~~ (2) Completes the course of instruction described in subsection 7.  
~~[9.]~~

(b) An occupational licensing board that licenses any practitioner who is authorized to write prescriptions for controlled substances listed in schedule II, III or IV.

3. ~~[4] A practitioner who is provided Internet access to the database of the program pursuant to subsection 2 must, for the purposes of complying with the provisions of subsection 5, be provided access to information specific to the prescriptions for controlled substances listed in schedule II, III or IV written by the practitioner, including, without limitation, the name of each patient for whom the practitioner has written such a prescription and, for each such patient:~~

~~— (a) The date on which the prescription was written by the practitioner;~~

~~— (b) The name, dosage and amount of the controlled substance prescribed by the practitioner; and~~

~~— (c) The number of refills authorized and filled for the controlled substance.~~

~~4.]~~ The Board and the Division must have access to the program established pursuant to subsection 1 to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

4. ~~[5. The Board and the Division shall access the program established pursuant to subsection 1 to monitor the prescription activity of practitioners authorized to write prescriptions for controlled substances listed in schedule II, III or IV, and to tabulate and compare the number of such prescriptions written monthly by each practitioner in a particular medical specialty or other category established by the Board for this purpose. When the number of such prescriptions written in a month by any practitioner exceeds the monthly average of 95 percent of the other practitioners in that specialty or category, the Board shall notify the practitioner in writing and via electronic mail, if available. Within 10 days after receiving such notice from the Board, the practitioner shall:~~

~~— (a) Review the information described in subsection 3 to determine the accuracy of the information; and~~

~~— (b) Submit a written report to the Board, on a form approved by the Board, of the accuracy of the information or identifying any inaccuracies in the information.~~

~~6.]~~ The Board or the Division shall report any activity it reasonably suspects may ~~be~~ :



(a) *Be* fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board with the relevant information obtained from the program for further investigation.

(b) *Indicate the inappropriate use by a patient of a controlled substance to the occupational licensing board of each practitioner who has prescribed the controlled substance to the patient. The occupational licensing board may access the database of the program established pursuant to subsection 1 to determine which practitioners are prescribing the controlled substance to the patient. The occupational licensing board may use this information for any purpose it deems necessary, including, without limitation, alerting a practitioner that a patient may be fraudulently obtaining a controlled substance or determining whether a practitioner is engaged in unlawful or unprofessional conduct. This paragraph shall not be construed to require an occupational licensing board to conduct an investigation or take any action against a practitioner upon receiving information from the Board or the Division.*

5. ~~7.1~~ The Board and the Division may cooperatively enter into a written agreement with an agency of any other state to provide, receive or exchange information obtained by the program with a program established in that state which is substantially similar to the program established pursuant to subsection 1, including, without limitation, providing such state access to the database of the program or transmitting information to and receiving information from such state. Any information provided, received or exchanged as part of an agreement made pursuant to this section may only be used in accordance with the provisions of this chapter.

6. ~~8.1~~ Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section and NRS 239.0115, must not be disclosed to any person. That information must be disclosed:

(a) Upon the request of a person about whom the information requested concerns or upon the request on behalf of that person by his or her attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

7. ~~9.1~~ The Board and the Division shall cooperatively develop a course of training for persons who elect to access the database of the program pursuant to subsection 2 and require each such person to complete the course of training before the person is provided with Internet access to the database pursuant to subsection 2.

8. ~~10.1~~ A practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV who acts with reasonable care when transmitting to the Board or the Division a report or information required by this section or a regulation adopted pursuant thereto is immune from civil and criminal liability relating to such action.

9. ~~###~~ The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

I would repeat the remarks but the bottom line is this amendment does not allow fishing. This amendment allows occupational licensing boards to do something. Because there are two amendments proposed to this bill, the first amendment has to be approved before the second is adopted. They, then, have to be put together. Legal is putting the two together. There is a draft of this that has assuaged the worries of one of my colleagues.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS  
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bill No. 109.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Gustavson, the privilege of the floor of the Senate Chamber for this day was extended to Kobe Bunker, Amie Donham, Magdalena Eason, Taskar Eason, Alex Katzenbach, Caitlin Katzenbach, Mandy Katzenbach and Terence Yeager.

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to Jill Tolles.

On request of Senator Kieckhefer, the privilege of the floor of the Senate Chamber for this day was extended to Leila Moassessi.

On request of Senator Settelmeyer, the privilege of the floor of the Senate Chamber for this day was extended to Taylor Blakemore, Lara Cassity, Sandra Cubillo, Kelly Evans, Marissa Flanders, Spencer Flanders, Christine Garcia, Justin Hubbard, Jazmine Lopez, Isabella Lundberg, Avalon Montanucci, Thomas Rao, Mac Reich, Reece Resnick, Cheyenne Roy, Leah Schemenauer, Madison Schirlls-Hubbard, Hannah Sizelove, Asia Smith, Robin Smuda, Melissa Velasquez, Viviana Velaquez and Kevin Zeitler.

Senator Roberson moved that the Senate adjourn until Tuesday, April 21, 2015, at 9:00 a.m.

Motion carried.

Senate adjourned at 4:48 p.m.

Approved:

MARK A. HUTCHISON

*President of the Senate*

Attest: CLAIRE J. CLIFT

*Secretary of the Senate*

