

THE ONE HUNDRED AND TWENTIETH DAY

CARSON CITY (Monday), June 1, 2015

Senate called to order at 9:24 a.m.

President Hutchison presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

O' God, will You take away from us now all that does harass and annoy. Will You help us to relax before You, to lay our burdens down, to forget for a few moments all the anxieties of the week, to open our hearts to receive Your blessing, that the furrows may be smoothed from our brows, the lines from our faces, the loads from our hearts, the doubts from our minds and the fears from our souls.

Deal with us as You would deal with children. Calm our fears, sooth our distress and our sorrow and help us to lean back on the everlasting arms. For You have never failed us in the past, and we have good assurance You will not fail us now or in the future.

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.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 31, 2015

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 99, 107, 227; Assembly Bills Nos. 489, 490, 491.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 146, 241, 326, 399, 410, 445, 476, 478, 481, 485, 492.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 185, Amendment No. 1025, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 1021 to Assembly Bill No. 71; Senate Amendments Nos. 786, 1008 to Assembly Bill No. 167.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 53, Assembly Amendment No. 904, and requests a conference, and appointed Assemblymen Gardner, O'Neill and Ohrenschall as a Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 444, Assembly Amendment No. 861, and requests a conference, and appointed Assemblymen Hansen, Gardner and Elliot Anderson as a Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Stewart, Oscarson and Spiegel as a Conference Committee concerning Assembly Bill No. 169.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Stewart, Trowbridge and Ohrenschall as a Conference Committee concerning Assembly Bill No. 461.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the reports of the Conference Committees concerning Senate Bills Nos. 340, 482.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

UNFINISHED BUSINESS
 CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 483.

The following Assembly amendment was read:

Amendment No. 1039.

SUMMARY—Revises provisions relating to governmental financial administration. (BDR 32-1182)

AN ACT relating to governmental financial administration; providing for the imposition, administration and payment of a commerce tax on the Nevada gross revenue of certain business entities engaged in business in this State; revising provisions governing the rate and calculation of the payroll tax imposed on certain businesses ~~engaged in mining~~ in this State; revising provisions governing the rate and distribution of the excise tax on cigarettes; revising provisions governing the state business license fee; revising provisions governing the fee imposed on certain business entities for filing an initial or annual list; extending the prospective expiration of certain requirements regarding the advance payment and computation of the tax on the net proceeds from certain mining operations conducted in this State; removing the prospective expiration of certain requirements regarding the imposition of the local school support tax; ~~temporarily extending~~ revising provisions relating to the allocation of a certain portion of the proceeds of the basic governmental services tax [to the State General Fund; requiring businesses to provide additional information in an application for the issuance or renewal of a state business license that is submitted during a specified period;] ; temporarily extending the expiration of the fee for the provision of specialty court programs following a conviction for a misdemeanor offense of driving a vehicle under the influence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law imposes an excise tax on certain financial institutions at a rate of 2 percent of the total wages paid by the financial institution each calendar quarter. (NRS 363A.130) Sections 1 and 2 of this bill require businesses that are subject to the tax on the net proceeds of mining to pay the tax on the wages paid by the business at the same rate as the rate paid by financial institutions under existing law.]~~

Section 20 of this bill imposes an annual commerce tax on each business entity engaged in business in this State whose Nevada gross revenue in a fiscal year exceed \$4,000,000 at a rate that is based on the industry in which the business entity is primarily engaged. In accordance with section 9 of this bill, the Nevada gross revenue of a business entity is determined by taking the amount of its gross revenue, as defined in section 8 of this bill, making

various adjustments to that amount under section 21 of this bill, and then sit using that adjusted amount to this State pursuant to section 22 of this bill. Sections 24-49 of this bill set forth the rate of the commerce tax for the industry in which a business entity is primarily engaged. Sections 2-66 of this bill further provide for the administration, collection and enforcement of the commerce tax by the Department of Taxation in a manner similar to other state taxes. Sections 77, 79, 83, 85, 86, 89, 90, 93-95, 97 and 100 of this bill authorize the imposition of various types of disciplinary action against certain business entities who fail to pay the tax by the agencies responsible for their supervision and licensing. Sections 78, 80-82, 84, 87, 88, 91 and 92 of this bill authorize the Department to obtain certain records and information from certain agencies to assist the Department in its administration of the tax. Sections 96, 98, 99, 101 and 102 of this bill amend various provisions of existing law, including, without limitation, various provisions of the Nevada Insurance Code to specifically provide that entities regulated under that Code are required to comply with the provisions of the commerce tax.

Existing law imposes an excise tax on certain businesses other than financial institutions at the rate of 1.17 percent of the total wages paid by the business each calendar quarter that exceed \$85,000. (NRS 363B.110) On July 1, 2015, this rate is scheduled to change to 0.63 percent of the total wages paid by the business each calendar quarter. (Chapter 476, Statutes of Nevada 2011, pp. 2891, 2898, as last amended by chapter 518, Statutes of Nevada 2013, p. 3427; chapter 518, Statutes of Nevada 2013, p. 3424) Existing law also imposes an excise tax on financial institutions at the rate of 2 percent of the total wages paid by the financial institution each calendar quarter. Sections ~~[10 and 12-14]~~ 62 and 67-70 of this bill ~~remove this scheduled rate change and permanently provide for the imposition of the tax at the rate of 1.17 percent of the total wages paid by the business each calendar quarter in excess of \$85,000.~~ : (1) require businesses that are subject to the tax on the net proceeds of mining to pay the payroll tax at the same rate as the rate paid by financial institutions under existing law; (2) impose the payroll tax businesses other than a financial institution or a mining business at the rate of 1.475 of the total wages paid by the business each calendar quarter that exceed \$50,000; (3) authorize a business to subtract 50 percent of the commerce tax paid by the business as a credit when determining the amount of the tax on the total wages paid the business which is due from the business; and (4) require a reduction in the rate of the tax on the total wages paid by all businesses if the combined revenue from the commerce tax and the tax on the total wages by a business exceed a certain amount.

Existing law imposes an excise tax on the purchase, possession or use of cigarettes at the rate of 80 cents per pack of 20 cigarettes. (NRS 370.165, 370.350) Under existing law, the Department of Taxation must remit 70 cents of the tax on each pack of 20 cigarettes, less the costs of collecting

the tax, to the State Treasurer for deposit in the Account for the Tax on Cigarettes in the State General Fund, and the remaining amount of the tax must be deposited in the Local Government Tax Distribution Account for distribution to local governments. (NRS 370.260) Sections ~~3-5~~ 71-73 of this bill increase the excise tax on cigarettes to \$1.80 per pack of 20 cigarettes and require the additional amount of tax to be deposited in the Account in the State General Fund. Section ~~116~~ 113 of this bill requires a wholesale dealer who purchases a revenue stamp evidencing payment of the tax before July 1, 2015, but who has not affixed that stamp to a pack of cigarettes before that date to pay the additional tax on the stamp.

Existing law imposes an annual fee of \$200 for a state business license. (NRS 76.100, 76.130) On July 1, 2015, this fee is scheduled to change to \$100. (Chapters 381 and 429, Statutes of Nevada 2009, as last amended by chapter 518, Statutes of Nevada 2013, p. 3426) Sections 74 and 75 of this bill increased the annual state business license fee to \$500 for all corporations organized pursuant to the laws of this State and all foreign corporations transacting business in this State. Sections 74 and 75 further maintain the existing \$200 state business license fee for all other businesses.

Existing law requires each business entity organizing under the laws of this State or transacting business in this State to: (1) file with the Secretary of State an initial list and an annual list of the directors and officers of the entity or the persons holding the equivalent office; and (2) pay a fee for that filing. (NRS 78.150, 80.110, 82.193, 82.523, 84.110, 86.263, 86.5461, 87.510, 87.541, 87A.290, 87A.560, 88.395, 88.591, 88A.600, 88A.732, 89.250) Sections 75.5 and 76.1-76.8 of this bill increase by \$25 the fee for filing an initial or annual list.

Existing law requires, until June 30, 2015, the advance payment of the tax on the net proceeds of minerals based upon the estimated net proceeds and royalties of a mining operation for the current calendar year. (Chapter 4, Statutes of Nevada 2008, 25th Special Session, p. 14, as last amended by chapter 518, Statutes of Nevada 2013, p. 3425) Section ~~103~~ 103 of this bill delays the expiration of this requirement for advance payment until June 30, 2016, and section ~~111~~ 107 of this bill makes conforming changes to related transitory provisions governing the duties of the Department of Taxation in 2017 and the appropriation and apportionment of money to counties and other local governments during that year.

Existing law provides that effective January 1, 2016, in computing the net proceeds from certain mining operations conducted in this State, a person may deduct certain amounts expended for health care for employees actually engaged in mining operations in this State. (Chapter 449, Statutes of Nevada 2011, p. 2690, as amended by chapter 518, Statutes of Nevada 2013, p. 3426) ~~Section 91~~ Section 106 of this bill extends to January 1, 2017, the effective date of this deduction. Section ~~101~~ 105 of this bill makes conforming changes to transitory provisions governing the computation of the proceeds from

certain mining operations for calendar years 2016 and 2017 and all subsequent calendar years.

Existing law requires, until June 30, 2015, an increase in the rate of the Local School Support Tax of 0.35 percent. (Chapter 395, Statutes of Nevada 2009, pp. 2191-93, as last amended by chapter 518, Statutes of Nevada 2013, p. 3426) Section ~~77~~ 104 of this bill removes the expiration date of this rate thereby requiring the payment of this rate indefinitely.

The State of Nevada imposes a governmental services tax for the privilege of operating any vehicle upon the public highways of this State. (NRS 371.030) The annual amount of the basic governmental services tax is 4 cents on each \$1 of valuation of the vehicle, as determined by the Department of Motor Vehicles. (NRS 371.040) Existing law sets forth depreciation schedules for determining the amount of the basic governmental services tax due each year for used vehicles and establishes a minimum tax. (NRS 371.060) In 2009, the amount of the basic governmental services tax due annually was increased for used vehicles by reducing the amount of depreciation allowed and increasing the minimum tax. The revenue from these increases in the basic governmental services tax were allocated to the State General Fund until June 30, 2015, and then were required to be deposited in the State Highway Fund thereafter. (Chapter 395, Statutes of Nevada 2009, p. 2188, as last amended by chapter 518, Statutes of Nevada 2013, p. 3426) ~~[Section 77]~~ Sections 78.1-78.9 of this bill ~~[extends for an additional 2 years the period during which]~~ provide that: (1) the increases in the basic governmental services tax are allocated to the State General Fund ~~[Therefore,]~~ in fiscal year 2015-2016; (2) in fiscal year 2016-2017, fifty percent of those increases will be deposited in the State General Fund and 50 percent of those increases will be deposited in the State Highway Fund; and (3) the entire amount of those increases will be deposited in the State Highway Fund commencing on July 1, 2017.

~~[Section 14.5 of this bill requires a person who, on or after October 1, 2015, and before October 1, 2016, applies for the issuance or renewal of a state business license to include in the application certain information concerning the revenue earned by that person from the sale of services used in this State.]~~

Existing law requires a court to impose a fee of \$100, in addition to any other administrative assessment, penalty or fine imposed, if a person pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty of, a charge of driving under the influence of intoxicating liquor or a controlled substance that is punishable as a misdemeanor. The money collected for this fee is deposited with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator and money apportioned to a court from this fee must be used by the court for certain purposes related to specialty court programs. (NRS 484C.515) Under existing law, this fee expires by limitation on June 30, 2015. (Chapter 373,

Statutes of Nevada 2013, p. 1992) Section 109 of this bill extends the expiration date of this fee until June 30, 2017.

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

Section 1. Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 61, inclusive, of this act.

Sec. 2. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 2 to 13, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3. "Business" means any activity engaged in or caused to be engaged in with the object of gain, benefit or advantage, either direct or indirect, to any person or governmental entity.

Sec. 4. 1. Except as otherwise provided in subsection 2, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust, professional association, joint stock company, holding company and any other person engaged in a business.

2. "Business entity" does not include:

(a) Any person or other entity which this State is prohibited from taxing pursuant to the Constitution or laws of the United States or the Nevada Constitution.

(b) A natural person, unless that person is engaging in a business and is required to file with the Internal Revenue Service a Schedule C (Form 1040), Profit or Loss from Business, or its equivalent or successor form, a Schedule E (Form 1040), Supplemental Income and Loss, or its equivalent or successor form, or a Schedule F (Form 1040), Profit or Loss from Farming, or its equivalent or successor form, for that business.

(c) A governmental entity.

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

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

(f) A credit union organized under the provisions of chapter 678 of NRS or the Federal Credit Union Act.

(g) A grantor trust as defined by section 671 and 7701(a)(30)(E) of the Internal Revenue Code, 26 U.S.C. 671 and 7701(a)(30)(E), all of the grantors and beneficiaries of which are natural persons or charitable entities as described in section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), excluding a trust taxable as a business entity pursuant to 26 C.F.R. 301.7701-4(b).

(h) An estate of a natural person as defined by section 7701(a)(30)(D) of the Internal Revenue Code, 26 U.S.C. 7701(a)(30)(D), excluding an estate taxable as a business entity pursuant to 26 C.F.R. 301.7701-4(b).

(i) A real estate investment trust, as defined by section 856 of the Internal Revenue Code, 26 U.S.C. 856, and its qualified real estate investment trust

subsidiaries, as defined by section 856(i)(2) of the Internal Revenue Code, 26 U.S.C. 856(i)(2), except that:

(1) A real estate investment trust with any amount of its assets in direct holdings of real estate, other than real estate it occupies for business purposes, as opposed to holding interests in limited partnerships or other entities that directly hold the real estate, is a business entity pursuant to this section; and

(2) A limited partnership or other entity that directly holds the real estate as described in subparagraph (1) is a business entity pursuant to this section, without regard to whether a real estate investment trust holds an interest in it.

(j) A real estate mortgage investment conduit, as defined by section 860D of the Internal Revenue Code, 26 U.S.C. 860D.

(k) A trust qualified under section 401(a) of the Internal Revenue Code, 26 U.S.C. 401(a).

(l) A passive entity.

(m) A person whose activities within this State are confined to the owning, maintenance and management of the person's intangible investments or of the intangible investments of persons or statutory trusts or business trusts registered as investment companies under the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., as amended, and the collection and distribution of the income from such investments or from tangible property physically located outside this State. For the purposes of this paragraph, "intangible investments" includes, without limitation, investments in stocks, bonds, notes and other debt obligations, including, without limitation, debt obligations of affiliated corporations, real estate investment trusts, patents, patent applications, trademarks, trade names and similar types of intangible assets or an entity that is registered as an investment company under the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq.

(n) A person who takes part in an exhibition held in this State for a purpose related to the conduct of a business and is not required to obtain a state business license specifically for that event pursuant to NRS 360.780.

Sec. 5. "Commerce tax" means the tax required to be paid pursuant to this chapter.

Sec. 5.5. "Credit sales" means a sale of goods by a seller who accepts payments for the goods at a later time.

Sec. 6. "Engaging in a business" means commencing, conducting or continuing a business, the exercise of corporate or franchise powers regarding a business, and the liquidation of a business which is or was engaging in a business when the liquidator holds itself out to the public as conducting that business.

Sec. 7. "Governmental entity" means:

1. The United States and any of its unincorporated agencies and instrumentalities.

2. Any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States.

3. The State of Nevada and any of its unincorporated agencies and instrumentalities.

4. Any county, city, district or other political subdivision of this State.

Sec. 8. 1. Except as otherwise provided in subsection 3, "gross revenue" means the total amount realized by a business entity from engaging in a business in this State, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income, including, without limitation, the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.

2. Except as otherwise provided in subsection 3, the term includes, without limitation:

(a) Amounts realized from the sale, exchange or other disposition of a business entity's property;

(b) Amounts realized from the performance of services by a business entity;

(c) Amounts realized from another person's possession of the property or capital of a business entity; and

(d) Any combination of these amounts.

3. The term does not include:

(a) Amounts realized from the sale, exchange, disposition or other grant of the right to use trademarks, trade names, patents, copyrights and similar intellectual property;

(b) The value of cash discounts allowed by the business entity and taken by a customer;

(c) The value of goods or services provided to a customer on a complimentary basis;

(d) Amounts realized from a transaction subject to, described in, or equivalent to, section 118, 331, 332, 336, 337, 338, 351, 355, 368, 721, 731, 1031 or 1033 of the Internal Revenue Code, 26 U.S.C. 118, 331, 332, 336, 338, 351, 355, 368, 721, 731, 1031 or 1033, regardless of the federal tax classification of the business entity under 26 C.F.R. 301.7701-3;;

(e) Amounts indirectly realized from a reduction of an expense or deduction; and

(f) The value of property or services donated to a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), if the donation is tax deductible pursuant to the provisions of section 170(c) of the Internal Revenue Code, 26 U.S.C. 170(c).

(g) Amounts that are not considered revenue under generally accepted accounting principles.

Sec. 8.5. "Loan" means any extension of credit or the purchase in whole or in part of an extension of credit from another person, including, without limitation, participations and syndications.

Sec. 9. "Nevada gross revenue" means the gross revenue of a business entity from engaging in a business in this State, as adjusted pursuant to section 21 of this act and situated to this State pursuant to section 22 of this act.

Sec. 10. "North American Industry Classification System" or "NAICS" means the 2012 North American Industry Classification System published by the Bureau of the Census of the United States Department of Commerce.

Sec. 10.5. "Pass-through entity" means an entity that is disregarded as an entity for the purposes of federal income taxation or is treated as a partnership for the purposes of federal income taxation.

Sec. 11. 1. "Pass-through revenue" means:

(a) Revenue received by a business entity that is required by law or fiduciary duty to be distributed to another person or governmental entity;

(b) Taxes collected from a third party by a business entity and remitted by the business entity to a taxing authority;

(c) Reimbursement for advances made by a business entity on behalf of a customer or client, other than with respect to services rendered or with respect to purchases of goods by the business entity in carrying out the business in which it engages;

(d) Revenue received by a business entity that is mandated by contract or subcontract to be distributed to another person or entity if the revenue constitutes:

(1) Sales commissions that are paid to a person who is not an employee of the business entity, including, without limitation, a split-fee real estate commission;

(2) The tax basis of securities underwritten by the business entity, as determined for the purposes of federal income taxation; or

(3) Subcontracting payments under a contract or subcontract entered into by a business entity to provide services, labor or materials in connection with the actual or proposed design, construction, remodeling, remediation or repair of improvements on real property or the location of the boundaries of real property;

(e) Revenue received by a business entity that provides legal services if the revenue received by the business entity is:

(1) Mandated by law, fiduciary duty or contract to be distributed to a claimant by the claimant's attorney or to another person or entity on behalf of a claimant by the claimant's attorney, including, without limitation, revenue received;

(I) For damages due to a client represented by the business entity;

(II) That is subject to a lien or other contractual obligation arising out of the representation provided by the business entity, other than fees owed to the business entity for the provision of legal services;

(III) That is subject to a subrogation interest or other third-party contractual claim; and

(IV) That is required to be paid to another attorney who provided legal services in a matter and who is not a member, partner, shareholder or employee of the business entity; and

(2) Reimbursement of the expenses incurred by the business entity in providing legal services to a claimant that are specific to the claimant's matter and that are not general operating expenses of the business entity; or

(f) Revenue received by a business entity that is part of an affiliated group from another member of the affiliated group.

2. As used in this section:

(a) "Affiliated group" means a group of two or more business entities, including, without limitation, a business entity described in subsection 2 of section 4 of this act, each of which is controlled by one or more common owners or by one or more members of the group.

(b) "Controlled by" means the direct or indirect ownership, control or possession of 50 percent or more of a business entity.

(c) "Sales commission" means:

(1) Any form of compensation paid to a person for engaging in an act for which a license is required pursuant to chapter 645 of NRS; or

(2) Compensation paid to a sales representative by a principal in an amount that is based on the amount or level of orders for or sales on behalf of the principal and that the principal is required to report on Internal Revenue Service Form 1099-MISC, Miscellaneous Income.

Sec. 11.5. "Securities" means United States Treasury securities, obligations of United States governmental agencies and corporations, obligations of a state or political subdivision, corporate stock, bonds, participations in securities backed by mortgages held by United States or state governmental agencies, loan-backed securities, money market instruments, federal funds, securities purchased and sold under agreements to resell or repurchase, commercial paper, banker's acceptances, purchased certificates of deposit, options, futures contracts, forward contracts, notional principal contracts, including, without limitation, swaps, and other similar securities and instruments.

Sec. 12. "Taxable year" means the 12-month period beginning on July 1 and ending on June 30 of the following year.

Sec. 13. "Wages" means any remuneration paid for personal services, including, without limitation, commissions and bonuses, and remuneration payable in any medium other than cash.

Sec. 13.5. For the purposes of this chapter, unless otherwise indicated, section references are to the Internal Revenue Code of 1986, as amended, and include future amendments to such sections and corresponding provisions of future federal internal revenue laws.

Sec. 14. 1. For the purposes of this chapter, a business is a "passive entity" only if:

(a) The business is a limited-liability company, general partnership, limited-liability partnership, limited partnership or limited-liability limited partnership, or a trust, other than a business trust;

(b) During the period for which the gross revenue of the business entity is reported pursuant to section 20 of this act, at least 90 percent of the business entity's federal gross income consists of the following income:

(1) Dividends, interest, foreign currency exchange gains, periodic and nonperiodic payments with respect to notional principal contracts, option premiums, cash settlements or termination payments with respect to a financial instrument, and income from a limited-liability company;

(2) Capital gains from the sale of real property, gains from the sale of commodities traded on a commodities exchange and gains from the sale of securities; and

(3) Royalties, bonuses or delay rental income from mineral properties and income from other nonoperating mineral interests; and

(c) The business entity does not receive more than 10 percent of its federal gross income from conducting an active trade or business.

2. As used in paragraph (b) of subsection 1, the term "income" does not include any:

(a) Rent; or

(b) Income received by a nonoperator from mineral properties under a joint operating agreement if the nonoperator is a member of an affiliated group and another member of that group is the operator under that joint operating agreement.

3. For the purposes of paragraph (c) of subsection 1:

(a) Except as otherwise provided in this subsection, a business entity is "conducting an active trade or business" if:

(1) The activities being carried on by the business entity include one or more active operations that form a part of the process of earning income or profit, and the business entity performs active management and operating functions; or

(2) Any assets, including, without limitation, royalties, patents, trademarks and other intangible assets, held by the business entity are used in the active trade or business of one or more related business entities.

(b) The ownership of a royalty interest or a nonoperating working interest in mineral rights does not constitute the conduct of an active trade or business.

(c) The payment of compensation to employees or independent contractors for financial or legal services reasonably necessary for the operation of a business does not constitute the conduct of an active trade or business.

(d) Holding a seat on the board of directors of a business entity does not by itself constitute the conduct of an active trade or business.

(e) Activities performed by a business entity include activities performed by persons outside the business entity, including independent contractors, to the extent that those persons perform services on behalf of the business entity

and those services constitute all or any part of the business entity's trade or business.

Sec. 15. For the purposes of this chapter, if a business entity engaging in a business in this State is engaged in business in more than one business category set forth in sections 24 to 49, inclusive, of this act, the business entity shall be deemed to be primarily engaged in the business category in which the highest percentage of its Nevada gross revenue is generated.

Sec. 16. The Department shall:

1. Administer and enforce the provisions of this chapter, and may adopt such regulations as it deems appropriate for that purpose.

2. Deposit all fees, interest and penalties it receives pursuant to this chapter in the State Treasury for credit to the State General Fund.

Sec. 17. 1. Each person responsible for maintaining the records of a business entity shall:

(a) Keep such records as may be necessary to determine the amount of the liability of the business entity pursuant to the provisions of this chapter;

(b) Preserve those records for 4 years or until any litigation or prosecution pursuant to this chapter is finally determined, whichever is longer; and

(c) Make the records available for inspection by the Department upon demand at reasonable times during regular business hours.

2. The Department may by regulation specify the types of records which must be kept to determine the amount of the liability of a business entity pursuant to the provisions of this chapter. The regulations adopted by the Department pursuant to this subsection must specify the type of information that a business entity engaging in a business in this State must keep in the normal course of its financial recordkeeping for the purpose of determining the amount of the commerce tax owed by the business entity.

Sec. 18. 1. To verify the accuracy of any return filed or, if no return is filed by a business entity, to determine the amount of the commerce tax required to be paid pursuant to this chapter, the Department, or any person authorized in writing by the Department, may examine the books, papers and records of any person who may be liable for the commerce tax.

2. Any person who may be liable for the commerce tax and who keeps outside of this State any books, papers or records relating thereto shall pay to the Department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the State for each day or fraction thereof during which an employee of the Department is engaged in examining those documents, plus any other actual expenses incurred by the employee while he or she is absent from his or her regular place of employment to examine those documents.

Sec. 19. The Executive Director may request from any other governmental agency or officer such information as the Executive Director deems necessary to carry out the provisions of this chapter. If the Executive Director obtains any confidential information pursuant to such a request, he

or she shall maintain the confidentiality of that information in the same manner and to the same extent as provided by law for the agency or officer from whom the information was obtained.

Sec. 20. 1. For the privilege of engaging in a business in this State, a commerce tax is hereby imposed upon each business entity whose Nevada gross revenue in a taxable year exceeds \$4,000,000 in an amount determined pursuant to sections 23 to 49, inclusive, of this act. The commerce tax is due and payable as provided in this section.

2. Each business entity engaging in a business in this State during a taxable year shall, on or before the 45th day immediately following the end of that taxable year, file with the Department a report on a form prescribed by the Department. The report required by this subsection must include such information as is required by the Department. A business entity shall remit with the return the amount of commerce tax due pursuant to subsection 1.

3. For the purposes of determining the amount of the commerce tax due pursuant to this chapter, the initial report filed by a business entity with the Department pursuant to subsection 2 must designate the business category in which the business entity is primarily engaged. A business entity may not change the business category designated for that business entity unless the person applies to the Department to change such designation and the Department determines that the business is no longer primarily engaged in the designated business category.

4. Upon written application made before the date on which payment of the commerce tax due pursuant to this chapter must be made, the Department may for good cause extend by not more than 30 days the time within which a business entity is required to pay the commerce tax. If the commerce tax is paid during the period of extension, no penalty or late charge may be imposed for failure to pay the commerce tax at the time required, but the business entity shall pay interest at the rate of 0.75 percent per month from the date on which the amount would have been due without the extension until the date of payment, unless otherwise provided in NRS 360.232 or 360.320.

Sec. 21. 1. In computing the commerce tax owed by a business entity pursuant to this chapter, the business entity is entitled to deduct from its gross revenue the following amounts, to the extent such amounts are included in gross revenue of the business entity:

(a) Any gross revenue which this State is prohibited from taxing pursuant to the Constitution or laws of the United States or the Nevada Constitution.

(b) Any gross revenue of the business entity attributable to dividends and interest upon any bonds or securities of the Federal Government, the State of Nevada or a political subdivision of this State.

(c) If a business entity is required to pay a license fee pursuant to NRS 463.370, the amount of its gross receipts used to determine the amount of that fee.

(d) If the business entity is required to pay a tax on the net proceeds from mineral extraction and royalties subject to the excise tax pursuant to the provisions of NRS 362.100 to 362.240, inclusive, the amount of the gross proceeds used to determine the amount of that tax.

(e) If the business entity is required to pay the tax imposed by chapter 369 of NRS, an amount equal to the amount of the excise tax paid pursuant to that chapter by the business entity.

(f) If the business entity is required to pay the tax imposed pursuant to chapter 680B of NRS:

(1) The amount of the total income derived from direct premiums written and all other considerations for insurance, bail or annuity contracts used to determine the amount of the tax imposed pursuant to chapter 680B of NRS;

(2) Any amounts excluded from total income derived from direct premiums pursuant to NRS 680B.025; and

(3) Gross premiums upon policies on risks located in this State received by a factory mutual and amounts deducted from such gross premiums to determine the amount of the tax imposed by NRS 680B.027 upon the factory mutual pursuant to NRS 680B.033.

(g) If the business entity is required to pay the tax imposed pursuant to NRS 694C.450, the amount of the net direct premiums, as defined in that section, used to determine the amount of that tax.

(h) If the business entity is required to pay the tax imposed pursuant to NRS 685A.180, the amount of the premiums, as defined in that section, used to determine the amount of that tax.

(i) Except as otherwise provided by paragraph (j), the total amount of payments received by a health care provider:

(1) From Medicaid, Medicare, the Children's Health Insurance Program, the Fund for Hospital Care to Indigent Persons created pursuant to NRS 428.175 or TRICARE;

(2) For professional services provided in relation to a workers' compensation claim; and

(3) For the actual cost to the health care provider for any uncompensated care provided by the health care provider, except that if the health care provider later receives payment for all or part of that care, the health care provider must include the amount of the payment in his or her gross receipts for the calendar quarter in which the payment is received.

(j) If the business entity is engaging in a business in this State as a health care provider that is a health care institution, an amount equal to 50 percent of the amounts described in paragraph (i) that are received by the health care institution.

(k) If the business entity is engaging in business in this State as an employee leasing company, the amount of any payments received from a client company for wages, payroll taxes on those wages, employee benefits

and workers' compensation benefits for employees leased to the client company.

(l) The amount of any pass-through revenue of the business entity. (m) The tax basis of securities and loans sold by the business entity, as determined for the purposes of federal income taxation.

(n) The amount of revenue received by the business entity that is directly derived from the operation of a facility that is:

(1) Located on property owned or leased by the Federal Government; and

(2) Managed or operated primarily to house members of the Armed Forces of the United States.

(o) Interest income other than interest on credit sales.

(p) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity.

(q) Receipts from the sale, exchange or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, 26 U.S.C. 1221 or 1231, without regard to the length of time the business entity held the asset.

(r) Receipts from a hedging transaction, as defined in section 1221 of the Internal Revenue Code, 26 U.S.C. 1221, or a transaction accorded hedge accounting treatment under Statement No. 133 of the Financial Accounting Standards Board, Accounting for Derivative Instruments and Hedging Activities, to the extent the transaction is entered into primarily to protect a financial position, including, without limitation, managing the risk of exposure to foreign currency fluctuations that affect assets, liabilities, profits, losses, equity or investments in foreign operations, to interest rate fluctuations or to commodity price fluctuations. For the purposes of this paragraph, receipts from the actual transfer of title of real or tangible personal property to another business entity are not receipts from a hedging transaction or a transaction accorded hedge accounting treatment.

(s) Proceeds received by a business entity that are attributable to the repayment, maturity or redemption of the principal of a loan, bond, mutual fund, certificate of deposit or marketable instrument.

(t) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan.

(u) Proceeds received from the issuance of the business entity's own stock, options, warrants, puts or calls, from the sale of the business entity's treasury stock or as contributions to the capital of the business entity.

(v) Proceeds received on account of payments from insurance policies, except those proceeds received for the loss of business revenue.

(w) Damages received as a result of litigation in excess of amounts that, if received without litigation, would not have been included in the gross receipts of the business entity pursuant to this section.

(x) Bad debts expensed for the purposes of federal income taxation.

(y) Returns and refunds to customers.

(z) Amounts realized from the sale of an account receivable to the extent the receipts from the underlying transaction were included in the gross receipts of the business entity.

(aa) If the business entity owns an interest in a passive entity, the business entity's share of the net income of the passive entity, but only to the extent the net income of the passive entity was generated by the gross revenue of another business entity.

2. As used in this section:

(a) "Children's Health Insurance Program" means the program established pursuant to 42 U.S.C. 1397aa to 1397jj, inclusive, to provide health insurance for uninsured children from low-income families in this State.

(b) "Client company" has the meaning ascribed to it in NRS 616B.670.

(c) "Employee leasing company" has the meaning ascribed to it in NRS 616B.670.

(d) "Health care institution" means:

(1) A medical facility as defined in NRS 449.0151; and

(2) A pharmacy as defined in NRS 639.012.

(e) "Health care provider" means a business that receives any payments listed in paragraph (i) of subsection 1 as a provider of health care services, including, without limitation, mental health care services.

(f) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(g) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. 1395 et seq.

Sec. 22. 1. In computing the commerce tax owed by a business entity, the gross revenue of the business entity, as adjusted pursuant to section 21 of this act, must be sitused to this State in accordance with the following rules:

(a) Gross rents and royalties from real property are sitused to this State if the real property is located in this State.

(b) Gross revenue from the sale of real property are sitused to this State if the real property is located in this State.

(c) Gross rents and royalties from tangible personal property is sitused to this State to the extent the tangible personal property is located or used in this State.

(d) Gross revenue from the sale of tangible personal property is sitused to this State if the property is delivered or shipped to a buyer in this State, regardless of the F.O.B. point or any other condition of sale.

(e) Gross revenue from the sale of transportation services is sitused to this State if both the origin and the destination point of the transportation are located in this State.

(f) Gross revenue from the sale of any services not otherwise described in this section is sitused to this State in the proportion that the purchaser's

benefit in this State, with respect to what was purchased, bears to the purchaser's benefit everywhere with respect to what was purchased. For the purposes of this paragraph, the physical location at which the purchaser of a service ultimately uses or receives the benefit of the service that was purchased is paramount in determining the proportion of the benefit in this State to the benefit everywhere. If the records of a business entity do not allow the taxpayer to determine that location, the business entity may use an alternative method to situs gross revenue pursuant to this section if the alternative method is reasonable, is consistently and uniformly applied and is supported by the taxpayer's records as those records exist when the service is provided or within a reasonable period of time thereafter.

(g) Gross revenue not otherwise described in this section is situated to this State if the gross receipts are from business conducted in this State. For the purposes of this paragraph, the physical location of the purchaser is paramount in determining if business is done in this State. If the records of a business entity do not allow the business entity to determine the location of the purchaser, the gross revenue must not be considered to be from business conducted in this State.

2. If the application of the provisions of subsection 1 does not fairly represent the extent of the business conducted in this State by a business entity, the Department may authorize the business entity to the use of an alternative method of situsing gross revenue to this State.

Sec. 23. Except as otherwise provided in this section, the commerce tax required to be paid by a business entity engaging in a business in this State is equal to the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by the rate set forth in sections 24 to 48, inclusive, of this act for the business category in which the business entity is primarily engaged. If the business entity cannot be categorized in a business category set forth in sections 24 to 48, inclusive, of this act, the commerce tax required to be paid by that business entity is equal to the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by the rate set forth in section 49 of this act.

Sec. 24. 1. The agriculture, forestry, fishing and hunting business category (NAICS 11) includes all business entities primarily engaged in agricultural production or agricultural support activities, or both, including, without limitation, growing crops, raising animals, harvesting timber and harvesting fish and other animals from a farm, ranch or their natural habitats.

2. Examples of business entities in this category include, without limitation, farms, ranches, dairies, greenhouses, nurseries, orchards and hatcheries.

3. This category does not include business entities primarily engaged in agricultural research or administering programs for regulating and conserving land, minerals, wildlife or forest use.

4. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.063 percent.

Sec. 25. 1. The mining, quarrying and oil and gas extraction business category (NAICS 21) includes all business entities primarily engaged in mining operations and mining support activities, including, without limitation, extracting:

(a) Naturally occurring mineral solids, such as coal and ores;

(b) Liquid minerals, such as crude petroleum; and

(c) Gases, such as natural gas.

2. Examples of business entities in this category include, without limitation:

(a) Business entities operating mines, quarries or oil and gas wells on their own account or for others on a contract or fee basis.

(b) Mining support activities, including business entities that perform exploration or other mining services, or both, on a contract or fee basis, except geophysical surveying, mine site preparation and the construction of oil and gas pipelines.

3. As used in subsections 1 and 2, the term "mining" includes quarrying, well operations and beneficiating, including, without limitation, crushing, screening, washing, flotation and other preparation customarily performed at a mine site or as a part of mining activity.

4. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.051 percent.

Sec. 26. 1. The utilities and telecommunications business category (NAICS 22 and 517, respectively) includes:

(a) All business entities primarily engaged in providing utility services, including, without limitation, electric power, natural gas, steam supply, water supply and sewage removal; and

(b) All business entities primarily engaged in providing telecommunications and the services related to that activity, including, without limitation, telephony, cable and satellite distribution services, Internet access and telecommunications reselling services.

2. This category does not include business entities primarily engaged in waste management and remediation services that are described in section 42 of this act.

3. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada

gross revenue of the business entity for the taxable year and multiplying that amount by 0.136 percent.

Sec. 27. 1. The construction business category (NAICS 23) includes all business entities primarily engaged in the construction of buildings or engineering projects, such as highways and utility systems. Business entities engaged in the preparation of sites for new construction and business entities primarily engaged in subdividing land for sale as building sites also are included in this category.

2. Examples of business entities in this category include, without limitation, general contractors, design-builders, construction managers, turnkey contractors, joint-venture contractors, specialty trade contractors, for-sale builders, speculative builders and merchant builders.

3. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.083 percent.

Sec. 28. 1. The manufacturing business category (NAICS 31, 32 and 33) includes all business entities primarily engaged in the mechanical, physical or chemical transformation of materials, substances or components into new products.

2. Examples of business entities in this category include, without limitation, milk bottling and pasteurizing, water bottling and processing, fresh fish packaging, apparel jobbing, contracting on materials owned by others, printing and related activities, ready-mixed concrete production, leather converting, grinding of lenses to prescription, wood preserving, electroplating, plating, metal heat, treating and polishing for the trade, lapidary work for the trade, fabricating signs and advertising displays, rebuilding or remanufacturing machinery, ship repair and renovation, machine shops and tire retreading.

3. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.091 percent.

Sec. 29. 1. The wholesale trade business category (NAICS 42) includes all business entities primarily engaged in wholesaling merchandise, generally without transformation, and rendering services incidental to the sale of merchandise.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.101 percent.

Sec. 30. 1. The retail trade business category (NAICS 44 and 45) includes all businesses primarily engaged in retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.111 percent.

Sec. 31. 1. The air transportation business category (NAICS 481) includes all business entities primarily engaged in providing air transportation of passengers or cargo, or both, using aircraft, such as an airplane and helicopter.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.058 percent.

Sec. 32. 1. The truck transportation business category (NAICS 484) includes all business entities primarily engaged in providing over-the-road transportation of cargo using motor vehicles, such as a truck and tractor trailer.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.202 percent.

Sec. 33. 1. The rail transportation business category (NAICS 482) includes all business entities primarily engaged in providing rail transportation of passengers or cargo, or both, using railroad rolling stock.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.331 percent.

Sec. 34. 1. The other transportation business category (NAICS 483, 485, 486, 487, 488, 491 and 492) includes all business entities primarily engaged in:

(a) Water transportation, including, without limitation, the transportation of passengers and cargo using watercraft;

(b) Transit and ground passenger transportation, including, without limitation, charter buses, school buses, interurban bus transportation, taxis and limousine services, street railroads, commuter rail and rapid transit;

(c) Pipeline transportation, including, without limitation, using transmission pipelines to transport products, such as crude oil, natural gas, refined petroleum products and slurry;

(d) Scenic and sightseeing transportation, including, without limitation, on land or the water, or in the air;

(e) Support activities for transportation, including, without limitation, air traffic control services, marine cargo handling, motor vehicle towing, railroad switching and terminals, and ship repair and maintenance not done in a shipyard, such as floating drydock services in a harbor;

(f) Postal services, including, without limitation, the activities of the United States Postal Service and its subcontractors operating under a universal service obligation to provide mail services, deliver letters and small parcels, and rural post offices on contract to the United States Postal Service; and

(g) Courier and messenger services, including, without limitation, the provision of intercity, local or international delivery of parcels and documents without operating under a universal service obligation.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.129 percent.

Sec. 35. 1. The warehousing and storage business category (NAICS 493) includes all business entities primarily engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods and other warehouse products.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.128 percent.

Sec. 36. 1. The publishing, software and data processing business category (NAICS 511, 512, 515 and 518) includes all business entities primarily engaged in:

(a) Publishing, except on the Internet, including, without limitation, the publishing of newspapers, magazines, other periodicals and books, as well as directory and mailing list and software publishing;

(b) Motion picture and sound recording, including, without limitation, the production and distribution of motion pictures and sound recordings;

(c) Broadcasting, except on the Internet, including, without limitation, creating content or acquiring the right to distribute content and subsequently broadcast the content; and

(d) Data processing, hosting and related services, including, without limitation, the provision of infrastructure for hosting and data processing services.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.253 percent.

Sec. 37. 1. The finance and insurance business category (NAICS 52) includes all business entities primarily engaged in financial transactions or in facilitating financial transactions.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.111 percent.

Sec. 38. 1. The real estate and rental and leasing business category (NAICS 53) includes all business entities primarily engaged in renting, leasing or otherwise allowing the use of tangible or intangible assets, providing related services, managing real estate for others, selling, renting or buying real estate for others, and appraising real estate.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.25 percent.

Sec. 39. 1. The professional, scientific and technical services business category (NAICS 54) includes all business entities primarily engaged in performing professional, scientific and technical activities for others.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.181 percent.

Sec. 40. 1. The management of companies and enterprises business category (NAICS 55) includes all business entities primarily engaged in:

(a) Holding the securities of, or other equity interests in, companies and enterprises for the purpose of owning a controlling interest or influencing management decisions; or

(b) Administering, overseeing and managing establishments of the company or enterprise and that normally undertake the strategic or organizational planning and decision-making role of the company or enterprise.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.137 percent.

Sec. 41. 1. The administrative and support services business category (NAICS 561) includes all business entities primarily engaged in activities that support the day-to-day operations of other organizations.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.154 percent.

Sec. 42. 1. The waste management and remediation services business category (NAICS 562) includes all business entities primarily engaged in the collection, treatment and disposal of waste materials.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.261 percent.

Sec. 43. 1. The educational services business category (NAICS 61) includes all businesses primarily engaged in providing instruction and training in a wide variety of subjects.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.281 percent.

Sec. 44. 1. The health care and social assistance business category (NAICS 62) includes all business entities primarily engaged in providing health care and social assistance for natural persons.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.190 percent.

Sec. 45. 1. The arts, entertainment and recreation business category (NAICS 71) includes all business entities primarily engaged in operating facilities or providing services to meet varied cultural, entertainment and recreational interests of their patrons.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.24 percent.

Sec. 46. 1. The accommodation business category (NAICS 721) includes all business entities primarily engaged in providing lodging or short-term accommodations for travelers, vacationers and others.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.2 percent.

Sec. 47. 1. The food services and drinking places business category (NAICS 722) includes all business entities primarily engaged in preparing meals, snacks and beverages to customer order for immediate on-premises and off-premises consumption.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.194 percent.

Sec. 48. 1. The other services business category (NAICS 81) includes all business entities primarily engaged in providing services not included in any of the business categories described in sections 24 to 47, inclusive, of this act. Business entities in this category are primarily engaged in activities such as repairing equipment and machinery, promoting or administering religious activities, grantmaking, advocacy, and providing dry cleaning and laundry services, personal care services, death care services, pet care

services, photofinishing services, temporary parking services and dating services.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.142 percent.

Sec. 49. 1. The unclassified business category includes any business entity not included in any of the business categories established by sections 24 to 48, inclusive, of this act.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.128 percent.

Sec. 50. A business entity's method of accounting for gross revenue for a taxable year for the purposes of determining the amount of the commerce tax owed by the business entity must be the same as the business's method of accounting for federal income tax purposes for the business's federal taxable year which includes that calendar quarter. If a business entity's method of accounting for federal income tax purposes changes, its method of accounting for gross revenue pursuant to this chapter must be changed accordingly.

Sec. 51. If the Department determines that any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or computed, the Department shall set forth that fact in the records of the Department and certify to the State Board of Examiners the amount collected in excess of the amount legally due and the person from whom it was collected or by whom it was paid. If approved by the State Board of Examiners, the excess amount collected or paid must, after being credited against any amount then due from the person in accordance with NRS 360.236, be refunded to the person or his or her successors in interest.

Sec. 52. 1. Except as otherwise provided in NRS 360.235 and 360.395:
(a) No refund may be allowed unless a claim for it is filed with the Department within 3 years after the last day of the month following the last month of the taxable year for which the overpayment was made.

(b) No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the Department within that period.

2. Each claim must be in writing and must state the specific grounds upon which the claim is founded.

3. Failure to file a claim within the time prescribed in this chapter constitutes a waiver of any demand against the State on account of overpayment.

4. Within 30 days after rejecting any claim in whole or in part, the Department shall serve notice of its action on the claimant in the manner prescribed for service of notice of a deficiency determination.

Sec. 53. 1. Except as otherwise provided in this section and NRS 360.320 or any other specific statute, interest must be paid upon any overpayment of any amount of the commerce tax at the rate set forth in, and in accordance with the provisions of, NRS 360.2937.

2. If the Department determines that any overpayment has been made intentionally or by reason of carelessness, the Department shall not allow any interest on the overpayment.

Sec. 54. 1. No injunction, writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against this State or against any officer of this State to prevent or enjoin the collection under this chapter of the commerce tax or any amount of tax, penalty or interest required to be collected.

2. No suit or proceeding may be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for refund or credit has been filed.

Sec. 55. 1. Within 90 days after a final decision upon a claim filed pursuant to this chapter is rendered by the Commission, the claimant may bring an action against the Department on the grounds set forth in the claim in a court of competent jurisdiction in Carson City, the county of this State where the claimant resides or maintains his or her principal place of business or a county in which any relevant proceedings were conducted by the Department, for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.

2. Failure to bring an action within the time specified constitutes a waiver of any demand against the State on account of alleged overpayments.

Sec. 56. 1. If the Department fails to mail notice of action on a claim within 6 months after the claim is filed, the claimant may consider the claim disallowed and file an appeal with the Commission within 30 days after the last day of the 6-month period. If the claimant is aggrieved by the decision of the Commission rendered on appeal, the claimant may, within 90 days after the decision is rendered, bring an action against the Department on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.

2. If judgment is rendered for the plaintiff, the amount of the judgment must first be credited toward any tax due from the plaintiff.

3. The balance of the judgment must be refunded to the plaintiff.

Sec. 57. In any judgment, interest must be allowed at the rate of 3 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the Department.

Sec. 58. A judgment may not be rendered in favor of the plaintiff in any action brought against the Department to recover any amount paid when the

action is brought by or in the name of an assignee of the person paying the amount or by any person other than the person who paid the amount.

Sec. 59. 1. The Department may recover a refund or any part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a court of competent jurisdiction in Carson City or Clark County in the name of the State of Nevada.

2. The action must be tried in Carson City or Clark County unless the court, with the consent of the Attorney General, orders a change of place of trial.

3. The Attorney General shall prosecute the action, and the provisions of the Nevada Revised Statutes, the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings.

Sec. 60. 1. If any amount in excess of \$25 has been illegally determined, either by the Department or by the person filing the return, the Department shall certify that fact to the State Board of Examiners, and the latter shall authorize the cancellation of the amount upon the records of the Department.

2. If an amount not exceeding \$25 has been illegally determined, either by the Department or by the person filing the return, the Department, without certifying that fact to the State Board of Examiners, shall authorize the cancellation of the amount upon the records of the Department.

Sec. 61. The remedies of the State provided for in this chapter are cumulative, and no action taken by the Department or the Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in this chapter.

Sec. 62. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, on or before September 30 of each even-numbered year, the Department shall determine the combined revenue from the taxes imposed by chapters 363A and 363B of NRS and the commerce tax imposed by sections 2 to 61, inclusive, of this act for the preceding fiscal year.

2. Except as otherwise provided in subsection 4, if the combined revenue determined pursuant to subsection 1 exceeds by more than 4 percent the amount of the combined anticipated revenue from those taxes for that fiscal year, as projected by the Economic Forum for that fiscal year pursuant to paragraph (e) of subsection 1 of NRS 353.228 and as adjusted by any legislation enacted by the Legislature that affects state revenue for that fiscal year, the Department shall determine the rate at which the taxes imposed pursuant to NRS 363A.130 and 363B.110, in combination with the revenue from the commerce tax imposed by sections 2 to 61, inclusive, of this act, would have generated a combined revenue of 4 percent more than the amount anticipated. In making the determination required by this subsection, the Department shall reduce the rate of the taxes imposed pursuant to

NRS 363A.130 and 363B.110 in the proportion that the actual amount collected from each tax for the preceding fiscal year bears to the total combined amount collected from both taxes for the preceding fiscal year.

3. Except as otherwise provided in subsection 4, effective on July 1 of the odd-numbered year immediately following the year in which the Department made the determination described in subsection 1, the rates of the taxes imposed pursuant to NRS 363A.130 and 363B.110 that are determined pursuant to subsection 2, rounded to the nearest one-thousandth of a percent, must thereafter be the rate of those taxes, unless further adjusted in a subsequent fiscal year.

4. If, pursuant to subsection 3, the rate of the tax imposed pursuant to NRS 363B.110 is 1.17 percent:

(a) The Department is no longer required to make the determinations required by subsections 1 and 2; and

(b) The rate of the taxes imposed pursuant to NRS 363A.130 and 363B.110 must not be further adjusted pursuant to subsection 3.

Sec. 63. NRS 360.2937 is hereby amended to read as follows:

360.2937 1. Except as otherwise provided in this section and NRS 360.320 or any other specific statute, and notwithstanding the provisions of NRS 360.2935, interest must be paid upon an overpayment of any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A or 377C of NRS, or sections 2 to 61, inclusive, of this act, any fee provided for in NRS 444A.090 or 482.313, or any assessment provided for in NRS 585.497, at the rate of 0.25 percent per month from the last day of the calendar month following the period for which the overpayment was made.

2. No refund or credit may be made of any interest imposed on the person making the overpayment with respect to the amount being refunded or credited.

3. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if the person has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or the amount against which the credit is applied.

Sec. 64. NRS 360.300 is hereby amended to read as follows:

360.300 1. If a person fails to file a return or the Department is not satisfied with the return or returns of any tax, contribution or premium or amount of tax, contribution or premium required to be paid to the State by any person, in accordance with the applicable provisions of this chapter, chapter 360B, 362, 363A, 363B, 369, 370, 372, 372A, 374, 377, 377A, 377C or 444A of NRS, NRS 482.313, or chapter 585 or 680B of NRS, or sections 2 to 61, inclusive, of this act, as administered or audited by the

Department, it may compute and determine the amount required to be paid upon the basis of:

- (a) The facts contained in the return;
- (b) Any information within its possession or that may come into its possession; or
- (c) Reasonable estimates of the amount.

2. One or more deficiency determinations may be made with respect to the amount due for one or for more than one period.

3. In making its determination of the amount required to be paid, the Department shall impose interest on the amount of tax determined to be due, calculated at the rate and in the manner set forth in NRS 360.417, unless a different rate of interest is specifically provided by statute.

4. The Department shall impose a penalty of 10 percent in addition to the amount of a determination that is made in the case of the failure of a person to file a return with the Department.

5. When a business is discontinued, a determination may be made at any time thereafter within the time prescribed in NRS 360.355 as to liability arising out of that business, irrespective of whether the determination is issued before the due date of the liability.

Sec. 65. NRS 360.417 is hereby amended to read as follows:

360.417 Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A, 377C, 444A or 585 of NRS, or sections 2 to 61, inclusive, of this act, or any fee provided for in NRS 482.313, and any person or governmental entity that fails to pay any fee provided for in NRS 360.787, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 0.75 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.

Sec. 66. NRS 360.510 is hereby amended to read as follows:

360.510 1. If any person is delinquent in the payment of any tax or fee administered by the Department or if a determination has been made against the person which remains unpaid, the Department may:

(a) Not later than 3 years after the payment became delinquent or the determination became final; or

(b) Not later than 6 years after the last recording of an abstract of judgment or of a certificate constituting a lien for tax owed,

→ give a notice of the delinquency and a demand to transmit personally or by registered or certified mail to any person, including, without limitation, any

officer or department of this State or any political subdivision or agency of this State, who has in his or her possession or under his or her control any credits or other personal property belonging to the delinquent, or owing any debts to the delinquent or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or that person. In the case of any state officer, department or agency, the notice must be given to the officer, department or agency before the Department presents the claim of the delinquent taxpayer to the State Controller.

2. A state officer, department or agency which receives such a notice may satisfy any debt owed to it by that person before it honors the notice of the Department.

3. After receiving the demand to transmit, the person notified by the demand may not transfer or otherwise dispose of the credits, other personal property, or debts in his or her possession or under his or her control at the time the person received the notice until the Department consents to a transfer or other disposition.

4. Every person notified by a demand to transmit shall, within 10 days after receipt of the demand to transmit, inform the Department of and transmit to the Department all such credits, other personal property or debts in his or her possession, under his or her control or owing by that person within the time and in the manner requested by the Department. Except as otherwise provided in subsection 5, no further notice is required to be served to that person.

5. If the property of the delinquent taxpayer consists of a series of payments owed to him or her, the person who owes or controls the payments shall transmit the payments to the Department until otherwise notified by the Department. If the debt of the delinquent taxpayer is not paid within 1 year after the Department issued the original demand to transmit, the Department shall issue another demand to transmit to the person responsible for making the payments informing him or her to continue to transmit payments to the Department or that his or her duty to transmit the payments to the Department has ceased.

6. If the notice of the delinquency seeks to prevent the transfer or other disposition of a deposit in a bank or credit union or other credits or personal property in the possession or under the control of a bank, credit union or other depository institution, the notice must be delivered or mailed to any branch or office of the bank, credit union or other depository institution at which the deposit is carried or at which the credits or personal property is held.

7. If any person notified by the notice of the delinquency makes any transfer or other disposition of the property or debts required to be withheld or transmitted, to the extent of the value of the property or the amount of the debts thus transferred or paid, that person is liable to the State for any indebtedness due pursuant to this chapter, chapter 360B, 362, 363A, 363B, 369, 370, 372, 372A, 374, 377, 377A, 377C or 444A of NRS, NRS 482.313,

or chapter 585 or 680B of NRS or sections 2 to 61, inclusive, of this act from the person with respect to whose obligation the notice was given if solely by reason of the transfer or other disposition the State is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

~~[Section 1.]~~ Sec. 67. NRS 363A.030 is hereby amended to read as follows:

363A.030 ~~["Employer"]~~

1. *Except as otherwise provided in this section, "employer" means any ~~[financial]~~:*

(a) *Financial institution who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the financial institution . ~~[except]~~*

(b) *Person who is subject to the tax on the net proceeds of minerals imposed pursuant to the provisions of NRS 362.100 to 362.240, inclusive, whether or not the person is required to pay that tax in a particular calendar year, and who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the person.*

2. *The term does not include an Indian tribe, a nonprofit organization or a political subdivision.*

3. For the purposes of this section:

~~[1.]~~ (a) "Indian tribe" includes any entity described in subsection 10 of NRS 612.055.

~~[2.]~~ (b) "Nonprofit organization" means a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. 501(c).

~~[3.]~~ (c) "Political subdivision" means any entity described in subsection 9 of NRS 612.055.

Sec. 68. NRS 363A.130 is hereby amended to read as follows:

363A.130 1. ~~[There]~~ Except as otherwise provided in section 62 of this act, there is hereby imposed an excise tax on each employer at the rate of 2 percent of the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this section for that calendar quarter.

4. In determining the amount of the tax due pursuant to this section, an employer is entitled to subtract from the amount calculated pursuant to subsection 1 a credit in an amount equal to 50 percent of the amount of the commerce tax paid by the employer pursuant to sections 2 to 61, inclusive, of this act for the preceding taxable year. The credit may only be used for any of the 4 calendar quarters immediately following the end of the taxable year for which the commerce tax was paid. The amount of credit used for a calendar quarter may not exceed the amount calculated pursuant to subsection 1 for that calendar quarter. Any unused credit may not be carried forward beyond the fourth calendar quarter immediately following the end of the taxable year for which the commerce tax was paid, and a taxpayer is not entitled to a refund of any unused credit.

~~{Sec. 2.}~~ Sec. 69. NRS 363B.030 is hereby amended to read as follows:

363B.030 ~~{ "Employer" }~~

1. Except as otherwise provided in this section, "employer" means any employer who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the employer. ~~{ except a }~~

2. The term does not include:

(a) A financial institution ~~{, an }~~ ;

(b) Any person who is subject to the tax on the net proceeds of minerals imposed pursuant to the provisions of NRS 362.100 to 362.240, inclusive, whether or not the person is required to pay that tax in a particular calendar year, and who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the person;

(c) An Indian tribe ~~{, a }~~ ;

(d) A nonprofit organization ~~{, a }~~ ;

(e) A political subdivision ; or ~~{any }~~

(f) Any person who does not supply a product or service, but who only consumes a service.

3. For the purposes of this section:

~~{1.}~~ (a) "Financial institution" has the meaning ascribed to it in NRS 363A.050.

~~{2.}~~ (b) "Indian tribe" includes any entity described in subsection 10 of NRS 612.055.

~~{3.}~~ (c) "Nonprofit organization" means a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. 501(c).

~~{4.}~~ (d) "Political subdivision" means any entity described in subsection 9 of NRS 612.055.

Sec. 70. NRS 363B.110 is hereby amended to read as follows:

363B.110 1. ~~[There]~~ *Except as otherwise provided in section 62 of this act, there* is hereby imposed an excise tax on each employer at the rate of ~~[0.63]~~ *1.475 percent of the amount by which the sum of all the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer* ~~[if exceeds \$50,000]~~.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this chapter for that calendar quarter.

4. *In determining the amount of the tax due pursuant to this section, an employer is entitled to subtract from the amount calculated pursuant to subsection 1 a credit in an amount equal to 50 percent of the amount of the commerce tax paid by the employer pursuant to sections 2 to 61, inclusive, of this act for the preceding taxable year. The credit may only be used for any of the 4 calendar quarters immediately following the end of the taxable year for which the commerce tax was paid. The amount of credit used for a calendar quarter may not exceed the amount calculated pursuant to subsection 1 for that calendar quarter. Any unused credit may not be carried forward beyond the fourth calendar quarter immediately following the end of the taxable year for which the commerce tax was paid, and a taxpayer is not entitled to a refund of any unused credit.*

~~[Sec. 3.]~~ Sec. 71. NRS 370.165 is hereby amended to read as follows:

370.165 There is hereby levied a tax upon the purchase or possession of cigarettes by a consumer in the State of Nevada at the rate of ~~[40]~~ 90 mills per cigarette. The tax may be represented and precollected by the affixing of a revenue stamp or other approved evidence of payment to each package, packet or container in which cigarettes are sold. The tax must be precollected by the wholesale or retail dealer, and must be recovered from the consumer by adding the amount of the tax to the selling price. Each person who sells cigarettes at retail shall prominently display on the premises a notice that the tax is included in the selling price and is payable under the provisions of this chapter.

~~[Sec. 4.]~~ Sec. 72. NRS 370.260 is hereby amended to read as follows:

370.260 1. All taxes and license fees imposed by the provisions of NRS 370.001 to 370.430, inclusive, less any refunds granted as provided by

law, must be paid to the Department in the form of remittances payable to the Department.

2. The Department shall:

(a) As compensation to the State for the costs of collecting the taxes and license fees, transmit each month the sum the Legislature specifies from the remittances made to it pursuant to subsection 1 during the preceding month to the State Treasurer for deposit to the credit of the Department. The deposited money must be expended by the Department in accordance with its work program.

(b) From the remittances made to it pursuant to subsection 1 during the preceding month, less the amount transmitted pursuant to paragraph (a), transmit each month the portion of the tax which is equivalent to ~~[35]~~ 85 mills per cigarette to the State Treasurer for deposit to the credit of the Account for the Tax on Cigarettes in the State General Fund.

(c) Transmit the balance of the payments each month to the State Treasurer for deposit in the Local Government Tax Distribution Account created by NRS 360.660.

(d) Report to the State Controller monthly the amount of collections.

3. The money deposited pursuant to paragraph (c) of subsection 2 in the Local Government Tax Distribution Account is hereby appropriated to Carson City and to each of the counties in proportion to their respective populations and must be credited to the respective accounts of Carson City and each county.

~~[Sec. 5.]~~ *Sec. 73.* NRS 370.350 is hereby amended to read as follows:

370.350 1. Except as otherwise provided in subsection 3, a tax is hereby levied and imposed upon the use of cigarettes in this state.

2. The amount of the use tax is ~~[40]~~ 90 mills per cigarette.

3. The use tax does not apply where:

(a) Nevada cigarette revenue stamps have been affixed to cigarette packages as required by law.

(b) Tax exemption is provided for in this chapter.

Sec. 74. 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.]~~ \$200, *except that if the applicant is a corporation organized pursuant to chapter 78, 78A or 78B of NRS, or a foreign corporation required to file an initial or annual list with the Secretary of State pursuant to chapter 80 of NRS, the application must be accompanied by a fee of \$500;* 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. 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. 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, 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. As used in this section, "registered agent" has the meaning ascribed to it in NRS 77.230.

Sec. 75. NRS 76.130 is hereby amended to read as follows:

76.130 1. ~~[A]~~ *Except as otherwise provided in subsection 2, a person who applies for renewal of a state business license shall submit a fee in the amount of ~~[\$100]~~ \$200 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. *If the person applying for the renewal of a state business license pursuant to subsection 1 is a corporation organized pursuant to chapter 78, 78A or 78B of NRS, or a foreign corporation required to file an initial or annual list with the Secretary of State pursuant to chapter 80 of NRS, the fee for the renewal of a state business license is \$500.*

3. 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]~~ 4. 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.

Sec. 75.5. NRS 78.150 is hereby amended to read as follows:

78.150 1. A corporation organized pursuant to the laws of this State shall, on or before the last day of the first month after the filing of its articles of incorporation with the Secretary of State or, if the corporation has selected an alternative due date pursuant to subsection 11, on or before that alternative due date, file with the Secretary of State a list, on a form furnished by the Secretary of State, containing:

- (a) The name of the corporation;
- (b) The file number of the corporation, if known;
- (c) The names and titles of the president, secretary and treasurer, or the equivalent thereof, and of all the directors of the corporation;
- (d) The address, either residence or business, of each officer and director listed, following the name of the officer or director; and
- (e) The signature of an officer of the corporation, or some other person specifically authorized by the corporation to sign the list, certifying that the list is true, complete and accurate.

2. The corporation shall annually thereafter, on or before the last day of the month in which the anniversary date of incorporation occurs in each year or, if, pursuant to subsection 11, the corporation has selected an alternative due date for filing the list required by subsection 1, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, an annual list containing all of the information required in subsection 1.

3. Each list required by subsection 1 or 2 must be accompanied by:

- (a) A declaration under penalty of perjury that:
 - (1) The corporation has complied with the provisions of chapter 76 of NRS;
 - (2) The corporation acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State; and
 - (3) None of the officers or directors identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct.

- (b) A statement as to whether the corporation is a publicly traded company. If the corporation is a publicly traded company, the corporation must list its Central Index Key. The Secretary of State shall include on the Secretary of State's Internet website the Central Index Key of a corporation provided pursuant to this paragraph and instructions describing the manner in which a member of the public may obtain information concerning the corporation from the Securities and Exchange Commission.

4. Upon filing the list required by:

- (a) Subsection 1, the corporation shall pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

(b) Subsection 2, the corporation shall pay to the Secretary of State, if the amount represented by the total number of shares provided for in the articles is:

\$75,000 or less	~~[\$125]~~ <u>\$150</u>
Over \$75,000 and not over \$200,000	~~[175]~~ <u>200</u>
Over \$200,000 and not over \$500,000	~~[275]~~ <u>300</u>
Over \$500,000 and not over \$1,000,000	~~[375]~~ <u>400</u>
Over \$1,000,000:	
For the first \$1,000,000.....	~~[375]~~ <u>400</u>
For each additional \$500,000 or fraction thereof.....	275

➔ The maximum fee which may be charged pursuant to paragraph (b) for filing the annual list is ~~[\$11,100]~~ \$11,125.

5. If a director or officer of a corporation resigns and the resignation is not reflected on the annual or amended list of directors and officers, the corporation or the resigning director or officer shall pay to the Secretary of State a fee of \$75 to file the resignation.

6. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 2, provide to each corporation which is required to comply with the provisions of NRS 78.150 to 78.185, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 4 and a reminder to file the annual list required by subsection 2. Failure of any corporation to receive a notice does not excuse it from the penalty imposed by law.

7. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective in any respect or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

8. An annual list for a corporation not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and must be accompanied by the appropriate fee as provided in subsection 4 for filing. A payment submitted pursuant to this subsection does not satisfy the requirements of subsection 2 for the year to which the due date is applicable.

9. A person who files with the Secretary of State a list required by subsection 1 or 2 which identifies an officer or director with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

10. For the purposes of this section, a stockholder is not deemed to exercise actual control of the daily operations of a corporation based solely on the fact that the stockholder has voting control of the corporation.

11. The Secretary of State may allow a corporation to select an alternative due date for filing the list required by subsection 1.

12. The Secretary of State may adopt regulations to administer the provisions of subsection 11.

Sec. 76. NRS 78.245 is hereby amended to read as follows:

78.245 ~~[No]~~

1. Except as otherwise provided in subsection 2, no stocks, bonds or other securities issued by any corporation organized under this chapter, nor the income or profits therefrom, nor the transfer thereof by assignment, descent, testamentary disposition or otherwise, shall be taxed by this State when such stocks, bonds or other securities shall be owned by nonresidents of this State or by foreign corporations.

2. The provisions of subsection 1 do not apply to the commerce tax imposed pursuant to sections 2 to 61, inclusive, of this act.

Sec. 76.1. NRS 80.110 is hereby amended to read as follows:

80.110 1. Each foreign corporation doing business in this State shall, on or before the last day of the first month after the information required by NRS 80.010 is filed with the Secretary of State or, if the foreign corporation has selected an alternative due date pursuant to subsection 9, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The names and addresses, either residence or business, of its president, secretary and treasurer, or the equivalent thereof, and all of its directors; and

(b) The signature of an officer of the corporation or some other person specifically authorized by the corporation to sign the list.

2. Each list filed pursuant to subsection 1 must be accompanied by:

(a) A declaration under penalty of perjury that:

(1) The foreign corporation has complied with the provisions of chapter 76 of NRS;

(2) The foreign corporation acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State; and

(3) None of the officers or directors identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct.

(b) A statement as to whether the foreign corporation is a publicly traded company. If the corporation is a publicly traded company, the corporation must list its Central Index Key. The Secretary of State shall include on the Secretary of State's Internet website the Central Index Key of a corporation provided pursuant to this subsection and instructions describing the manner in which a member of the public may obtain information concerning the corporation from the Securities and Exchange Commission.

3. Upon filing:

(a) The initial list required by subsection 1, the corporation shall pay to the Secretary of State a fee of ~~[\$125]~~ \$150.

(b) Each annual list required by subsection 1, the corporation shall pay to the Secretary of State, if the amount represented by the total number of shares provided for in the articles is:

\$75,000 or less	~~[\$125]~~ <u>\$150</u>
Over \$75,000 and not over \$200,000	~~[175]~~ <u>200</u>
Over \$200,000 and not over \$500,000	~~[275]~~ <u>300</u>
Over \$500,000 and not over \$1,000,000	~~[375]~~ <u>400</u>
Over \$1,000,000:	
For the first \$1,000,000.....	~~[375]~~ <u>400</u>
For each additional \$500,000 or fraction thereof.....	275

↪ The maximum fee which may be charged pursuant to paragraph (b) for filing the annual list is ~~[\$11,100]~~ \$11,125.

4. If a director or officer of a corporation resigns and the resignation is not reflected on the annual or amended list of directors and officers, the corporation or the resigning director or officer shall pay to the Secretary of State a fee of \$75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each corporation which is required to comply with the provisions of NRS 80.110 to 80.175, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list pursuant to subsection 1. Failure of any corporation to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 80.110 to 80.175, inclusive.

6. An annual list for a corporation not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

7. A person who files with the Secretary of State a list required by subsection 1 which identifies an officer or director with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

8. For the purposes of this section, a stockholder is not deemed to exercise actual control of the daily operations of a corporation based solely on the fact that the stockholder has voting control of the corporation.

9. The Secretary of State may allow a foreign corporation to select an alternative due date for filing the initial list required by subsection 1.

10. The Secretary of State may adopt regulations to administer the provisions of subsection 9.

Sec. 76.15. NRS 82.193 is hereby amended to read as follows:

82.193 1. A corporation shall have a registered agent in the manner provided in NRS 78.090 and 78.097. The registered agent and the corporation shall comply with the provisions of those sections.

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a corporation which is a

unit-owners' association as defined in NRS 116.011 or 116B.030 has failed to register pursuant to NRS 116.31158 or 116B.625 or failed to pay the fees pursuant to NRS 116.31155 or 116B.620, the Secretary of State shall deem the corporation to be in default. If, after the corporation is deemed to be in default, the Administrator notifies the Secretary of State that the corporation has registered pursuant to NRS 116.31158 or 116B.625 and paid the fees pursuant to NRS 116.31155 or 116B.620, the Secretary of State shall reinstate the corporation if the corporation complies with the requirements for reinstatement as provided in this section and NRS 78.180 and 78.185.

3. A corporation is subject to the provisions of NRS 78.150 to 78.185, inclusive, except that:

- (a) The fee for filing a list is ~~(\$25,)~~ \$50;
- (b) The penalty added for default is \$50; and
- (c) The fee for reinstatement is \$100.

Sec. 76.2. NRS 82.523 is hereby amended to read as follows:

82.523 1. Each foreign nonprofit corporation doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign nonprofit corporation with the Secretary of State or, if the foreign nonprofit corporation has selected an alternative due date pursuant to subsection 9, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

- (a) The name of the foreign nonprofit corporation;
- (b) The file number of the foreign nonprofit corporation, if known;
- (c) The names and titles of the president, the secretary and the treasurer, or the equivalent thereof, and all the directors of the foreign nonprofit corporation;
- (d) The address, either residence or business, of the president, secretary and treasurer, or the equivalent thereof, and each director of the foreign nonprofit corporation; and
- (e) The signature of an officer of the foreign nonprofit corporation, or some other person specifically authorized by the foreign nonprofit corporation to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

- (a) The foreign nonprofit corporation has complied with the provisions of chapter 76 of NRS;
- (b) The foreign nonprofit corporation acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State; and

(c) None of the officers or directors identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct.

3. Upon filing the initial list and each annual list pursuant to this section, the foreign nonprofit corporation must pay to the Secretary of State a fee of ~~[\$25.]~~ \$50.

4. The Secretary of State shall, 60 days before the last day for filing each annual list, provide to each foreign nonprofit corporation which is required to comply with the provisions of NRS 82.523 to 82.5239, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign nonprofit corporation to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 82.523 to 82.5239, inclusive.

5. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

6. An annual list for a foreign nonprofit corporation not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

7. A person who files with the Secretary of State a list pursuant to this section which identifies an officer or director with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

8. For the purposes of this section, a member of a foreign nonprofit corporation is not deemed to exercise actual control of the daily operations of the foreign nonprofit corporation based solely on the fact that the member has voting control of the foreign nonprofit corporation.

9. The Secretary of State may allow a foreign nonprofit corporation to select an alternative due date for filing the initial list required by this section.

10. The Secretary of State may adopt regulations to administer the provisions of subsection 9.

Sec. 76.25. NRS 84.110 is hereby amended to read as follows:

84.110 1. Every corporation sole must have a registered agent in the manner provided in NRS 78.090 and 78.097. The registered agent shall comply with the provisions of those sections.

2. A corporation sole is subject to the provisions of NRS 78.150 to 78.185, inclusive, except that:

(a) The fee for filing a list is ~~[\$25.]~~ \$50.

(b) The penalty added for default is \$50; and

(c) The fee for reinstatement is \$100.

Sec. 76.3. NRS 86.263 is hereby amended to read as follows:

86.263 1. A limited-liability company shall, on or before the last day of the first month after the filing of its articles of organization with the Secretary of State or, if the limited-liability company has selected an alternative due date pursuant to subsection 11, on or before that alternative due date, file with the Secretary of State, on a form furnished by the Secretary of State, a list that contains:

- (a) The name of the limited-liability company;
- (b) The file number of the limited-liability company, if known;
- (c) The names and titles of all of its managers or, if there is no manager, all of its managing members;
- (d) The address, either residence or business, of each manager or managing member listed, following the name of the manager or managing member; and
- (e) The signature of a manager or managing member of the limited-liability company, or some other person specifically authorized by the limited-liability company to sign the list, certifying that the list is true, complete and accurate.

2. The limited-liability company shall thereafter, on or before the last day of the month in which the anniversary date of its organization occurs or, if, pursuant to subsection 11, the limited-liability company has selected an alternative due date for filing the list required by subsection 1, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, an annual list containing all of the information required in subsection 1.

3. Each list required by subsections 1 and 2 must be accompanied by a declaration under penalty of perjury that:

- (a) The limited-liability company has complied with the provisions of chapter 76 of NRS;
- (b) The limited-liability company acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and
- (c) None of the managers or managing members identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a manager or managing member in furtherance of any unlawful conduct.

4. Upon filing:

- (a) The initial list required by subsection 1, the limited-liability company shall pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

- (b) Each annual list required by subsection 2, the limited-liability company shall pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

5. If a manager or managing member of a limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the limited-liability company or the

resigning manager or managing member shall pay to the Secretary of State a fee of \$75 to file the resignation.

6. The Secretary of State shall, 90 days before the last day for filing each list required by subsection 2, provide to each limited-liability company which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due under subsection 4 and a reminder to file the list required by subsection 2. Failure of any company to receive a notice does not excuse it from the penalty imposed by law.

7. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

8. An annual list for a limited-liability company not in default received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

9. A person who files with the Secretary of State a list required by subsection 1 or 2 which identifies a manager or managing member with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a manager or managing member in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

10. For the purposes of this section, a member is not deemed to exercise actual control of the daily operations of a limited-liability company based solely on the fact that the member has voting control of the limited-liability company.

11. The Secretary of State may allow a limited-liability company to select an alternative due date for filing the list required by subsection 1.

12. The Secretary of State may adopt regulations to administer the provisions of subsection 11.

Sec. 76.35. NRS 86.5461 is hereby amended to read as follows:

86.5461 1. Each foreign limited-liability company doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited-liability company with the Secretary of State or, if the foreign limited-liability company has selected an alternative due date pursuant to subsection 10, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list on a form furnished by the Secretary of State that contains:

- (a) The name of the foreign limited-liability company;
- (b) The file number of the foreign limited-liability company, if known;
- (c) The names and titles of all its managers or, if there is no manager, all its managing members;

(d) The address, either residence or business, of each manager or managing member listed pursuant to paragraph (c); and

(e) The signature of a manager or managing member of the foreign limited-liability company, or some other person specifically authorized by the foreign limited-liability company to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign limited-liability company has complied with the provisions of chapter 76 of NRS;

(b) The foreign limited-liability company acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State; and

(c) None of the managers or managing members identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a manager or managing member in furtherance of any unlawful conduct.

3. Upon filing:

(a) The initial list required by this section, the foreign limited-liability company shall pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

(b) Each annual list required by this section, the foreign limited-liability company shall pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

4. If a manager or managing member of a foreign limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the foreign limited-liability company or the resigning manager or managing member shall pay to the Secretary of State a fee of \$75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by this section, provide to each foreign limited-liability company which is required to comply with the provisions of NRS 86.5461 to 86.5468, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign limited-liability company to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 86.5461 to 86.5468, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited-liability company not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of this section for the year to which the due date is applicable.

8. A person who files with the Secretary of State a list required by this section which identifies a manager or managing member with the fraudulent

intent of concealing the identity of any person or persons exercising the power or authority of a manager or managing members in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

9. For the purposes of this section, a member is not deemed to exercise actual control of the daily operations of a foreign limited-liability company based solely on the fact that the member has voting control of the foreign limited-liability company.

10. The Secretary of State may allow a foreign limited-liability company to select an alternative due date for filing the initial list required by this section.

11. The Secretary of State may adopt regulations to administer the provisions of subsection 10.

Sec. 76.4. NRS 87.510 is hereby amended to read as follows:

87.510 1. A registered limited-liability partnership shall, on or before the last day of the first month after the filing of its certificate of registration with the Secretary of State or, if the registered limited-liability partnership has selected an alternative due date pursuant to subsection 8, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of registration with the Secretary of State occurs or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, a list that contains:

- (a) The name of the registered limited-liability partnership;
- (b) The file number of the registered limited-liability partnership, if known;
- (c) The names of all of its managing partners;
- (d) The address, either residence or business, of each managing partner; and
- (e) The signature of a managing partner of the registered limited-liability partnership, or some other person specifically authorized by the registered limited-liability partnership to sign the list, certifying that the list is true, complete and accurate.

➡ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the registered limited-liability partnership has complied with the provisions of chapter 76 of NRS, that the registered limited-liability partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State and that none of the managing partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a managing partner in furtherance of any unlawful conduct.

2. Upon filing:

(a) The initial list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

(b) Each annual list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

3. If a managing partner of a registered limited-liability partnership resigns and the resignation is not reflected on the annual or amended list of managing partners, the registered limited-liability partnership or the resigning managing partner shall pay to the Secretary of State a fee of \$75 to file the resignation.

4. The Secretary of State shall, at least 90 days before the last day for filing each annual list required by subsection 1, provide to the registered limited-liability partnership a notice of the fee due pursuant to subsection 2 and a reminder to file the annual list required by subsection 1. The failure of any registered limited-liability partnership to receive a notice does not excuse it from complying with the provisions of this section.

5. If the list to be filed pursuant to the provisions of subsection 1 is defective, or the fee required by subsection 2 is not paid, the Secretary of State may return the list for correction or payment.

6. An annual list that is filed by a registered limited-liability partnership which is not in default more than 90 days before it is due shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

7. A person who files with the Secretary of State an initial list or annual list required by subsection 1 which identifies a managing partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a managing partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

8. The Secretary of State may allow a registered limited-liability partnership to select an alternative due date for filing the initial list required by subsection 1.

9. The Secretary of State may adopt regulations to administer the provisions of subsection 8.

Sec. 76.45. NRS 87.541 is hereby amended to read as follows:

87.541 1. Each foreign registered limited-liability partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign registered limited-liability partnership with the Secretary of State or, if the foreign registered limited-liability partnership has selected an alternative due date pursuant to subsection 9, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

- (a) The name of the foreign registered limited-liability partnership;
- (b) The file number of the foreign registered limited-liability partnership, if known;
- (c) The names of all its managing partners;
- (d) The address, either residence or business, of each managing partner; and
- (e) The signature of a managing partner of the foreign registered limited-liability partnership, or some other person specifically authorized by the foreign registered limited-liability partnership to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

- (a) The foreign registered limited-liability partnership has complied with the provisions of chapter 76 of NRS;
- (b) The foreign registered limited-liability partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and
- (c) None of the managing partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a managing partner in furtherance of any unlawful conduct.

3. Upon filing:

- (a) The initial list required by this section, the foreign registered limited-liability partnership shall pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.
- (b) Each annual list required by this section, the foreign registered limited-liability partnership shall pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

4. If a managing partner of a foreign registered limited-liability partnership resigns and the resignation is not reflected on the annual or amended list of managing partners, the foreign registered limited-liability partnership or the managing partner shall pay to the Secretary of State a fee of \$75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each foreign registered limited-liability partnership which is required to comply with the provisions of NRS 87.541 to 87.544, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign registered limited-liability partnership to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 87.541 to 87.544, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign registered limited-liability partnership not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A person who files with the Secretary of State an initial list or annual list required by subsection 1 which identifies a managing partner with the fraudulent intent of concealing the identity of any person or persons exercising the power and authority of a managing partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

9. The Secretary of State may allow a foreign registered limited-liability partnership to select an alternative due date for filing the initial list required by this section.

10. The Secretary of State may adopt regulations to administer the provisions of subsection 9.

Sec. 76.5. NRS 87A.290 is hereby amended to read as follows:

87A.290 1. A limited partnership shall, on or before the last day of the first month after the filing of its certificate of limited partnership with the Secretary of State or, if the limited partnership has selected an alternative due date pursuant to subsection 10, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of limited partnership occurs or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, a list that contains:

- (a) The name of the limited partnership;
- (b) The file number of the limited partnership, if known;
- (c) The names of all of its general partners;
- (d) The address, either residence or business, of each general partner; and
- (e) The signature of a general partner of the limited partnership, or some other person specifically authorized by the limited partnership to sign the list, certifying that the list is true, complete and accurate.

➡ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the limited partnership has complied with the provisions of chapter 76 of NRS, that the limited partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State, and that none of the general partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct.

2. Except as otherwise provided in subsection 3, a limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

3. A registered limited-liability limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

4. If a general partner of a limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the limited partnership or the resigning general partner shall pay to the Secretary of State a fee of \$75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each limited partnership which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due pursuant to the provisions of subsection 2 or 3, as appropriate, and a reminder to file the annual list required pursuant to subsection 1. Failure of any limited partnership to receive a notice does not excuse it from the penalty imposed by NRS 87A.300.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 2 or 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a limited partnership not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A filing made pursuant to this section does not satisfy the provisions of NRS 87A.240 and may not be substituted for filings submitted pursuant to NRS 87A.240.

9. A person who files with the Secretary of State a list required by subsection 1 which identifies a general partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

10. The Secretary of State may allow a limited partnership to select an alternative due date for filing the initial list required by subsection 1.

11. The Secretary of State may adopt regulations to administer the provisions of subsection 10.

Sec. 76.55. NRS 87A.560 is hereby amended to read as follows:

87A.560 1. Each foreign limited partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited partnership with the Secretary of State or, if the foreign limited partnership has selected an alternative due

date pursuant to subsection 9, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

- (a) The name of the foreign limited partnership;
- (b) The file number of the foreign limited partnership, if known;
- (c) The names of all its general partners;
- (d) The address, either residence or business, of each general partner; and
- (e) The signature of a general partner of the foreign limited partnership, or some other person specifically authorized by the foreign limited partnership to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign limited partnership has complied with the provisions of chapter 76 of NRS;

(b) The foreign limited partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the general partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct.

3. Upon filing:

(a) The initial list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

(b) Each annual list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

4. If a general partner of a foreign limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the foreign limited partnership or the resigning general partner shall pay to the Secretary of State a fee of \$75 to file the resignation of the general partner.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each foreign limited partnership, which is required to comply with the provisions of NRS 87A.560 to 87A.600, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign limited partnership to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 87A.560 to 87A.600, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited partnership not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A person who files with the Secretary of State a list required by this section which identifies a general partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

9. The Secretary of State may allow a foreign limited partnership to select an alternative due date for filing the initial list required by this section.

10. The Secretary of State may adopt regulations to administer the provisions of subsection 9.

Sec. 76.6. NRS 88.395 is hereby amended to read as follows:

88.395 1. A limited partnership shall, on or before the last day of the first month after the filing of its certificate of limited partnership with the Secretary of State or, if the limited partnership has selected an alternative due date pursuant to subsection 10, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of limited partnership occurs or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, a list that contains:

- (a) The name of the limited partnership;
- (b) The file number of the limited partnership, if known;
- (c) The names of all of its general partners;
- (d) The address, either residence or business, of each general partner; and
- (e) The signature of a general partner of the limited partnership, or some other person specifically authorized by the limited partnership to sign the list, certifying that the list is true, complete and accurate.

➡ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the limited partnership has complied with the provisions of chapter 76 of NRS, that the limited partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State, and that none of the general partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct.

2. Except as otherwise provided in subsection 3, a limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

3. A registered limited-liability limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of ~~[\$175.]~~ \$200.

4. If a general partner of a limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the limited partnership or the resigning general partner shall pay to the Secretary of State a fee of \$75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each limited partnership which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due pursuant to the provisions of subsection 2 or 3, as appropriate, and a reminder to file the annual list required pursuant to subsection 1. Failure of any limited partnership to receive a notice does not excuse it from the penalty imposed by NRS 88.400.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 2 or 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a limited partnership not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A filing made pursuant to this section does not satisfy the provisions of NRS 88.355 and may not be substituted for filings submitted pursuant to NRS 88.355.

9. A person who files with the Secretary of State a list required by subsection 1 which identifies a general partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

10. The Secretary of State may allow a limited partnership to select an alternative due date for filing the initial list required by subsection 1.

11. The Secretary of State may adopt regulations to administer the provisions of subsection 10.

Sec. 76.65. NRS 88.591 is hereby amended to read as follows:

88.591 1. Each foreign limited partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited partnership with the Secretary of State or, if the foreign limited partnership has selected an alternative due date pursuant to subsection 9, on or before that alternative due date, and

annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

- (a) The name of the foreign limited partnership;
- (b) The file number of the foreign limited partnership, if known;
- (c) The names of all its general partners;
- (d) The address, either residence or business, of each general partner; and
- (e) The signature of a general partner of the foreign limited partnership, or some other person specifically authorized by the foreign limited partnership to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign limited partnership has complied with the provisions of chapter 76 of NRS;

(b) The foreign limited partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the general partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct.

3. Upon filing:

(a) The initial list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

(b) Each annual list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

4. If a general partner of a foreign limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the foreign limited partnership or the resigning general partner shall pay to the Secretary of State a fee of \$75 to file the resignation of the general partner.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each foreign limited partnership, which is required to comply with the provisions of NRS 88.591 to 88.5945, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign limited partnership to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 88.591 to 88.5945, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited partnership not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A person who files with the Secretary of State a list required by this section which identifies a general partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

9. The Secretary of State may allow a foreign limited partnership to select an alternative due date for filing the initial list required by this section.

10. The Secretary of State may adopt regulations to administer the provisions of subsection 9.

Sec. 76.7. NRS 88A.600 is hereby amended to read as follows:

88A.600 1. A business trust formed pursuant to this chapter shall, on or before the last day of the first month after the filing of its certificate of trust with the Secretary of State or, if the business trust has selected an alternative due date pursuant to subsection 8, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of trust with the Secretary of State occurs, file with the Secretary of State or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, on a form furnished by the Secretary of State, a list signed by at least one trustee, or by some other person specifically authorized by the business trust to sign the list, that contains the name and street address of at least one trustee. Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that:

(a) The business trust has complied with the provisions of chapter 76 of NRS;

(b) The business trust acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the trustees identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a trustee in furtherance of any unlawful conduct.

2. Upon filing:

(a) The initial list required by subsection 1, the business trust shall pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

(b) Each annual list required by subsection 1, the business trust shall pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

3. If a trustee of a business trust resigns and the resignation is not reflected on the annual or amended list of trustees, the business trust or the resigning trustee shall pay to the Secretary of State a fee of \$75 to file the resignation.

4. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each business trust which is required to comply with the provisions of NRS 88A.600 to 88A.660, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 2 and a reminder to file the list required pursuant to subsection 1. Failure of a business trust to receive a notice does not excuse it from the penalty imposed by law.

5. An annual list for a business trust not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

6. A person who files with the Secretary of State an initial list or annual list required by subsection 1 which identifies a trustee with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a trustee in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

7. For the purposes of this section, a person who is a beneficial owner is not deemed to exercise actual control of the daily operations of a business trust based solely on the fact that the person is a beneficial owner.

8. The Secretary of State may allow a business trust to select an alternative due date for filing the initial list required by subsection 1.

9. The Secretary of State may adopt regulations to administer the provisions of subsection 8.

Sec. 76.75. NRS 88A.732 is hereby amended to read as follows:

88A.732 1. Each foreign business trust doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign business trust with the Secretary of State or, if the foreign business trust has selected an alternative due date pursuant to subsection 10, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

- (a) The name of the foreign business trust;
- (b) The file number of the foreign business trust, if known;
- (c) The name of at least one of its trustees;
- (d) The address, either residence or business, of the trustee listed pursuant to paragraph (c); and
- (e) The signature of a trustee of the foreign business trust, or some other person specifically authorized by the foreign business trust to sign the list, certifying that the list is true, complete and accurate.

2. Each list required to be filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

- (a) The foreign business trust has complied with the provisions of chapter 76 of NRS;

(b) The foreign business trust acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the trustees identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a trustee in furtherance of any unlawful conduct.

3. Upon filing:

(a) The initial list required by this section, the foreign business trust shall pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

(b) Each annual list required by this section, the foreign business trust shall pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

4. If a trustee of a foreign business trust resigns and the resignation is not reflected on the annual or amended list of trustees, the foreign business trust or the resigning trustee shall pay to the Secretary of State a fee of \$75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each foreign business trust which is required to comply with the provisions of NRS 88A.732 to 88A.738, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign business trust to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 88A.732 to 88A.738, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign business trust not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A person who files with the Secretary of State a list required by this section which identifies a trustee with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a trustee in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

9. For the purposes of this section, a person who is a beneficial owner is not deemed to exercise actual control of the daily operations of a foreign business trust based solely on the fact that the person is a beneficial owner.

10. The Secretary of State may allow a foreign business trust to select an alternative due date for filing the initial list required by this section.

11. The Secretary of State may adopt regulations to administer the provisions of subsection 10.

Sec. 76.8. NRS 89.250 is hereby amended to read as follows:

89.250 1. Except as otherwise provided in subsection 2, a professional association shall, on or before the last day of the first month after the filing of its articles of association with the Secretary of State or, if the professional association has selected an alternative due date pursuant to subsection 7, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its organization occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list showing the names and addresses, either residence or business, of all members and employees in the professional association and certifying that all members and employees are licensed to render professional service in this State.

2. A professional association organized and practicing pursuant to the provisions of this chapter and NRS 623.349 shall, on or before the last day of the first month after the filing of its articles of association with the Secretary of State or, if the professional association has selected an alternative due date pursuant to subsection 7, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its organization occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list:

(a) Showing the names and addresses, either residence or business, of all members and employees of the professional association who are licensed or otherwise authorized by law to render professional service in this State;

(b) Certifying that all members and employees who render professional service are licensed or otherwise authorized by law to render professional service in this State; and

(c) Certifying that all members who are not licensed to render professional service in this State do not render professional service on behalf of the professional association except as authorized by law.

3. Each list filed pursuant to this section must be:

(a) Made on a form furnished by the Secretary of State and must not contain any fiscal or other information except that expressly called for by this section.

(b) Signed by the chief executive officer of the professional association or by some other person specifically authorized by the chief executive officer to sign the list.

(c) Accompanied by a declaration under penalty of perjury that:

(1) The professional association has complied with the provisions of chapter 76 of NRS;

(2) The professional association acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(3) None of the members or employees identified in the list has been identified in the list with the fraudulent intent of concealing the identity of

any person or persons exercising the power or authority of a member or employee in furtherance of any unlawful conduct.

4. Upon filing:

(a) The initial list required by this section, the professional association shall pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

(b) Each annual list required by this section, the professional association shall pay to the Secretary of State a fee of ~~[\$125.]~~ \$150.

5. A person who files with the Secretary of State an initial list or annual list required by this section which identifies a member or an employee of a professional association with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a member or employee in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

6. For the purposes of this section, a person is not deemed to exercise actual control of the daily operations of a professional association based solely on the fact that the person holds an ownership interest in the professional association.

7. The Secretary of State may allow a professional association to select an alternative due date for filing the initial list required by this section.

8. The Secretary of State may adopt regulations to administer the provisions of subsection 7.

Sec. 77. NRS 90.420 is hereby amended to read as follows:

90.420 1. The Administrator by order may deny, suspend or revoke any license, fine any licensed person, limit the activities governed by this chapter that an applicant or licensed person may perform in this State, bar an applicant or licensed person from association with a licensed broker-dealer or investment adviser or bar from employment with a licensed broker-dealer or investment adviser a person who is a partner, officer, director, sales representative, investment adviser or representative of an investment adviser, or a person occupying a similar status or performing a similar function for an applicant or licensed person, if the Administrator finds that the order is in the public interest and that the applicant or licensed person or, in the case of a broker-dealer or investment adviser, any partner, officer, director, sales representative, investment adviser, representative of an investment adviser, or person occupying a similar status or performing similar functions or any person directly or indirectly controlling the broker-dealer or investment adviser, or any transfer agent or any person directly or indirectly controlling the transfer agent:

(a) Has filed an application for licensing with the Administrator which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in a material respect or contained a statement that was, in light of the circumstances under which it was made, false or misleading with respect to a material fact;

(b) Has violated or failed to comply with a provision of this chapter as now or formerly in effect or a regulation or order adopted or issued under this chapter;

(c) Is the subject of an adjudication or determination after notice and opportunity for hearing, within the last 5 years by a securities agency or administrator of another state or a court of competent jurisdiction that the person has violated the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act or the securities law of any other state, but only if the acts constituting the violation of that state's law would constitute a violation of this chapter had the acts taken place in this State;

(d) Has been convicted of a felony or, within the previous 10 years has been convicted of a misdemeanor, which the Administrator finds:

(1) Involves the purchase or sale of a security, taking a false oath, making a false report, bribery, perjury, burglary, robbery or conspiracy to commit any of the foregoing offenses;

(2) Arises out of the conduct of business as a broker-dealer, investment adviser, depository institution, insurance company or fiduciary;

(3) Involves the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion or misappropriation of money or securities or conspiracy to commit any of the foregoing offenses; or

(4) Involves moral turpitude;

(e) Is or has been permanently or temporarily enjoined by any court of competent jurisdiction, unless the order has been vacated, from acting as an investment adviser, representative of an investment adviser, underwriter, broker-dealer or as an affiliated person or employee of an investment company, depository institution or insurance company or from engaging in or continuing any conduct or practice in connection with any of the foregoing activities or in connection with the purchase or sale of a security;

(f) Is or has been the subject of an order of the Administrator, unless the order has been vacated, denying, suspending or revoking the person's license as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent;

(g) Is or has been the subject of any of the following orders which were issued within the last 5 years, unless the order has been vacated:

(1) An order by the securities agency or administrator of another state, jurisdiction, Canadian province or territory, the Commodity Futures Trading Commission, or by the Securities and Exchange Commission or a comparable regulatory agency of another country, entered after notice and opportunity for hearing, denying, suspending or revoking the person's license as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent;

(2) A suspension or expulsion from membership in or association with a member of a self-regulatory organization;

(3) An order by a self-regulatory organization that prohibits the person from serving, indefinitely or for a specified period, as a principal or in a supervisory capacity within a business or organization which is a member of a self-regulatory organization;

(4) An order of the United States Postal Service relating to fraud;

(5) An order to cease and desist entered after notice and opportunity for hearing by the Administrator, the securities agency or administrator of another state, jurisdiction, Canadian province or territory, the Securities and Exchange Commission or a comparable regulatory agency of another country, or the Commodity Futures Trading Commission; or

(6) An order by the Commodity Futures Trading Commission denying, suspending or revoking registration under the Commodity Exchange Act;

(h) Has engaged in unethical or dishonest practices in the securities business;

(i) Is insolvent, either in the sense that liabilities exceed assets or in the sense that obligations cannot be met as they mature, but the Administrator may not enter an order against a broker-dealer or investment adviser under this paragraph without a finding of insolvency as to the broker-dealer or investment adviser;

(j) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~41~~ or sections 2 to 61, inclusive, of this act;

(k) Is determined by the Administrator in compliance with NRS 90.430 not to be qualified on the basis of lack of training, experience and knowledge of the securities business; or

(l) Has failed reasonably to supervise a sales representative, employee or representative of an investment adviser.

2. The Administrator may not institute a proceeding on the basis of a fact or transaction known to the director when the license became effective unless the proceeding is instituted within 90 days after issuance of the license.

3. If the Administrator finds that an applicant or licensed person is no longer in existence or has ceased to do business as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent or is adjudicated mentally incompetent or subjected to the control of a committee, conservator or guardian or cannot be located after reasonable search, the Administrator may by order deny the application or revoke the license.

Sec. 78. NRS 90.730 is hereby amended to read as follows:

90.730 1. Except as otherwise provided in subsection 2, information and records filed with or obtained by the Administrator are public information and are available for public examination.

2. Except as otherwise provided in subsections 3 and 4 and NRS 239.0115, the following information and records do not constitute public information under subsection 1 and are confidential:

(a) Information or records obtained by the Administrator in connection with an investigation concerning possible violations of this chapter; and

(b) Information or records filed with the Administrator in connection with a registration statement filed under this chapter or a report under NRS 90.390 which constitute trade secrets or commercial or financial information of a person for which that person is entitled to and has asserted a claim of privilege or confidentiality authorized by law.

3. The Administrator may submit any information or evidence obtained in connection with an investigation to the:

(a) Attorney General or appropriate district attorney for the purpose of prosecuting a criminal action under this chapter; and

(b) Department of Taxation for its use in carrying out the provisions of chapter 363A of NRS ~~and the chapter consisting of sections 2 to 61, inclusive, of this act.~~

4. The Administrator may disclose any information obtained in connection with an investigation pursuant to NRS 90.620 to the agencies and administrators specified in subsection 1 of NRS 90.740 but only if disclosure is provided for the purpose of a civil, administrative or criminal investigation or proceeding, and the receiving agency or administrator represents in writing that under applicable law protections exist to preserve the integrity, confidentiality and security of the information.

5. This chapter does not create any privilege or diminish any privilege existing at common law, by statute, regulation or otherwise.

Sec. 78.1. NRS 482.181 is hereby amended to read as follows:

482.181 1. Except as otherwise provided in subsection 5, after deducting the amount withheld by the Department and the amount credited to the Department pursuant to subsection 6 of NRS 482.180, and the amount transferred to the State ~~Highway~~ General Fund pursuant to NRS 482.182, the Department shall certify monthly to the State Board of Examiners the amount of the basic and supplemental governmental services taxes collected for each county by the Department and its agents during the preceding month, and that money must be distributed monthly as provided in this section.

2. Any supplemental governmental services tax collected for a county must be distributed only to the county, to be used as provided in NRS 371.043, 371.045 and 371.047.

3. The distribution of the basic governmental services tax received or collected for each county must be made to the county school district within each county before any distribution is made to a local government, special district or enterprise district. For the purpose of calculating the amount of the basic governmental services tax to be distributed to the county school district, the taxes levied by each local government, special district and enterprise district are the product of its certified valuation, determined pursuant to subsection 2 of NRS 361.405, and its tax rate, established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1980, except that the tax rate for school districts, including the rate attributable to a district's debt service, is the rate established pursuant to NRS 361.455 for the fiscal year

beginning on July 1, 1978, but if the rate attributable to a district's debt service in any fiscal year is greater than its rate for the fiscal year beginning on July 1, 1978, the higher rate must be used to determine the amount attributable to debt service.

4. After making the distributions set forth in subsection 3, the remaining money received or collected for each county must be deposited in the Local Government Tax Distribution Account created by NRS 360.660 for distribution to local governments, special districts and enterprise districts within each county pursuant to the provisions of NRS 360.680 and 360.690.

5. An amount equal to any basic governmental services tax distributed to a redevelopment agency in the Fiscal Year 1987-1988 must continue to be distributed to that agency as long as it exists but must not be increased.

6. The Department shall make distributions of the basic governmental services tax directly to county school districts.

7. As used in this section:

(a) "Enterprise district" has the meaning ascribed to it in NRS 360.620.

(b) "Local government" has the meaning ascribed to it in NRS 360.640.

(c) "Received or collected for each county" means:

(1) For the basic governmental services tax collected on vehicles subject to the provisions of chapter 706 of NRS, the amount determined for each county based on the following percentages:

Carson City.....	1.07 percent	Lincoln	3.12 percent
Churchill.....	5.21 percent	Lyon	2.90 percent
Clark	22.54 percent	Mineral	2.40 percent
Douglas.....	2.52 percent	Nye	4.09 percent
Elko	13.31 percent	Pershing.....	7.00 percent
Esmeralda	2.52 percent	Storey	0.19 percent
Eureka.....	3.10 percent	Washoe.....	12.24 percent
Humboldt.....	8.25 percent	White Pine.....	5.66 percent
Lander.....	3.88 percent		

(2) For all other basic and supplemental governmental services tax received or collected by the Department, the amount attributable to each county based on the county of registration of the vehicle for which the tax was paid.

(d) "Special district" has the meaning ascribed to it in NRS 360.650.

Sec. 78.3. NRS 482.181 is hereby amended to read as follows:

482.181 1. Except as otherwise provided in subsection 5, after deducting the amount withheld by the Department and the amount credited to the Department pursuant to subsection 6 of NRS 482.180, and the amount transferred to the State General Fund *and the State Highway Fund* pursuant to NRS 482.182, the Department shall certify monthly to the State Board of Examiners the amount of the basic and supplemental governmental services taxes collected for each county by the Department and its agents during the preceding month, and that money must be distributed monthly as provided in this section.

2. Any supplemental governmental services tax collected for a county must be distributed only to the county, to be used as provided in NRS 371.043, 371.045 and 371.047.

3. The distribution of the basic governmental services tax received or collected for each county must be made to the county school district within each county before any distribution is made to a local government, special district or enterprise district. For the purpose of calculating the amount of the basic governmental services tax to be distributed to the county school district, the taxes levied by each local government, special district and enterprise district are the product of its certified valuation, determined pursuant to subsection 2 of NRS 361.405, and its tax rate, established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1980, except that the tax rate for school districts, including the rate attributable to a district's debt service, is the rate established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1978, but if the rate attributable to a district's debt service in any fiscal year is greater than its rate for the fiscal year beginning on July 1, 1978, the higher rate must be used to determine the amount attributable to debt service.

4. After making the distributions set forth in subsection 3, the remaining money received or collected for each county must be deposited in the Local Government Tax Distribution Account created by NRS 360.660 for distribution to local governments, special districts and enterprise districts within each county pursuant to the provisions of NRS 360.680 and 360.690.

5. An amount equal to any basic governmental services tax distributed to a redevelopment agency in the Fiscal Year 1987-1988 must continue to be distributed to that agency as long as it exists but must not be increased.

6. The Department shall make distributions of the basic governmental services tax directly to county school districts.

7. As used in this section:

(a) "Enterprise district" has the meaning ascribed to it in NRS 360.620.

(b) "Local government" has the meaning ascribed to it in NRS 360.640.

(c) "Received or collected for each county" means:

(1) For the basic governmental services tax collected on vehicles subject to the provisions of chapter 706 of NRS, the amount determined for each county based on the following percentages:

Carson City.....	1.07 percent	Lincoln	3.12 percent
Churchill.....	5.21 percent	Lyon	2.90 percent
Clark.....	22.54 percent	Mineral	2.40 percent
Douglas.....	2.52 percent	Nye	4.09 percent
Elko	13.31 percent	Pershing.....	7.00 percent
Esmeralda	2.52 percent	Storey	0.19 percent
Eureka.....	3.10 percent	Washoe.....	12.24 percent
Humboldt.....	8.25 percent	White Pine	5.66 percent
Lander.....	3.88 percent		

(2) For all other basic and supplemental governmental services tax received or collected by the Department, the amount attributable to each county based on the county of registration of the vehicle for which the tax was paid.

(d) "Special district" has the meaning ascribed to it in NRS 360.650.

Sec. 78.5. NRS 482.181 is hereby amended to read as follows:

482.181 1. Except as otherwise provided in subsection 5, after deducting the amount withheld by the Department and the amount credited to the Department pursuant to subsection 6 of NRS 482.180, and the amount transferred to ~~the State General Fund and the~~ State Highway Fund pursuant to NRS 482.182, the Department shall certify monthly to the State Board of Examiners the amount of the basic and supplemental governmental services taxes collected for each county by the Department and its agents during the preceding month, and that money must be distributed monthly as provided in this section.

2. Any supplemental governmental services tax collected for a county must be distributed only to the county, to be used as provided in NRS 371.043, 371.045 and 371.047.

3. The distribution of the basic governmental services tax received or collected for each county must be made to the county school district within each county before any distribution is made to a local government, special district or enterprise district. For the purpose of calculating the amount of the basic governmental services tax to be distributed to the county school district, the taxes levied by each local government, special district and enterprise district are the product of its certified valuation, determined pursuant to subsection 2 of NRS 361.405, and its tax rate, established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1980, except that the tax rate for school districts, including the rate attributable to a district's debt service, is the rate established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1978, but if the rate attributable to a district's debt service in any fiscal year is greater than its rate for the fiscal year beginning on July 1, 1978, the higher rate must be used to determine the amount attributable to debt service.

4. After making the distributions set forth in subsection 3, the remaining money received or collected for each county must be deposited in the Local Government Tax Distribution Account created by NRS 360.660 for distribution to local governments, special districts and enterprise districts within each county pursuant to the provisions of NRS 360.680 and 360.690.

5. An amount equal to any basic governmental services tax distributed to a redevelopment agency in the Fiscal Year 1987-1988 must continue to be distributed to that agency as long as it exists but must not be increased.

6. The Department shall make distributions of the basic governmental services tax directly to county school districts.

7. As used in this section:

(a) "Enterprise district" has the meaning ascribed to it in NRS 360.620.

(b) "Local government" has the meaning ascribed to it in NRS 360.640.

(c) "Received or collected for each county" means:

(1) For the basic governmental services tax collected on vehicles subject to the provisions of chapter 706 of NRS, the amount determined for each county based on the following percentages:

Carson City.....	1.07 percent	Lincoln	3.12 percent
Churchill.....	5.21 percent	Lyon	2.90 percent
Clark.....	22.54 percent	Mineral.....	2.40 percent
Douglas.....	2.52 percent	Nye	4.09 percent
Elko	13.31 percent	Pershing.....	7.00 percent
Esmeralda.....	2.52 percent	Storey	0.19 percent
Eureka.....	3.10 percent	Washoe.....	12.24 percent
Humboldt.....	8.25 percent	White Pine.....	5.66 percent
Lander.....	3.88 percent		

(2) For all other basic and supplemental governmental services tax received or collected by the Department, the amount attributable to each county based on the county of registration of the vehicle for which the tax was paid.

(d) "Special district" has the meaning ascribed to it in NRS 360.650.

Sec. 78.7. NRS 482.182 is hereby amended to read as follows:

482.182 1. After deducting the amount withheld by the Department and the amount credited to the Department pursuant to subsection 6 of NRS 482.180 and before carrying out the provisions of NRS 482.181 each month, the Department shall direct the State Controller to transfer to the State ~~[Highway]~~ General Fund from the proceeds of the basic governmental services tax collected by the Department and its agents during the preceding month the amounts indicated pursuant to this section.

2. Except as otherwise provided in subsection 3, the amount required to be transferred pursuant to subsection 1 from the proceeds of the basic governmental services tax imposed on vehicles depreciated in accordance with:

(a) Subsection 1 of NRS 371.060 based upon an age of:

- (1) One year, is a sum equal to 11 percent of those proceeds;
- (2) Two years, is a sum equal to 12 percent of those proceeds;
- (3) Three years, is a sum equal to 13 percent of those proceeds;
- (4) Four years, is a sum equal to 15 percent of those proceeds;
- (5) Five years, is a sum equal to 18 percent of those proceeds;
- (6) Six years, is a sum equal to 22 percent of those proceeds;
- (7) Seven years, is a sum equal to 29 percent of those proceeds;
- (8) Eight years, is a sum equal to 40 percent of those proceeds; and
- (9) Nine years or more, is a sum equal to 67 percent of those proceeds;

and

(b) Subsection 2 of NRS 371.060 based upon an age of:

- (1) One year, is a sum equal to 12 percent of those proceeds;
- (2) Two years, is a sum equal to 14 percent of those proceeds;

- (3) Three years, is a sum equal to 18 percent of those proceeds;
- (4) Four years, is a sum equal to 21 percent of those proceeds;
- (5) Five years, is a sum equal to 26 percent of those proceeds;
- (6) Six years, is a sum equal to 30 percent of those proceeds;
- (7) Seven years, is a sum equal to 33 percent of those proceeds;
- (8) Eight years, is a sum equal to 37 percent of those proceeds;
- (9) Nine years, is a sum equal to 40 percent of those proceeds; and
- (10) Ten years or more, is a sum equal to 43 percent of those proceeds.

3. The amount required to be transferred pursuant to subsection 1 from the proceeds of the basic governmental services tax imposed on vehicles to which the minimum amount of that tax applies pursuant to paragraph (b) of subsection 3 of NRS 371.060 is a sum equal to 63 percent of those proceeds.

Sec. 78.8. NRS 482.182 is hereby amended to read as follows:

482.182 1. After deducting the amount withheld by the Department and the amount credited to the Department pursuant to subsection 6 of NRS 482.180 and before carrying out the provisions of NRS 482.181 each month, the Department shall direct the State Controller to transfer to the :

(a) State General Fund from the proceeds of the basic governmental services tax collected by the Department and its agents during the preceding month 50 percent of the amounts indicated pursuant to this section.

(b) State Highway Fund from the proceeds of the basic governmental services tax collected by the Department and its agents during the preceding month 50 percent of the amounts indicated pursuant to this section.

2. Except as otherwise provided in subsection 3, the amount required to be transferred pursuant to subsection 1 from the proceeds of the basic governmental services tax imposed on vehicles depreciated in accordance with:

(a) Subsection 1 of NRS 371.060 based upon an age of:

- (1) One year, is a sum equal to 11 percent of those proceeds;
- (2) Two years, is a sum equal to 12 percent of those proceeds;
- (3) Three years, is a sum equal to 13 percent of those proceeds;
- (4) Four years, is a sum equal to 15 percent of those proceeds;
- (5) Five years, is a sum equal to 18 percent of those proceeds;
- (6) Six years, is a sum equal to 22 percent of those proceeds;
- (7) Seven years, is a sum equal to 29 percent of those proceeds;
- (8) Eight years, is a sum equal to 40 percent of those proceeds; and
- (9) Nine years or more, is a sum equal to 67 percent of those proceeds;

and

(b) Subsection 2 of NRS 371.060 based upon an age of:

- (1) One year, is a sum equal to 12 percent of those proceeds;
- (2) Two years, is a sum equal to 14 percent of those proceeds;
- (3) Three years, is a sum equal to 18 percent of those proceeds;
- (4) Four years, is a sum equal to 21 percent of those proceeds;
- (5) Five years, is a sum equal to 26 percent of those proceeds;
- (6) Six years, is a sum equal to 30 percent of those proceeds;

- (7) Seven years, is a sum equal to 33 percent of those proceeds;
- (8) Eight years, is a sum equal to 37 percent of those proceeds;
- (9) Nine years, is a sum equal to 40 percent of those proceeds; and
- (10) Ten years or more, is a sum equal to 43 percent of those proceeds.

3. The amount required to be transferred pursuant to subsection 1 from the proceeds of the basic governmental services tax imposed on vehicles to which the minimum amount of that tax applies pursuant to paragraph (b) of subsection 3 of NRS 371.060 is a sum equal to 63 percent of those proceeds.

Sec. 78.9. NRS 482.182 is hereby amended to read as follows:

482.182 1. After deducting the amount withheld by the Department and the amount credited to the Department pursuant to subsection 6 of NRS 482.180 and before carrying out the provisions of NRS 482.181 each month, the Department shall direct the State Controller to transfer to the ~~for~~

~~— (a) State General Fund from the proceeds of the basic governmental services tax collected by the Department and its agents during the preceding month 50 percent of the amounts indicated pursuant to this section.~~

~~— (b) State Highway Fund from the proceeds of the basic governmental services tax collected by the Department and its agents during the preceding month [50 percent of] the amounts indicated pursuant to this section.~~

2. Except as otherwise provided in subsection 3, the amount required to be transferred pursuant to subsection 1 from the proceeds of the basic governmental services tax imposed on vehicles depreciated in accordance with:

(a) Subsection 1 of NRS 371.060 based upon an age of:

- (1) One year, is a sum equal to 11 percent of those proceeds;
- (2) Two years, is a sum equal to 12 percent of those proceeds;
- (3) Three years, is a sum equal to 13 percent of those proceeds;
- (4) Four years, is a sum equal to 15 percent of those proceeds;
- (5) Five years, is a sum equal to 18 percent of those proceeds;
- (6) Six years, is a sum equal to 22 percent of those proceeds;
- (7) Seven years, is a sum equal to 29 percent of those proceeds;
- (8) Eight years, is a sum equal to 40 percent of those proceeds; and
- (9) Nine years or more, is a sum equal to 67 percent of those proceeds;

and

(b) Subsection 2 of NRS 371.060 based upon an age of:

- (1) One year, is a sum equal to 12 percent of those proceeds;
- (2) Two years, is a sum equal to 14 percent of those proceeds;
- (3) Three years, is a sum equal to 18 percent of those proceeds;
- (4) Four years, is a sum equal to 21 percent of those proceeds;
- (5) Five years, is a sum equal to 26 percent of those proceeds;
- (6) Six years, is a sum equal to 30 percent of those proceeds;
- (7) Seven years, is a sum equal to 33 percent of those proceeds;
- (8) Eight years, is a sum equal to 37 percent of those proceeds;
- (9) Nine years, is a sum equal to 40 percent of those proceeds; and
- (10) Ten years or more, is a sum equal to 43 percent of those proceeds.

3. The amount required to be transferred pursuant to subsection 1 from the proceeds of the basic governmental services tax imposed on vehicles to which the minimum amount of that tax applies pursuant to paragraph (b) of subsection 3 of NRS 371.060 is a sum equal to 63 percent of those proceeds.

Sec. 79. NRS 604A.820 is hereby amended to read as follows:

604A.820 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, the Commissioner shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.

(b) Impose upon the licensee an administrative fine of not more than \$10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including investigative costs and attorney's fees of the Commissioner.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted pursuant thereto;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[5]~~ or sections 2 to 61, inclusive, of this act;

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license pursuant to the provisions of this chapter; or

(e) The licensee:

(1) Failed to open an office for the conduct of the business authorized by his or her license within 180 days after the date the license was issued; or

(2) Has failed to remain open for the conduct of the business for a period of 180 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

Sec. 80. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115 and 612.642, information obtained from any employing unit

or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

➡ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the

residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS, ~~and~~ *and the chapter consisting of sections 2 to 61, inclusive, of this act.* The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law

enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 81. NRS 616B.012 is hereby amended to read as follows:

616B.012 1. Except as otherwise provided in this section and NRS 239.0115, 616B.015, 616B.021 and 616C.205, information obtained from any insurer, employer or employee is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's identity.

2. Any claimant or legal representative of the claimant is entitled to information from the records of the insurer, to the extent necessary for the proper presentation of a claim in any proceeding under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

3. The Division and Administrator are entitled to information from the records of the insurer which is necessary for the performance of their duties. The Administrator may, by regulation, prescribe the manner in which otherwise confidential information may be made available to:

(a) Any agency of this or any other state charged with the administration or enforcement of laws relating to industrial insurance, unemployment compensation, public assistance or labor law and industrial relations;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

↪ Information obtained in connection with the administration of a program of industrial insurance may be made available to persons or agencies for purposes appropriate to the operation of a program of industrial insurance.

4. Upon written request made by a public officer of a local government, an insurer shall furnish from its records the name, address and place of employment of any person listed in its records. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to the local government. The insurer may charge a reasonable fee for the cost of providing the requested information.

5. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit to the Administrator a written request for the name, address and place of employment of any person listed in the records of an insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of a request, the Administrator shall instruct the insurer to furnish the information requested. Upon receipt of such an instruction, the insurer shall furnish the information requested. The insurer may charge a reasonable fee to cover any related administrative expenses.

6. Upon request by the Department of Taxation, the Administrator shall provide:

- (a) Lists containing the names and addresses of employers; and
- (b) Other information concerning employers collected and maintained by the Administrator or the Division to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS,

↪ to the Department for its use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS, ~~and~~ and the chapter consisting of sections 2 to 61, inclusive, of this act. The Administrator may charge a reasonable fee to cover any related administrative expenses.

7. Any person who, in violation of this section, discloses information obtained from files of claimants or policyholders or obtains a list of claimants or policyholders under chapters 616A to 616D, inclusive, or chapter 617 of NRS and uses or permits the use of the list for any political purposes, is guilty of a gross misdemeanor.

8. All letters, reports or communications of any kind, oral or written, from the insurer, or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared

pursuant to the requirements of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

9. The provisions of this section do not prohibit the Administrator or the Division from disclosing any nonproprietary information relating to an uninsured employer or proof of industrial insurance.

Sec. 82. NRS 645B.060 is hereby amended to read as follows:

645B.060 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage brokers and mortgage agents doing business in this State.

2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:

(a) Adopt regulations:

(1) Setting forth the requirements for an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property. The regulations must include, without limitation, the minimum financial conditions that the investor must comply with before becoming an investor.

(2) Establishing reasonable limitations and guidelines on loans made by a mortgage broker to a director, officer, mortgage agent or employee of the mortgage broker.

(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan brokerage fees.

(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

(d) Except as otherwise provided in subsection 4, conduct an annual examination of each mortgage broker doing business in this State. The annual examination must include, without limitation, a formal exit review with the mortgage broker. The Commissioner shall adopt regulations prescribing:

(1) Standards for determining the rating of each mortgage broker based upon the results of the annual examination; and

(2) Procedures for resolving any objections made by the mortgage broker to the results of the annual examination. The results of the annual examination may not be opened to public inspection pursuant to NRS 645B.090 until after a period of time set by the Commissioner to determine any objections made by the mortgage broker.

(e) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary for the efficient administration of the laws of this State regarding mortgage brokers and mortgage agents. The Commissioner shall adopt regulations specifying the general guidelines that will be followed when a periodic or special audit of a mortgage broker is conducted pursuant to this chapter.

(f) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon

the express condition that they remain confidential. This paragraph does not limit examination by:

- (1) The Legislative Auditor; or
- (2) The Department of Taxation if necessary to carry out the provisions of chapter 363A of NRS ~~and~~ *and sections 2 to 61, inclusive, of this act.*

(g) Conduct such examinations and investigations as are necessary to ensure that mortgage brokers and mortgage agents meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage broker or mortgage agent shall pay a fee based on the rate established pursuant to NRS 645F.280.

4. The Commissioner may conduct examinations of a mortgage broker, as described in paragraph (d) of subsection 2, on a biennial instead of an annual basis if the mortgage broker:

- (a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;
- (b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage broker;
- (c) Has not had any complaints received by the Division that resulted in any administrative action by the Division; and
- (d) Does not maintain any trust accounts pursuant to NRS 645B.170 or 645B.175 or arrange loans funded by private investors.

Sec. 83. NRS 645B.670 is hereby amended to read as follows:

645B.670 1. Except as otherwise provided in NRS 645B.690:

(a) For each violation committed by an applicant for a license issued pursuant to this chapter, whether or not the applicant is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than \$25,000 if the applicant:

- (1) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;
- (2) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by the applicant, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or
- (3) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his or her application for a license or during the course of the investigation of his or her application for a license.

(b) For each violation committed by a mortgage broker, the Commissioner may impose upon the mortgage broker an administrative fine of not more than \$25,000, may suspend, revoke or place conditions upon the mortgage broker's license, or may do both, if the mortgage broker, whether or not acting as such:

- (1) Is insolvent;
- (2) Is grossly negligent or incompetent in performing any act for which the mortgage broker is required to be licensed pursuant to the provisions of this chapter;
- (3) Does not conduct his or her business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;
- (4) Is in such financial condition that the mortgage broker cannot continue in business with safety to his or her customers;
- (5) Has made a material misrepresentation in connection with any transaction governed by this chapter;
- (6) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the mortgage broker knew or, by the exercise of reasonable diligence, should have known;
- (7) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage broker possesses and which, if submitted by the mortgage broker, would have rendered the mortgage broker ineligible to be licensed pursuant to the provisions of this chapter;
- (8) Has failed to account to persons interested for all money received for a trust account;
- (9) Has refused to permit an examination by the Commissioner of his or her books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;
- (10) Has been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;
- (11) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the mortgage broker is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;
- (12) Has failed to satisfy a claim made by a client which has been reduced to judgment;
- (13) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;
- (14) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use;
- (15) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(16) Has repeatedly violated the policies and procedures of the mortgage broker;

(17) Has failed to exercise reasonable supervision and control over the activities of a mortgage agent as required by NRS 645B.460;

(18) Has instructed a mortgage agent to commit an act that would be cause for the revocation of the license of the mortgage broker, whether or not the mortgage agent commits the act;

(19) Has employed a person as a mortgage agent or authorized a person to be associated with the mortgage broker as a mortgage agent at a time when the mortgage broker knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person:

(I) Had been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering; or

(II) Had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in this State or any other jurisdiction or had a financial services license or registration revoked within the immediately preceding 10 years;

(20) Has violated NRS 645C.557;

(21) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~+~~ or sections 2 to 61, inclusive, of this act; or

(22) Has, directly or indirectly, paid any commission, fees, points or any other compensation as remuneration for the services of a mortgage agent to a person other than a mortgage agent who:

(I) Is an employee of or associated with the mortgage broker; or

(II) If the mortgage agent is required to register with the Registry, is an employee of and whose sponsorship has been entered with the Registry by the mortgage broker as required by subsection 2 of NRS 645B.450.

(c) For each violation committed by a mortgage agent, the Commissioner may impose upon the mortgage agent an administrative fine of not more than \$25,000, may suspend, revoke or place conditions upon the mortgage agent's license, or may do both, if the mortgage agent, whether or not acting as such:

(1) Is grossly negligent or incompetent in performing any act for which the mortgage agent is required to be licensed pursuant to the provisions of this chapter;

(2) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(3) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the mortgage agent knew or, by the exercise of reasonable diligence, should have known;

(4) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the

Commissioner any information which the mortgage agent possesses and which, if submitted by the mortgage agent, would have rendered the mortgage agent ineligible to be licensed pursuant to the provisions of this chapter;

(5) Has been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;

(6) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(7) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use;

(8) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(9) Has violated NRS 645C.557;

(10) Has repeatedly violated the policies and procedures of the mortgage broker with whom the mortgage agent is associated or by whom he or she is employed;

(11) Has, directly or indirectly, received any commission, fees, points or any other compensation as remuneration for his or her services as a mortgage agent:

(I) From a person other than the mortgage broker with whom the mortgage agent is associated or by whom he or she is employed; or

(II) If the mortgage agent is required to be registered with the Registry, from a person other than the mortgage broker by whom the mortgage agent is employed and on whose behalf sponsorship was entered as required by subsection 2 of NRS 645B.450; or

(12) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner or has assisted or offered to assist another person to commit such a violation.

2. This section does not prohibit the co-brokering of a commercial loan through the cooperation of two or more mortgage brokers so long as such a transaction is not inconsistent with any other provision of this chapter.

Sec. 84. NRS 645E.300 is hereby amended to read as follows:

645E.300 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage bankers doing business in this State.

2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:

(a) Adopt regulations establishing reasonable limitations and guidelines on loans made by a mortgage banker to a director, officer or employee of the mortgage banker.

(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan fees.

(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

(d) Except as otherwise provided in subsection 4, conduct an annual examination of each mortgage banker doing business in this State.

(e) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary for the efficient administration of the laws of this State regarding mortgage bankers.

(f) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapter 363A of NRS ~~and~~ *and sections 2 to 61, inclusive, of this act.*

(g) Conduct such examinations and investigations as are necessary to ensure that mortgage bankers meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage banker shall pay a fee based on the rate established pursuant to NRS 645F.280.

4. The Commissioner may conduct biennial examinations of a mortgage banker instead of annual examinations, as described in paragraph (d) of subsection 2, if the mortgage banker:

(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;

(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage banker; and

(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division.

Sec. 85. NRS 645E.670 is hereby amended to read as follows:

645E.670 1. For each violation committed by an applicant, whether or not the applicant is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than \$25,000 if the applicant:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by the applicant, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his or her application for a license or during the course of the investigation of his or her application for a license.

2. For each violation committed by a licensee, the Commissioner may impose upon the licensee an administrative fine of not more than \$25,000, may suspend, revoke or place conditions upon the license, or may do both, if the licensee, whether or not acting as such:

(a) Is insolvent;

(b) Is grossly negligent or incompetent in performing any act for which the licensee is required to be licensed pursuant to the provisions of this chapter;

(c) Does not conduct his or her business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(d) Is in such financial condition that the licensee cannot continue in business with safety to his or her customers;

(e) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(f) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the licensee knew or, by the exercise of reasonable diligence, should have known;

(g) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the licensee possesses and which, if submitted by the licensee, would have rendered the licensee ineligible to be licensed pursuant to the provisions of this chapter;

(h) Has failed to account to persons interested for all money received for a trust account;

(i) Has refused to permit an examination by the Commissioner of his or her books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(j) Has been convicted of, or entered or agreed to enter a plea of nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;

(k) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the licensee is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(l) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS, ~~or~~ or sections 2 to 61, inclusive, of this act;

(m) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(n) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(o) Has violated NRS 645C.557;

(p) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use; or

(q) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 86. NRS 658.151 is hereby amended to read as follows:

658.151 1. The Commissioner may forthwith take possession of the business and property of any depository institution to which this title or title 56 of NRS applies when it appears that the depository institution:

(a) Has violated its charter or any laws applicable thereto.

(b) Is conducting its business in an unauthorized or unsafe manner.

(c) Is in an unsafe or unsound condition to transact its business.

(d) Has an impairment of its stockholders' or members' equity.

(e) Has refused to pay its depositors in accordance with the terms on which such deposits were received, or has refused to pay its holders of certificates of indebtedness or investment in accordance with the terms upon which those certificates of indebtedness or investment were sold.

(f) Has become or is in imminent danger of becoming otherwise insolvent.

(g) Has neglected or refused to comply with the terms of a lawful order of the Commissioner.

(h) Has refused, upon proper demand, to submit its records, affairs and concerns for inspection and examination of an appointed or authorized examiner of the Commissioner.

(i) Has made a voluntary assignment of its assets to trustees.

(j) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS, ~~or~~ or sections 2 to 61, inclusive, of this act.

2. The Commissioner also may forthwith take possession of the business and property of any depository institution to which this title or title 56 of NRS applies when it appears that the officers of the depository institution have refused to be examined upon oath regarding its affairs.

Sec. 87. NRS 665.133 is hereby amended to read as follows:

665.133 1. The records and information described in NRS 665.130 may be disclosed to:

(a) An agency of the Federal Government or of another state which regulates the financial institution which is the subject of the records or information;

(b) The Director of the Department of Business and Industry for the Director's confidential use;

(c) The State Board of Finance for its confidential use, if the report or other information is necessary for the State Board of Finance to perform its duties under this title;

(d) The Department of Taxation for its use in carrying out the provisions of chapter 363A of NRS ~~61~~ and the chapter consisting of sections 2 to 61, inclusive, of this act;

(e) An entity which insures or guarantees deposits;

(f) A public officer authorized to investigate criminal charges in connection with the affairs of the depository institution;

(g) A person preparing a proposal for merging with or acquiring an institution or holding company, but only after notice of the disclosure has been given to the institution or holding company;

(h) Any person to whom the subject of the report has authorized the disclosure;

(i) Any other person if the Commissioner determines, after notice and opportunity for hearing, that disclosure is in the public interest and outweighs any potential harm to the depository institution and its stockholders, members, depositors and creditors; and

(j) Any court in a proceeding initiated by the Commissioner concerning the financial institution.

2. All the reports made available pursuant to this section remain the property of the Division of Financial Institutions, and no person, agency or authority to whom the reports are made available, or any officer, director or employee thereof, may disclose any of the reports or any information contained therein, except in published statistical material that does not disclose the affairs of any natural person or corporation.

Sec. 88. NRS 669.275 is hereby amended to read as follows:

669.275 1. The Commissioner may require a licensee to provide an audited financial statement prepared by an independent certified public accountant licensed to do business in this State.

2. On the fourth Monday in January of each year, each licensee shall submit to the Commissioner a list of stockholders required to be maintained pursuant to paragraph (c) of subsection 1 of NRS 78.105 or the list of members required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241, verified by the president or a manager, as appropriate.

3. The list of members required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241 must include the percentage of each member's interest in the company, in addition to the requirements set forth in that section.

4. Except as otherwise provided in NRS 239.0115, any document submitted pursuant to this section is confidential. *This subsection does not limit the examination of any document by the Department of Taxation if necessary to carry out the provisions of sections 2 to 61, inclusive, of this act.*

Sec. 89. NRS 669.2825 is hereby amended to read as follows:

669.2825 1. The Commissioner may institute disciplinary action or forthwith initiate proceedings to take possession of the business and property of any retail trust company when it appears that the retail trust company:

- (a) Has violated its charter or any state or federal laws applicable to the business of a trust company.
- (b) Is conducting its business in an unauthorized or unsafe manner.
- (c) Is in an unsafe or unsound condition to transact its business.
- (d) Has an impairment of its stockholders' equity.
- (e) Has refused to pay or transfer account assets to its account holders as required by the terms of the accounts' governing instruments.
- (f) Has become insolvent.
- (g) Has neglected or refused to comply with the terms of a lawful order of the Commissioner.
- (h) Has refused, upon proper demand, to submit its records, affairs and concerns for inspection and examination of an appointed or authorized examiner of the Commissioner.
- (i) Has made a voluntary assignment of its assets to receivers, conservators, trustees or creditors without complying with NRS 669.230.
- (j) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS, ~~[-]~~ *or sections 2 to 61, inclusive, of this act.*
- (k) Has materially and willfully breached its fiduciary duties to its customers.
- (l) Has failed to properly disclose all fees, interest and other charges to its customers.
- (m) Has willfully engaged in material conflicts of interest regarding a customer's account.
- (n) Has made intentional material misrepresentations regarding any aspect of the services performed or proposed to be performed by the retail trust company.

2. The Commissioner also may forthwith initiate proceedings to take possession of the business and property of any trust company when it appears that the officers of the trust company have refused to be examined upon oath regarding its affairs.

Sec. 90. NRS 669.2847 is hereby amended to read as follows:

669.2847 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, the Commissioner shall give at least 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

- (a) Enter a written order dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.

(b) Impose upon the licensee an administrative fine of not more than \$10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his or her investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any regulation adopted pursuant thereto or any lawful order of the Division of Financial Institutions;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[5]~~ or sections 2 to 61, inclusive, of this act;

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license pursuant to the provisions of this chapter; or

(e) The licensee:

(1) Failed to open an office for the conduct of the business authorized by his or her license within 180 days after the date the license was issued; or

(2) Has failed to remain open for the conduct of the business for a period of 30 days without good cause therefor.

4. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

Sec. 91. NRS 669.285 is hereby amended to read as follows:

669.285 Except as otherwise provided in NRS 239.0115, any application and personal or financial records submitted by a person pursuant to the provisions of this chapter and any personal or financial records or other documents obtained by the Division of Financial Institutions pursuant to an examination or audit conducted by the Division are confidential and may be disclosed only to:

1. The Division, any authorized employee of the Division and any state or federal agency investigating the activities covered under the provisions of this chapter; ~~and~~

2. The Department of Taxation for its use in carrying out the provisions of sections 2 to 61, inclusive, of this act; and

3. Any person when the Commissioner, in the Commissioner's discretion, determines that the interests of the public that would be protected by disclosure outweigh the interest of any person in the confidential information not being disclosed.

Sec. 92. NRS 669A.310 is hereby amended to read as follows:

669A.310 1. Except as otherwise provided in this section, any application and personal or financial records submitted by a person pursuant to the provisions of this chapter, any personal or financial records or other

documents obtained by the Division of Financial Institutions pursuant to an examination or audit conducted by the Division pursuant to this chapter and any other private information relating to a family trust company are confidential and may be disclosed only to:

(a) The Division, any authorized employee of the Division and a state or federal agency investigating activities regulated pursuant to this chapter; ~~and~~

(b) The Department of Taxation for its use in carrying out the provisions of sections 2 to 61, inclusive, of this act; and

~~(c)~~ Any other person if the Commissioner, in the Commissioner's discretion, determines that the interests of the public in disclosing the information outweigh the interests of the person about whom the information pertains in not disclosing the information.

2. The Commissioner shall give to the family trust company to which the information relates 10-days' prior written notice of intent to disclose confidential information directly or indirectly to a person pursuant to paragraph ~~(b)~~ (c) of subsection 1. Any family trust company which receives such a notice may object to the disclosure of the confidential information and will be afforded the right to a hearing in accordance with the provisions of chapter 233B of NRS. If a family trust company requests a hearing, the Commissioner may not reveal confidential information prior to the conclusion of the hearing and a ruling. Prior to dissemination of any confidential information, the Commissioner shall require a written agreement not to reveal the confidential information by the party receiving the confidential information. In no event shall the Commissioner disclose confidential information to the general public, any competitor or any potential competitor of a family trust company.

3. Nothing in this chapter is intended to preclude a law enforcement officer from gaining access to otherwise confidential records by subpoena, court order, search warrant or other lawful means. Notwithstanding any other provision of this chapter, the Commissioner shall have the ability to share information with other out of state or federal regulators with whom the Department of Business and Industry has an agreement regarding the sharing of information. Nothing in this chapter is intended to preclude any agency of this State from gaining access to otherwise confidential records in accordance with any applicable law.

Sec. 93. NRS 673.484 is hereby amended to read as follows:

673.484 The Commissioner may after notice and hearing suspend or revoke the charter of any association for:

1. Repeated failure to abide by the provisions of this chapter or the regulations adopted thereunder.

2. Failure to pay a tax as required pursuant to the provisions of chapter 363A of NRS, ~~or~~ or sections 2 to 61, inclusive, of this act.

Sec. 94. NRS 675.440 is hereby amended to read as follows:

675.440 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, he or she shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, revoking the license, or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. A copy of the order must be sent by registered or certified mail to the licensee.

(b) Impose upon the licensee an administrative fine of not more than \$10,000 for each violation by the licensee of any provision of this chapter or any lawful regulation adopted under it.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his or her investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted under it;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~or~~ or sections 2 to 61, inclusive, of this act;

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license hereunder; or

(e) The applicant failed to open an office for the conduct of the business authorized under this chapter within 120 days after the date the license was issued, or has failed to remain open for the conduct of the business for a period of 120 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

Sec. 95. NRS 677.510 is hereby amended to read as follows:

677.510 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, he or she shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, or revoking the license, or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. A copy of the order must be sent by registered or certified mail to the licensee.

(b) Impose upon the licensee an administrative fine of not more than \$10,000 for each violation by the licensee of any provision of this chapter or any lawful regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his or her investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter, or any lawful regulation adopted pursuant thereto;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~47~~ or sections 2 to 61, inclusive, of this act;

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license hereunder; or

(e) The applicant failed to open an office for the conduct of the business authorized under this chapter within 120 days after the date the license was issued, or has failed to remain open for the conduct of the business for a period of 120 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

Sec. 96. NRS 680B.037 is hereby amended to read as follows:

680B.037 ~~[Payment]~~

1. Except as otherwise provided in subsection 2, payment by an insurer of the tax imposed by NRS 680B.027 is in lieu of all taxes imposed by the State or any city, town or county upon premiums or upon income of insurers and of franchise, privilege or other taxes measured by income of the insurer.

2. The provisions of subsection 1 do not apply to the commerce tax imposed pursuant to the provisions of sections 2 to 61, inclusive, of this act.

Sec. 97. NRS 683A.451 is hereby amended to read as follows:

683A.451 The Commissioner may refuse to issue a license or certificate pursuant to this chapter or may place any person to whom a license or certificate is issued pursuant to this chapter on probation, suspend the person for not more than 12 months, or revoke or refuse to renew his or her license or certificate, or may impose an administrative fine or take any combination of the foregoing actions, for one or more of the following causes:

1. Providing incorrect, misleading, incomplete or partially untrue information in his or her application for a license.

2. Violating a law regulating insurance, or violating a regulation, order or subpoena of the Commissioner or an equivalent officer of another state.

3. Obtaining or attempting to obtain a license through misrepresentation or fraud.

4. Misappropriating, converting or improperly withholding money or property received in the course of the business of insurance.

5. Intentionally misrepresenting the terms of an actual or proposed contract of or application for insurance.

6. Conviction of a felony.

7. Admitting or being found to have committed an unfair trade practice or fraud.

8. Using fraudulent, coercive or dishonest practices, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this State or elsewhere.

9. Denial, suspension or revocation of a license as a producer of insurance, or its equivalent, in any other state, territory or province.

10. Forging another's name to an application for insurance or any other document relating to the transaction of insurance.

11. Improperly using notes or other reference material to complete an examination for a license related to insurance.

12. Knowingly accepting business related to insurance from an unlicensed person.

13. Failing to comply with an administrative or judicial order imposing an obligation of child support.

14. Failing to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~or~~ or sections 2 to 61, inclusive, of this act.

Sec. 98. NRS 686C.360 is hereby amended to read as follows:

686C.360 The Association is exempt from payment of all fees and all taxes levied by this state or any of its political subdivisions, except taxes on property ~~or~~ and the commerce tax imposed pursuant to sections 2 to 61, inclusive, of this act.

Sec. 99. NRS 687A.130 is hereby amended to read as follows:

687A.130 The Association is exempt from payment of all fees and all taxes levied by this State or any of its subdivisions, except taxes:

1. Levied on real or personal property; or

2. Imposed pursuant to the provisions of chapter 363A or 363B of NRS ~~or~~ or sections 2 to 61, inclusive, of this act.

Sec. 100. NRS 688C.210 is hereby amended to read as follows:

688C.210 1. After notice, and after a hearing if requested, the Commissioner may suspend, revoke, refuse to issue or refuse to renew a license under this chapter if the Commissioner finds that:

(a) There was material misrepresentation in the application for the license;

(b) The licensee or an officer, partner, member or significant managerial employee has been convicted of fraudulent or dishonest practices, is subject to a final administrative action for disqualification, or is otherwise shown to be untrustworthy or incompetent;

(c) A provider of viatical settlements has engaged in a pattern of unreasonable payments to viators;

(d) The applicant or licensee has been found guilty or guilty but mentally ill of, or pleaded guilty, guilty but mentally ill or nolo contendere to, a felony or a misdemeanor involving fraud, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude, whether or not a judgment of conviction has been entered by the court;

(e) A provider of viatical settlements has entered into a viatical settlement in a form not approved pursuant to NRS 688C.220;

(f) A provider of viatical settlements has failed to honor obligations of a viatical settlement or an agreement to purchase a viatical settlement;

(g) The licensee no longer meets a requirement for initial licensure;

(h) A provider of viatical settlements has assigned, transferred or pledged a viaticated policy to a person other than another provider licensed under this chapter, a purchaser of the viatical settlement or a special organization;

(i) The applicant or licensee has provided materially untrue information to an insurer that issued a policy that is the subject of a viatical settlement;

(j) The applicant or licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~1-1~~ or sections 2 to 61, inclusive, of this act;

(k) The applicant or licensee has violated a provision of this chapter or other applicable provisions; or

(l) The applicant or licensee has acted in bad faith with regard to a viator.

2. A suspension imposed for grounds set forth in paragraph (k) or (l) of subsection 1 must not exceed a period of 12 months.

3. If the Commissioner takes action as described in subsection 1, the applicant or licensee may apply in writing for a hearing before the Commissioner to determine the reasonableness of the action taken by the Commissioner, pursuant to the provisions of NRS 679B.310 to 679B.370, inclusive.

Sec. 101. NRS 694C.450 is hereby amended to read as follows:

694C.450 1. Except as otherwise provided in this section, a captive insurer shall pay to the Division, not later than March 1 of each year, a tax at the rate of:

(a) Two-fifths of 1 percent on the first \$20,000,000 of its net direct premiums;

(b) One-fifth of 1 percent on the next \$20,000,000 of its net direct premiums; and

(c) Seventy-five thousandths of 1 percent on each additional dollar of its net direct premiums.

2. Except as otherwise provided in this section, a captive insurer shall pay to the Division, not later than March 1 of each year, a tax at a rate of:

(a) Two hundred twenty-five thousandths of 1 percent on the first \$20,000,000 of revenue from assumed reinsurance premiums;

(b) One hundred fifty thousandths of 1 percent on the next \$20,000,000 of revenue from assumed reinsurance premiums; and

(c) Twenty-five thousandths of 1 percent on each additional dollar of revenue from assumed reinsurance premiums.

↪The tax on reinsurance premiums pursuant to this subsection must not be levied on premiums for risks or portions of risks which are subject to taxation on a direct basis pursuant to subsection 1. A captive insurer is not required to pay any reinsurance premium tax pursuant to this subsection on revenue related to the receipt of assets by the captive insurer in exchange for the assumption of loss reserves and other liabilities of another insurer that is under common ownership and control with the captive insurer, if the transaction is part of a plan to discontinue the operation of the other insurer and the intent of the parties to the transaction is to renew or maintain such business with the captive insurer.

3. If the sum of the taxes to be paid by a captive insurer calculated pursuant to subsections 1 and 2 is less than \$5,000 in any given year, the captive insurer shall pay a tax of \$5,000 for that year. The maximum aggregate tax for any year must not exceed \$175,000. The maximum aggregate tax to be paid by a sponsored captive insurer applies only to each protected cell and does not apply to the sponsored captive insurer as a whole.

4. Two or more captive insurers under common ownership and control must be taxed as if they were a single captive insurer.

5. Notwithstanding any specific statute to the contrary and except as otherwise provided in this subsection, the tax provided for by this section constitutes all the taxes collectible pursuant to the laws of this State from a captive insurer, and no occupation tax or other taxes may be levied or collected from a captive insurer by this State or by any county, city or municipality within this State, except for taxes imposed pursuant to chapter 363A or 363B of NRS *or sections 2 to 61, inclusive, of this act* and ad valorem taxes on real or personal property located in this State used in the production of income by the captive insurer.

6. Twenty-five percent of the revenues collected from the tax imposed pursuant to this section must be deposited with the State Treasurer for credit to the Account for the Regulation and Supervision of Captive Insurers created pursuant to NRS 694C.460. The remaining 75 percent of the revenues collected must be deposited with the State Treasurer for credit to the State General Fund.

7. A captive insurer that is issued a license pursuant to this chapter after July 1, 2003, is entitled to receive a nonrefundable credit of \$5,000 applied against the aggregate taxes owed by the captive insurer for the first year in which the captive insurer incurs any liability for the payment of taxes pursuant to this section. A captive insurer is entitled to a nonrefundable credit pursuant to this section not more than once after the captive insurer is initially licensed pursuant to this chapter.

8. As used in this section, unless the context otherwise requires:

(a) "Common ownership and control" means:

(1) In the case of a stock insurer, the direct or indirect ownership of 80 percent or more of the outstanding voting stock of two or more corporations by the same member or members.

(2) In the case of a mutual insurer, the direct or indirect ownership of 80 percent or more of the surplus and the voting power of two or more corporations by the same member or members.

(b) "Net direct premiums" means the direct premiums collected or contracted for on policies or contracts of insurance written by a captive insurer during the preceding calendar year, less the amounts paid to policyholders as return premiums, including dividends on unabsorbed premiums or premium deposits returned or credited to policyholders.

Sec. 102. NRS 695A.550 is hereby amended to read as follows:

695A.550 Every society organized or licensed under this chapter is hereby declared to be a charitable and benevolent institution, and is exempt from every state, county, district, municipal and school tax other than the commerce tax imposed pursuant to sections 2 to 61, inclusive, of this act and taxes on real property and office equipment.

~~[Sec. 6.]~~ *Sec. 103.* Section 16 of chapter 4, Statutes of Nevada 2008, 25th Special Session, as last amended by chapter 518, Statutes of Nevada 2013, at page 3425, is hereby amended to read as follows:

Sec. 16. 1. This section and sections 2, 4, 14 and 15 of this act become effective upon passage and approval.

2. Sections 6 to 12, inclusive, of this act become effective on January 1, 2009.

3. Sections 4 and 6 to 12, inclusive, of this act expire by limitation on June 30, 2009.

4. Sections 1, 3, 5 and 13 of this act become effective on July 1, 2009.

5. Sections 1, 2, 3 and 5 of this act expire by limitation on June 30, ~~[2015.]~~ 2016.

~~[Sec. 7.]~~ *Sec. 104.* Section 20 of chapter 395, Statutes of Nevada 2009, as last amended by chapter 518, Statutes of Nevada 2013, at p. 3426, is hereby amended to read as follows:

Sec. 20. 1. This section and section 19 of this act become effective upon passage and approval.

2. Sections 1 and 2 of this act become effective on July 1, 2009.

3. Section 3 of this act becomes effective on July 1, 2009, and expires by limitation on June 30, 2011.

4. Sections 6 to 12, inclusive, of this act become effective on July 1, 2009. ~~[and expire by limitation on June 30, 2015.]~~

5. Sections 4, 5, 13, 14, 15, 16, 17 and 18 of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On September 1, 2009, for all other purposes.

6. Sections 15.5 and 18.5 of this act become effective on July 1, 2015, ~~[2017.]~~

7. Section 18 of this act expires by limitation on June 30, ~~[2015.]~~ 2017.

~~[Sec. 8.]~~ *Sec. 105.* Section 17.5 of chapter 449, Statutes of Nevada 2011, as amended by chapter 518, Statutes of Nevada 2013, at page 3426, is hereby amended to read as follows:

Sec. 17.5. The amendatory provisions of section 12.7 of this act:

1. Do not apply to or affect any determination of gross yield or net proceeds required pursuant to NRS 362.100 to 362.240, inclusive, for the calendar year ~~[2015.]~~ 2016.

2. Apply for the purposes of estimating and determining gross yield and net proceeds pursuant to NRS 362.100 to 362.240, inclusive, for the calendar year ~~[2016.]~~ 2017 and each calendar year thereafter.

~~[Sec. 9.]~~ *Sec. 106.* Section 19 of chapter 449, Statutes of Nevada 2011, as amended by chapter 518, Statutes of Nevada 2013, at p. 3426, is hereby amended to read as follows:

Sec. 19. 1. This section and sections 1 to 12, inclusive, and 13 to 18, inclusive, of this act become effective upon passage and approval.

2. Section 12.5 of this act becomes effective on January 1, 2012.

3. Section 12.7 of this act becomes effective on January 1, ~~[2016.]~~ 2017.

~~[Sec. 10. Section 13 of chapter 476, Statutes of Nevada 2011, as amended by chapter 518, Statutes of Nevada 2013, at page 3427, is hereby amended to read as follows:~~

~~Sec. 13. The amendatory provisions of section 4 of this act [:~~

~~1. Do] do not apply to any taxes due for any period ending on or before June 30, 2011. [; and~~

~~2. Except as otherwise provided in subsection 1 and notwithstanding the expiration of that section by limitation pursuant to section 17 of this act, apply to taxes due pursuant to NRS 363B.110 for each calendar quarter ending on or before June 30, 2015.]]~~

~~[Sec. 11.]~~ *Sec. 107.* Section 15 of chapter 476, Statutes of Nevada 2011, as amended by chapter 518, Statutes of Nevada 2013, at page 3427, is hereby amended to read as follows:

Sec. 15. 1. When preparing its certificate of the tax due from a taxpayer pursuant to NRS 362.130 during the calendar year ~~[2016.]~~ 2017, the Department of Taxation shall reduce the amount of the tax due from the taxpayer by the amount of:

(a) Any estimated payments of the tax made by or on behalf of the taxpayer during the calendar year ~~{2015}~~ 2016 pursuant to NRS 362.115, as that section read on January 1, ~~{2015;}~~ 2016; and

(b) Any unused credit to which the taxpayer may be entitled as a result of any previous overpayment of the tax.

2. Notwithstanding any provision of NRS 362.170 to the contrary:

(a) The amount appropriated to each county pursuant to that section for distribution to the county during the calendar year ~~{2016}~~ 2017 must be reduced by the amount appropriated to the county pursuant to that section for distribution to the county during the calendar year ~~{2015;}~~ 2016, excluding any portion of the amount appropriated to the county pursuant to that section for distribution to the county during the calendar year ~~{2015}~~ 2016 which is attributable to a pro rata share of any penalties and interest collected by the Department of Taxation for the late payment of taxes distributed to the county.

(b) In calculating the amount required to be apportioned to each local government or other local entity pursuant to subsection 2 of that section for the calendar year ~~{2016;}~~ 2017, the county treasurer shall reduce the amount required to be determined pursuant to paragraph (a) of that subsection for that calendar year by the amount determined pursuant to that paragraph for the calendar year ~~{2015;}~~ 2016.

~~{Sec. 12.}~~ *Sec. 108.* Section 17 of chapter 476, Statutes of Nevada 2011, as amended by chapter 518, Statutes of Nevada 2013, at page 3427, is hereby amended to read as follows:

Sec. 17. 1. This section and sections 1 and 7 to 16, inclusive, of this act become effective upon passage and approval.

2. Sections 4.5 ~~, {and}~~ 6 and 6.5 of this act become effective on July 1, 2011.

3. ~~{Sections}~~ *Section 4* ~~{and 6.5}~~ of this act ~~{become}~~ becomes effective on July 1, 2011 ~~/-/~~ , and expire by limitation on June 30, 2015.

4. Section 5 of this act becomes effective on the date that the balance of the separate account required by subsection 8 of NRS 408.235 is reduced to zero.

~~{ Sec. 13. Section 11 of chapter 518, Statutes of Nevada 2013, at page 3427, is hereby amended to read as follows:~~

~~Sec. 11. The amendatory provisions of section 1 of this act [:~~

~~1. Do] do not apply to any taxes due for any period ending on or before June 30, 2013. [;~~ and

~~2. Except as otherwise provided in subsection 1 and notwithstanding the expiration of that section by limitation pursuant to section 12 of this act, apply to taxes due pursuant to NRS 363B.110 for each calendar quarter ending on or before June 30, 2015.]~~

~~Sec. 14. Section 12 of chapter 518, Statutes of Nevada 2013, at page 3428, is hereby amended to read as follows:~~

~~Sec. 12. [1.] This act becomes effective upon passage and approval.~~

~~=[2. Section 1 of this act expires by limitation on June 30, 2015.]~~

~~Sec. 14.5. 1. In addition to the information required by law to be included in an application for the issuance or renewal of a state business license, each application for the issuance or renewal of a state business license submitted on or after October 1, 2015, and before October 1, 2016, must include the following information:~~

~~—(a) The total dollar amount of revenue earned by each business conducted by the applicant during the immediately preceding federal tax year of the business from the sale of services used in this State or, if the applicant conducted no business in this State during the immediately preceding federal tax year, an estimate of the total dollar amount of revenue that the applicant will earn from the sale of services used in this State during the 12 month period commencing with the date the application is submitted.~~

~~—(b) The industry in which each business conducted by the applicant is primarily engaged.~~

~~—2. The agency responsible for administering the state business license shall collect the information required by subsection 1 in the manner that is least burdensome for the businesses required to submit such information.~~

~~—3. Upon request, the agency responsible for administering the state business license shall provide the information collected pursuant to subsection 1 to the Fiscal Analysis Division of the Legislative Counsel Bureau and the Department of Taxation.~~

~~—4. The Fiscal Analysis Division and the Department of Taxation may analyze the information obtained pursuant to subsection 3 and issue written reports based on that information but shall not disclose any proprietary or confidential information obtained from the agency responsible for administering the state business license pursuant to subsection 3. Any written report based on the information obtained pursuant to subsection 3 may include only aggregate information for statistical purposes and must exclude any identifying information related to a particular person or business.~~

~~—5. Except as otherwise provided in subsections 3 and 4:~~

~~—(a) If the information collected pursuant to subsection 1 is collected by the Secretary of State, the provisions of NRS 76.160 apply to the information.~~

~~—(b) If the information collected pursuant to subsection 1 is collected by the Department of Taxation, the provisions of NRS 360.255 apply to the information.~~

~~—(c) Any information obtained by the Fiscal Analysis Division pursuant to subsection 3 shall be deemed a work product that is confidential pursuant to NRS 218F.150.~~

~~—6. As used in this section, "federal tax year" means any period of 12 months for which a person is required to report income, tax deductions and tax credits pursuant to the provisions of the Internal Revenue Code and any regulations adopted pursuant thereto.]~~

Sec. 109. Section 4 of chapter 373, Statutes of Nevada 2013, at page 1992, is hereby amended to read as follows:

Sec. 4. This act becomes effective on July 1, 2013, and expires by limitation on June 30, ~~2015,~~ 2017.

Sec. 110. ~~Notwithstanding the provisions of sections 2 to 61, inclusive, of this act, the Department shall waive payment of any penalty or interest for a person's failure to timely file a report or pay the commerce tax pursuant to sections 2 to 61, inclusive, of this act for any failure to comply with the provisions of those sections, which occurs before February 15, 2017, regardless of when the Department makes the determination that the person failed to file a report or pay the commerce tax, if the failure:~~

1. Occurred despite the person's exercise of ordinary care; and
2. Was not intentional or the result of willful neglect.

Sec. 111. Any rate of the tax imposed by NRS 363A.130 or 363B.110 determined pursuant to section 62 of this act does not apply to any taxes due for any period ending on or before June 30 of the year in which the rate becomes effective.

~~{Sec. 15.}~~ Sec. 112. ~~The amendatory provisions of sections ~~1 and 2~~ 67 to 70, inclusive, of this act do not apply to taxes due for any period ending on or before June 30, 2015.~~

~~{Sec. 16.}~~ Sec. 113. 1. The amendatory provisions of sections ~~3~~ 71 and ~~5~~ 73 of this act apply to cigarettes to which a stamp is affixed on or after July 1, 2015, regardless of the date on which a wholesale dealer purchased the stamp from the Department of Taxation.

2. As used in this section:

- (a) "Stamp" has the meaning ascribed to it in NRS 370.048.
- (b) "Wholesale dealer" has the meaning ascribed to it in NRS 370.055.

~~{Sec. 17.}~~ Sec. 114. 1. This section and sections ~~6 to 14,~~ 103 to 112, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to ~~5,~~ 78, inclusive, ~~15 and 16,~~ and 79 to 102, inclusive, of this act become effective ~~on~~ :

(a) Upon passage and approval for the or the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2015.

3. ~~{Section 14.5}~~ Sections 78.1 and 78.7 of this act ~~becomes~~ become effective ~~for~~ :

~~—(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 October 1, 2015, ~~for all other purposes.~~~~

4. Sections 78.3 and 78.8 of this act become effective on July 1, 2016.

5. Sections 78.5 and 78.9 of this act become effective on July 1, 2017.

Senator Roberson moved that the Senate concur in Assembly Amendment No. 1039 to Senate Bill No. 483.

Remarks by Senators Roberson, Ford, Smith, Harris, Brower, Hardy, Denis, Spearman, Gustavson, Hammond and Kihuen.

SENATOR ROBERSON:

Senate Bill No. 483 provides for revenue enhancements that are necessary to fund the State budget that has been proposed by the Legislature for the 2015-17 Biennium. These enhancements include the following: removing the June 30, 2015, sunset date on the 0.35 percent increase to the Local School Support Tax, which makes the increase permanent; continuing the prepayment of the Net Proceeds of Minerals Tax and maintains the exclusion of certain industrial and health insurance deductions for FY 2016 only; extending the sunset date on the requirement for a portion of the Governmental Services Tax proceeds to be deposited in the State General Fund from June 30, 2015, to June 30, 2016.

Effective July 1, 2016, 50 percent of the proceeds from the 10-percent increase in the depreciation schedule that was enacted during the 2009 Session would be deposited in the State Highway Fund, with the other 50 percent deposited in the State General Fund. For Fiscal Year 2018 and future fiscal years, 100 percent of the proceeds will be deposited in the State Highway Fund.

Senate Bill No. 483 changes the current structure of the Modified Business Tax on Nonfinancial Institutions to include an exemption for the first \$50,000 in taxable wages per quarter and the rate of 1.475 percent on all taxable wages over \$50,000 per quarter; requires that mining businesses, which are defined as any business that is subject to the Net Proceeds of Minerals Tax pursuant to chapter 362 of the NRS, pay a tax of 2 percent of their quarterly taxable wages; increases the cigarette tax rate by 50 mills per cigarette, \$1.00 per pack of 20 cigarettes, in NRS chapter 370. This increases the total cigarette tax rate from 40 mills per cigarette, 80 cents per pack, to 90 mills per cigarette, \$1.80 per pack, with the proceeds from the increase to be deposited to the State General Fund.

It also increases the business license fee that must be paid by certain corporations to \$500 per year, and making the annual \$200 fee for all other businesses permanent; increases certain filing fees required to be paid by business entities to the Secretary of State's Office by \$25 per year; creates the Nevada Commerce Tax, to be paid by certain businesses who have at least \$4 million in Nevada gross revenue during a taxable year, based on their industry-specific rate; and, allows a business who pays the Commerce Tax to take a credit of up to 50 percent of the Commerce Tax paid in the previous fiscal year against the business's Modified Business Tax liability in the current fiscal year.

This is the culmination of a great deal of hard work by many people in this building. I want to thank the Governor for his tremendous, historic leadership on this issue. I want to thank Senator Debbie Smith for her years of hard work and dedication in fighting for many of these education issues which we are now going to be able to fund through this bill.

SENATOR FORD:

Thank you, Mr. President. I also concur with this bill as amended. My colleague from District 20 just used the word "historic." I understand why the word "historic" is being used a lot today. It is historic that we have finally reached a consensus in this building that funding our kids' futures cannot wait.

It is historic for my colleagues who have spent countless hours over multiple Sessions fighting to invest in our schools, only to end up frustrated in the end.

It is historic for those who were not sure if putting more money towards our education system would fix the problems we face and, now, understand that it is the only way.

But, it would not be right to claim that this vote is only historic for the Legislators that make up this Body. This is historic for the people of Nevada.

Today, we will pass a revenue package that will put Nevada on track to increase funding for our schools while still helping to protect and expand the middle class.

Call it a "New Nevada" or the "Blueprint for Nevada" or whatever you would like. The reality is that almost everyone in this building came together to do what is right for the future of our State. We should all be proud of that today.

I want to give a special thanks to my colleague from District 1 and the co-sponsors of her revenue bill, my colleagues from District 2 and 7. She had the courage to introduce her own idea, her own plan on how to fund our state, despite advice that she should just lay low and let others take the wheel.

Because of that courage, critical pieces of her plan are now part of the bill we are voting on today. My colleague said she wanted a broad-based and stable revenue package that was not built on the backs of middle class families and small businesses. With the changes made to the original bill, we are confident that those conditions were met, and we, once again, want to thank our colleague from District 13 for never giving up.

I also want to specifically thank my colleagues from District 13 and District 3. We all know that they have faced some difficult circumstances, and I am grateful that they could be here, today, to push the green button. They are both passionate advocates for a better education system and a better Nevada, and I am honored to take this vote with them today and call them my friends.

With that, I want to thank everyone in the Body for coming to the table and having a real conversation on revenue. I look forward to rolling out our new Nevada together.

SENATOR SMITH:

This is indeed an historic moment for me. I want to thank my Leader for working so hard to get this done. I would also like to thank the Governor and his staff for being so bold. Thank you, Senator Roberson, for holding this vote so that we could be here. This means so much, the fact that we are finally funding education in this State.

SENATOR HARRIS:

My journey toward my vote today began 18 months ago when, as a Republican, I ran on raising money for education. As I knocked on thousands of doors throughout my Senate District, I heard the frustrations of parents who did not have enough schools for their children, had large class sizes, did not have the resources they needed and felt frustrated by the education policies that we had in this State. I am pleased to report that I am convinced that we have arrived at the appropriate tools to improve education in this State. My Committee on Education and the rest of the Legislature for the past 120 days has heard the policy that this bill is going to fund: from Victory Schools to expanding Zoom Schools, to putting "Read by Three" in place and everything in between. We have truly sent a message to the children and the families of this State that we are serious about wanting to improve education, and I would say this is a colossal step forward in the right direction.

When I push the green button to vote for this bill, I will be keeping my campaign promise to my constituents. Even more important is the hope that this bill represents. Hope for the businesses that bought into this tax package and know that we will be educating our children to a standard that they deserve and a work force that they can employ. This is hope for our families who are frustrated that their children are getting a second-rate education, that finally their children will be the recipients of an education that will improve their lives for generations to come. Finally, this gives hope for the children that we are helping with this tax package. I hope that they know that we are aware, that we are deeply concerned and that we committed to them.

SENATOR BROWER:

I rise eager to concur on this matter. First, I want to recognize the Assembly action from last evening. As we all know, it was not a forgone conclusion but resulted in 30 "yes" votes for this bill. I will not try to mention or recognize every one of those Assembly members who voted "yes," but I just want to mention and recognize three of them. We have all watched the other Body struggle this Session. We have heard the jokes, maybe some of us made some jokes. However, at the end of the day, I think we should all be proud of what happened at the other end of the building last night.

In particular, I would recognize Assemblyman Oscarson, who I do not know well. I have come to know him in the last couple of weeks. We had a long discussion the other day about

many matters, and I will tell you that, in this Senator's opinion, there is no finer Legislator in the building than Assemblyman James Oscarson. Assemblyman Nelson, I met only for the first time in January. I knew at that time that he would be a leader in the Assembly, and he has proven to be just that. If you did not catch his Floor statement last night, I would suggest you watch it and listen to it. He fairly and perfectly captured the issue and why this bill is so important. Then, there is Assemblyman Armstrong, who has been in the unenviable position as a freshman, chairing the Tax Committee in this of all Sessions. It has not been easy for him, but I would also submit to my colleagues that Mr. Armstrong is a Marine, as is Mr. Anderson. By the time it came to vote last night, this really was not hard for the Chair of the Assembly Taxation Committee.

To those who have flooded us with the angry and sometimes bizarre emails about this issue, I would simply suggest this: the vote on this issue is not a product of some grand conspiracy; it is not the result of undue pressure, threats, promises or anything like that. This is simply a case, in my view, albeit a rare case to be sure, of a super majority of Legislators from both sides of the aisle having listened to all of the evidence and based upon that evidence and what they believe is truly best for our State, following the bold and visionary lead of our Governor Brian Sandoval and doing the right thing. It is as simple as that. I could not be more proud of the Legislature.

SENATOR HARDY:

I was here in 2003, and I am "living proof" that you can vote for education and be re-elected. This is an opportunity. I know we used the word "historic," but this is hope; this is the future. This is the opportunity that we have never had before to prove that we can do what we have always wanted to do in Nevada. We want our children to be educated, and we want our workforce to be educated. We want the opportunity for our grandchildren to be educated. When my little grandchildren go across the street up to school now, there is hope and there is hope in every household as we look for what we know and want our educational system to look like.

My hat is off, if I had one, to our Senator Becky Harris, Chair of the Education Committee. She has done a wonderful job. I appreciate Senator Michael Roberson, the Majority Leader of the Senate, and what he has done. The comradery that we have had in spite of competition with this group of Legislators is remarkable. It is hopeful that we will be able to do things that we have never been able to accomplish before.

I would obviously be remiss if I did not say thank you to Governor Sandoval and not only the Governor, but if I could quote from a movie, his "minions," for doing so good in allowing the mechanisms to work to bring this to pass. This is hopeful, and yes, I stand as a living example that you can vote for a tax and still be a Republican, still believe in education and still get re-elected. In spite of all the wonders that people have, this has been an effort that has been monumental in so many ways in this 78th Session.

SENATOR DENIS:

Twenty-five years ago, I stepped in to a classroom full kindergartners; my daughter was brand new to school. They asked for help from parents, and I decided to volunteer. I wanted to do that because I wanted to help my daughter. I realized if I really wanted to help my daughter learn, I needed to help all kids so that is why I volunteered with the PTA, to try to make things better. I started the quest to try to make things better. I never knew where that would lead, but I learned along the way that the Legislature had a big part of that because they did the funding and a lot of the policy. It seemed every time we would come to the Legislature as parents, we would fight for something and it would take a long time. I finally realized it would take ten years to do something, and then you go backwards. You work ten years then all of a sudden you would come back.

This 78th Session has been different from other Sessions because we have been talking about actual education policy and not fighting about whether something works or does not work, rather how do we figure out how we can get it done. That goal is to make things better for my kids. Of course, I have had four other kids since then. It seems like it has taken a long time to get to this point. This is a wonderful day. This is the day that makes all of the sacrifice—whether it is as a parent, a Legislator, the doors you knock on, the other sacrifices—worth it. My four kids are almost out of college and now I have two grand kids. I know that this work, while it has been a sacrifice, it is going to make a difference to all of our kids and especially to the future of

Nevada. I want to thank the Governor for his courageous move, and the Republicans for that matter, for stepping forward and being able to do what we have been saying we need to do for many years. It has been a wonderful experience, to be able to fight together to make sure the policy and funding is right. This is not going to fix everything; however, this is a tremendous step. I want to thank all of my colleagues, in both Houses, for being able to step up to make this a better Nevada for all of our kids. I am grateful for this day that I have looked forward to, where I can stand for something that really is going to make a difference in our future.

SENATOR SPEARMAN:

I rise in support of Amendment No. 1039 to Senate Bill No. 483 for a few reasons if you will indulge me. My colleague from Senate District 11 said that it took courage, and it did. On the other hand, I could do no less because I watched during the 77th Session as we started and stumbled and started and stumbled in terms of how we would fund education. At the close of the last Session, I thought about a metaphor that many people have heard me say, and I used this with respect to education more than three years ago when I decided to run for this office. People say you cannot fix education by throwing money at it. My response has always been, we do not know because we have never tried it. We put a dollar in and take 75 cents out; we have to do this the right way. I am reminded of a quote that Dr. King said, and I will paraphrase here. "The measure of a person is not where they stand in times of comfort and convenience. It is where they stand in times of chaos and controversy."

I was one of seven women who were the first branch transferred into a combat support unit. As an African American woman, I understand difficulty and I understand what it means to persevere. This fight for me was nothing new. It was something that had to be done.

I am appreciative of Governor Sandoval and his staff for listening and, at the end, incorporating some of the ideas I suggested. People asked, when S.B. No. 375 did not make it out, what did you think? Well, that is just a number. The ideas are still alive. Today is proof positive of that.

I want to thank our Democratic Leader for his leadership. Some people lead by fear and intimidation, but he is a true leader because he leads by example and explanation.

I also want to say thank you to all of the teachers and administrative staff who have labored for so many years, being underfunded with over expectations. We talk about education and we have talked about it in the abstract. However, you go to schools and see students without desks and without books. You see teachers who are trying to do the best they can in classrooms that have a ratio of 47:1. When I taught, I remember one of my classes in high school had a ratio of 36:1, and it was difficult then. My metaphor for that is: you cannot expect to send a world-class neurologist into surgery with a can opener and be disappointed with the results. Today, I am voting for the students. I am voting so that they will have a better education, so they will have a better life.

I am also casting my vote for the thousands of teachers who have stayed the course in the classroom when we have vilified them, when we have placed expectations upon them that no one could have achieved. They stayed there anyway, not for the money, but because they felt the calling to education. I certainly hope, with this vote, now that we have the money that we would take the courage to begin to thank those teachers for what they have done and also to improve our outlook on who they are and the sacrifices they have made.

Last, but not least, I want to say thank you to my colleague from Senate District 13, who is another mentor, a stalwart. I watched last Session how in the face of frustration and disappointment she tried so hard to get many of the things done that we have incorporated this time. When they fell on deaf ears and we were not able to get them done, I thank her for her stick-to-itiveness. I rise in strong support for our schools, for our students, for our parents and also for those very brave teachers who have stayed the course.

SENATOR ROBERSON:

Sometimes, we forget that it is not just elected officials who make important legislation happen. There are many unsung heroes in this building who, but for those public servants who serve as staff members, nothing would happen. I want to thank every member of the Senate and Assembly staff and the Legislative Council Bureau for their important contribution to this process. She is going to be mad at me for calling her out, but Michon Martin from the

Governor's Office has worked harder than anyone I know to make today a reality. Thank you, Michon.

SENATOR GUSTAVSON:

I have to rise in opposition to Senate Bill No. 483. Yes, I do believe in funding education. I believe that there are times we have not funded it enough. However, it is the way we funded it, the method we used and how we have gone about it that is what I am in opposition of. It is the means to get there that I am opposed to. Do we need more money? Yes. Have we funded and given more to education over the years? Yes, we have given plenty of money to education over the years. However, where is the accountability? That is what I am asking for. Where is that accountability to show what has been done? There are many programs we instituted, and some of those worked, and some of them did not. Yet, here we are, throwing more money at those same programs that still have not proven beneficial to our students and our teachers.

Yes, this is an historic moment. Eighty percent of voters voted against this type of tax. Why? Because, it is a job killing tax. I am talking about the Commerce Tax, Modified Business Tax, Gross Receipts Tax: whatever you want to call this tax, it is still a tax that the voters did not support. Eighty percent of the people, voters, voted against this tax. Why? It is a job-killing tax. It will create a Nevada IRS requiring you to give them more information about you and your business than they really need to know. This Commerce Tax, or whatever you want to call it, will only raise \$60 million dollars for the Biennium. Will we then be asked to raise the rates in the next Session with this tax? Because, we will need another \$1 billion more for educational programs next Session? This tax is a great vehicle for making it much simpler for the Legislature to increase their taxes again. For what? Just look at the quality of the product that Nevada's education system is producing. Yes, we have been at the bottom of the list. We threw more money at it this year after year, Session after Session. Has the quality of education gone up? No. Why? It is not because we throw more money at it. It is because there is something wrong with the system.

This bill is a CPA's dream come true. If you are ever looking for a profession being a CPA is what you want to do now. You will have plenty of work to keep you busy. The Leadership in both Houses should be ashamed of themselves to force through the largest tax increase in Nevada's history that includes the type of tax that the voters did not support. Do you wonder why our constituents distrust politicians? Well you are looking at the reason.

I know that, when I leave this building, I can go home and tell my constituents that I kept my promise to them, and I represented them and not a bigger more intrusive government.

SENATOR HAMMOND:

This vote, today, is concur or not concur. I could easily sit here and not say a word, but I feel the last statement that I made was when we had a very significant vote on Senate Bill No. 252, and I made it clear where I stood. I am going to rise today in support of this measure so that I am on the record.

Last night, we heard a lot of lengthy testimony. I am going to keep mine as brief as possible. One Assemblyman did reference a movie so I am going to do the same thing. It is not my favorite movie but one of the popular movies from the 1980s, "Footloose" as a matter of fact. In a conversation that Ren had with Reverend Shaw Moore, he said the following: Ecclesiastes assures us there is a time for every purpose under heaven, a time to laugh, a time to weep, a time to mourn and a time to dance. This is a time to dance.

Some of the concerns I had with the previous tax have been assuaged. I was worried that we would be putting a hole in the budget that we might have to fill a year from now because this Commerce Tax is really untried, untested. We have done a lot to clarify that. The Commerce Tax is a small portion of what we are dealing with right here. I would like to commend the Leadership in the Assembly. My good friend, Paul Anderson, the Majority Leader, and those, here, in this House as well, the Majority Leader and the Governor. When it comes to programs, we have had a long discussion on many of the programs, and I can assure you that we have vetted these programs, put fences around them. We require a lot of accountability. Going forward we are going to be asking a lot. We want to see what has worked and what has not. We have put the mechanisms in place. Yesterday, I heard on the Floor that they were worried that there were no reforms. Well, I can assure you that there have been significant reforms. We have

one of the best, if not the best, school-choice reform programs in the Nation. Parents will have a choice. If they do not feel the schools and the school districts are giving them what they want, they will be able to come up with another individualized education plan for their child or children. For that reason, I can support this. I look forward to many happy years to come in the State of Nevada.

SENATOR KIHUEN:

I rise in support of the motion to concur. First and foremost, I want to say thank you to the Leaders of both parties, both Houses, the Governor and his staff, and Mr. Dale Erquiaga as well, for all of the tireless work throughout the last few months in making sure today would happen.

Today, I am proud to be a Nevadan. We are not just talking about education. We are not just talking about improving our education system. We are not just talking about our high school graduation rates. Today, we are actually doing something about it. I want to remind some of my colleagues who are not in support of this—today is not about us; today is not about being a Republican or Democrat; today is not about each and every one of us; today is about the future of Nevada.

I am one of the only members of this Body that does not have any children yet, but when I do, I am going to be proud to say they are going to be part of a public education system that is nationally respected and is one of the best in the Country and the in world. Today, it is not about partisanship; today is about the children. Today is about teachers, educators, staff, support staff, students and about our parents. I know each and every one of us in this Body cares about the future of this State, regardless of our ideological differences.

I remember being in this Body last Session, toward the end of the Session, and having one of the most heated debates that I have ever seen in this Body. Again, we were talking about it, but we were not doing anything about it. Today, Mr. President, I am proud to be a Nevadan. I am proud to be here with each and every one of you. Hopefully, this is one of my last votes in this Body. This is not a campaign speech, Mr. President. I do want to say thank you to all of you who have put your party affiliation aside and your ideological differences aside, as well, to make sure that we put Nevada first, and to make sure we put our students first.

Thank you so much to every one of you. You are true public servants. I know most of you in here are not just politicians, you are statesmen. You are thinking about the future of Nevada and not just about the future election.

Senators Roberson, Kieckhefer and Hardy requested a roll call vote on Senator Roberson's motion.

Roll call on Senator Roberson's motion:

YEAS—18.

NAYS—Goicoechea, Gustavson, Settlemeyer—3.

The motion having received a two-thirds majority, Mr. President declared it carried.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Senate Bill No. 95, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that Amendment No. 814 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 7, which is attached to and hereby made a part of this report.

Conference Amendment No. 7.

SUMMARY—Revises provisions governing the publication of property tax rolls. (BDR 32-630)

AN ACT relating to property tax; revising provisions governing the publication of property tax rolls; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a county assessor is required to prepare and publish in a newspaper of general circulation in the county a list of all the taxpayers on the secured roll in the county and the total value of the property on which they pay taxes or print and deliver or mail such a list and valuations to each taxpayer in the county. (NRS 361.300) This bill requires a board of county commissioners to direct the county assessor to publish this list and valuations on an Internet website maintained by the county assessor or the county. This bill also requires a board of county commissioners to direct the county assessor in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) to make not fewer than 10 copies of this list and valuations available to the public free of charge.

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

Section 1. NRS 361.300 is hereby amended to read as follows:

361.300 1. On or before January 1 of each year, the county assessor shall transmit to the county clerk, post at the front door of the courthouse and publish in a newspaper published in the county a notice to the effect that the secured tax roll is completed and open for inspection by interested persons of the county. A notice issued pursuant to this subsection must include a statement that the secured tax roll is available for inspection as specified in paragraph (b) of subsection 3. The statement published in the newspaper must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.

2. If the county assessor fails to complete the assessment roll in the manner and at the time specified in this section, the board of county commissioners shall not allow the county assessor a salary or other compensation for any day after January 1 during which the roll is not completed, unless excused by the board of county commissioners.

3. Except as otherwise provided in subsection 4, each board of county commissioners shall by resolution, before December 1 of any fiscal year in which assessment is made, require the county assessor to prepare a list of all the taxpayers on the secured roll in the county and the total valuation of property on which they severally pay taxes and direct the county assessor:

(a) To cause, *on or before January 1 of the fiscal year in which assessment is made*, such list and valuations to be:

(1) Printed and delivered by the county assessor or mailed by him or her ~~on or before January 1 of the fiscal year in which assessment is made~~ to each taxpayer in the county; ~~or~~

(2) Published once ~~on or before January 1 of the fiscal year in which assessment is made~~ in a newspaper of general circulation in the county; *or*

(3) *Published on an Internet website that is maintained by the county assessor or, if the county assessor does not maintain an Internet website, on an Internet website that is maintained by the county; and*

(b) To cause, *on or before January 1 of the fiscal year in which assessment is made*, such list and valuations to be:

(1) Posted in a public area of the public libraries and branch libraries located in the county;

(2) Posted at the office of the county assessor; and

(3) ~~Published~~ *If the list and valuations are printed and delivered or mailed pursuant to subparagraph (1) of paragraph (a) or published in a newspaper of general circulation pursuant to subparagraph (2) of paragraph (a), published on an Internet website that is maintained by the county assessor or, if the county assessor does not maintain an Internet website, on an Internet website that is maintained by the county* ~~;~~ ;

(c) *In a county whose population is less than 100,000, to make not fewer than 10 copies of such list and valuations available to the public free of charge during normal business hours at the main administrative office of the county for at least 60 days after the date on which the list and valuations are made available to the public pursuant to paragraph (b); and*

(d) *If the county assessor publishes the list and valuations on an Internet website that is maintained by the county assessor or the county pursuant to subparagraph (3) of paragraph (a), to provide notice in a newspaper of general circulation in the county four times each year which:*

(1) Indicates that the list and valuations have been made available to the public on the Internet website maintained by the county assessor or the county;

(2) Provides the address of the Internet website on which the list and valuations may be accessed or retrieved;

(3) Is displayed in the format used for advertisements and printed in at least 10-point bold type or font;

(4) Provides an explanation of how property tax rates are determined;

(5) Provides an explanation of how property tax abatements are applied and how tax relief may be obtained;

(6) Provides information on how often assessed values change;

(7) Provides information on how to file an appeal to the county board of equalization and the State Board of Equalization;

(8) Provides the due dates for payments;

(9) Provides an explanation of exemptions and how to apply for an exemption; and

(10) Includes a statement of certification by the assessor that the roll is complete and accurate.

4. A board of county commissioners may, in the resolution required by subsection 3, authorize the county assessor not to deliver or mail the list, as provided in subparagraph (1) of paragraph (a) of subsection 3, to taxpayers whose property is assessed at \$1,000 or less and direct the county assessor to mail to each such taxpayer a statement of the amount of his or her assessment. Failure by a taxpayer to receive such a mailed statement does not invalidate any assessment.

5. The several boards of county commissioners in the State may allow the bill contracted with their approval by the county assessor under this section on a claim to be allowed and paid as are other claims against the county.

6. Whenever:

(a) Any property on the secured tax roll is appraised or reappraised pursuant to NRS 361.260, the county assessor shall, on or before December 18 of the fiscal year in which the appraisal or reappraisal is made, deliver or mail to each owner of such property a written notice stating the assessed valuation of the property as determined from the appraisal or reappraisal. A notice issued pursuant to this paragraph must include a statement that the secured tax roll ~~is~~ will be available for inspection *on or before January 1* as specified in paragraph (b) of subsection 3 ~~and~~ and subparagraph (3) of paragraph (a) of subsection 3, if applicable, and must specify the locations at which the secured tax roll will be available for inspection, including the address of the Internet website on which the secured tax roll may be accessed or retrieved. If such a statement is published in a newspaper, the statement must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.

(b) Any personal property billed on the unsecured tax roll is appraised or reappraised pursuant to NRS 361.260, the delivery or mailing to the owner of such property of an individual tax bill or individual tax notice for the property shall be deemed to constitute adequate notice to the owner of the assessed valuation of the property as determined from the appraisal or reappraisal.

7. If the secured tax roll is changed pursuant to NRS 361.310, the county assessor shall mail an amended notice of assessed valuation to each affected taxpayer. The notice must include:

(a) The information set forth in subsection 6 for the new assessed valuation.

(b) The dates for appealing the new assessed valuation.

8. Failure by the taxpayer to receive a notice required by this section does not invalidate the appraisal or reappraisal.

9. In addition to complying with subsections 6 and 7, a county assessor shall:

(a) Provide without charge a copy of a notice of assessed valuation to the owner of the property upon request.

(b) Post the information included in a notice of assessed valuation on a website or other Internet site, if any, that is operated or administered by or on behalf of the county or the county assessor.

Sec. 1.5. Section 1 of this act is hereby amended to read as follows:

Section 1. NRS 361.300 is hereby amended to read as follows:

361.300 1. On or before January 1 of each year, the county assessor shall transmit to the county clerk, post at the front door of the courthouse and publish in a newspaper published in the county a notice to the effect that the secured tax roll is completed and open for inspection by interested persons of the county. A notice issued pursuant to this subsection must include a statement that the secured tax roll is available for inspection as specified in paragraph (b) of subsection 3. The statement published in the newspaper must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.

2. If the county assessor fails to complete the assessment roll in the manner and at the time specified in this section, the board of county commissioners shall not allow the county assessor a salary or other compensation for any day after January 1 during which the roll is not completed, unless excused by the board of county commissioners.

3. Except as otherwise provided in subsection 4, each board of county commissioners shall by resolution, before December 1 of any fiscal year in which assessment is made, require the county assessor to prepare a list of all the taxpayers on the secured roll in the county and the total valuation of property on which they severally pay taxes and direct the county assessor:

(a) To cause, on or before January 1 of the fiscal year in which assessment is made, such list and valuations to be:

(1) Printed and delivered by the county assessor or mailed by him or her to each taxpayer in the county;

(2) Published once in a newspaper of general circulation in the county; or

(3) Published on an Internet website that is maintained by the county assessor or, if the county assessor does not maintain an Internet website, on an Internet website that is maintained by the county; and

(b) To cause, on or before January 1 of the fiscal year in which assessment is made, such list and valuations to be:

(1) Posted in a public area of the public libraries and branch libraries located in the county;

(2) Posted at the office of the county assessor; and

(3) If the list and valuations are printed and delivered or mailed pursuant to subparagraph (1) of paragraph (a) or published in a newspaper of general circulation pursuant to subparagraph (2) of paragraph (a), published on an Internet website that is maintained by the county assessor or, if the county assessor does not maintain an Internet website, on an Internet website that is maintained by the county;

(c) In a county whose population is less than 100,000, to make not fewer than 10 copies of such list and valuations available to the public free of charge during normal business hours at the main administrative office of the county for at least 60 days after the date on which the list and valuations are made available to the public pursuant to paragraph (b); and

(d) If the county assessor publishes the list and valuations on an Internet website that is maintained by the county assessor or the county pursuant to subparagraph (3) of paragraph (a), to provide notice in a newspaper of general circulation in the county ~~four times each year~~, *on or before January 1 of the fiscal year in which assessment is made*, which:

(1) Indicates that the list and valuations have been made available to the public on the Internet website maintained by the county assessor or the county;

(2) Provides the address of the Internet website on which the list and valuations may be accessed or retrieved; *and*

(3) Is displayed in the format used for advertisements and printed in at least 10-point bold type or font . f;

~~(4) Provides an explanation of how property tax rates are determined;~~

~~(5) Provides an explanation of how property tax abatements are applied and how tax relief may be obtained;~~

~~(6) Provides information on how often assessed values change;~~

~~_____ (7) Provides information on how to file an appeal to the county board of equalization and the State Board of Equalization;~~
~~_____ (8) Provides the due dates for payments;~~
~~_____ (9) Provides an explanation of exemptions and how to apply for an exemption;~~
~~and~~
~~_____ (10) Includes a statement of certification by the assessor that the roll is complete and accurate.]~~

4. A board of county commissioners may, in the resolution required by subsection 3, authorize the county assessor not to deliver or mail the list, as provided in subparagraph (1) of paragraph (a) of subsection 3, to taxpayers whose property is assessed at \$1,000 or less and direct the county assessor to mail to each such taxpayer a statement of the amount of his or her assessment. Failure by a taxpayer to receive such a mailed statement does not invalidate any assessment.

5. The several boards of county commissioners in the State may allow the bill contracted with their approval by the county assessor under this section on a claim to be allowed and paid as are other claims against the county.

6. Whenever:

(a) Any property on the secured tax roll is appraised or reappraised pursuant to NRS 361.260, the county assessor shall, on or before December 18 of the fiscal year in which the appraisal or reappraisal is made, deliver or mail to each owner of such property a written notice stating the assessed valuation of the property as determined from the appraisal or reappraisal. A notice issued pursuant to this paragraph must include a statement that the secured tax roll will be available for inspection on or before January 1 as specified in paragraph (b) of subsection 3 and subparagraph (3) of paragraph (a) of subsection 3, if applicable, and must specify the locations at which the secured tax roll will be available for inspection, including the address of the Internet website on which the secured tax roll may be accessed or retrieved. If such a statement is published in a newspaper, the statement must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.

(b) Any personal property billed on the unsecured tax roll is appraised or reappraised pursuant to NRS 361.260, the delivery or mailing to the owner of such property of an individual tax bill or individual tax notice for the property shall be deemed to constitute adequate notice to the owner of the assessed valuation of the property as determined from the appraisal or reappraisal.

7. If the secured tax roll is changed pursuant to NRS 361.310, the county assessor shall mail an amended notice of assessed valuation to each affected taxpayer. The notice must include:

(a) The information set forth in subsection 6 for the new assessed valuation.

(b) The dates for appealing the new assessed valuation.

8. Failure by the taxpayer to receive a notice required by this section does not invalidate the appraisal or reappraisal.

9. In addition to complying with subsections 6 and 7, a county assessor shall:

(a) Provide without charge a copy of a notice of assessed valuation to the owner of the property upon request.

(b) Post the information included in a notice of assessed valuation on a website or other Internet site, if any, that is operated or administered by or on behalf of the county or the county assessor.

Sec. 2. 1. This section and section 1 of this act become effective on July 1, 2015.

2. Section 1.5 of this act becomes effective on July 1, ~~2017~~ 2016.

GREG BROWER

MICHAEL ROBERSON

DAVID R. PARKS

Senate Conference Committee

DEREK ARMSTRONG

PAT HICKEY

IRENE BUSTAMANTE ADAMS

Assembly Conference Committee

Senator Brower moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 95.

Motion carried by a constitutional majority.

Mr. President:

The Conference Committee concerning Senate Bill No. 193, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that Amendment No. 839 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 4 which is attached to and hereby made a part of this report.

Conference Amendment No. 4.

SUMMARY—Revises provisions governing the payment of minimum wage and compensation for overtime. (BDR 53-989)

AN ACT relating to employment; revising provisions governing the payment of minimum wage and compensation for overtime; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Labor Commissioner, in accordance with federal law, to establish by regulation the minimum wage which may be paid to an employee in private employment in this State. (NRS 608.250) Section 1.5 of this bill requires the Labor Commissioner, in adopting those regulations, to ensure that the minimum wage for each employee to which those regulations apply is \$9 per hour if the employer of the employee does not offer health insurance for the employee.

—The Fair Labor Standards Act of 1938 requires that compensation for overtime be paid to certain employees for hours worked in excess of 40 hours in any week of work. (29 U.S.C. § 207) Under existing Nevada law, certain employees, including certain classified employees of this State, certain employees of contractors working on public works projects and certain other employees of private employers, are entitled to compensation for overtime at a rate of 1 1/2 times an employee's regular wage rate for any hours worked in excess of 8 hours in any workday or in excess of 40 hours in any week of work. (NRS 284.180, 338.020, 608.018) Sections 2-4 of this bill ~~(remove the)~~ revise certain provisions which require payment of compensation for overtime for hours worked in ~~[excess of 8 hours in any] a workday. [, while retaining the provisions which require payment of compensation for overtime for hours worked in excess of 40 hours in any week of work.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.5. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

In adopting the regulations establishing the minimum wage which may be paid pursuant to NRS 608.250 and in accordance with Section 16 of Article 15 of the Nevada Constitution, the Labor Commissioner shall ensure that the minimum wage for each employee to which those regulations apply is at least \$9 per hour if the employer does not offer health insurance for the employee.

Sec. 2. NRS 608.018 is hereby amended to read as follows:

608.018 1. ~~[Am.] Except as otherwise provided in subsection 3, an employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works:~~

~~(a) More than 40 hours in any scheduled week of work; or~~
~~(b) More than [8] 10 hours in any [workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.] 18-hour period.~~

2. [Am.] Except as otherwise provided in subsection [2-] 3, an employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation

for employment at a rate not less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works more than 40 hours in any scheduled week of work.

3. ~~2~~ The provisions of subsections ~~subsection~~ 1 and 2 do not apply to:

- (a) Employees who are not covered by the minimum wage provisions of NRS 608.250;
- (b) Outside buyers;
- (c) Employees in a retail or service business if their regular rate is more than 1 1/2 times the minimum wage, and more than half their compensation for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than 1 month;
- (d) Employees who are employed in bona fide executive, administrative or professional capacities;
- (e) Employees covered by collective bargaining agreements which provide otherwise for overtime;
- (f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;
- (g) Employees of a railroad;
- (h) Employees of a carrier by air;
- (i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan;
- (j) Drivers of taxicabs or limousines;
- (k) Agricultural employees;
- (l) Employees of business enterprises having a gross sales volume of less than \$250,000 per year;
- (m) Any salesperson or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment; and
- (n) A mechanic or worker for any hours to which the provisions of subsection 3, ~~(or)~~ 4 or 5 of NRS 338.020 apply.

Sec. 3. NRS 284.180 is hereby amended to read as follows:

284.180 1. The Legislature declares that since uniform salary and wage rates and classifications are necessary for an effective and efficient personnel system, the pay plan must set the official rates applicable to all positions in the classified service, but the establishment of the pay plan in no way limits the authority of the Legislature relative to budgeted appropriations for salary and wage expenditures.

2. Credit for overtime work directed or approved by the head of an agency or the representative of the head of the agency must be earned at the rate of time and one-half, except for those employees described in NRS 284.148.

3. Except as otherwise provided in subsections 4, 6, 7 and 9, ~~8~~ overtime is considered time worked in excess of:

- (a) ~~Eight hours in 1 calendar day;~~
- (b) ~~Eight~~ Ten hours in any ~~16-hour~~ 18-hour period; or
- ~~(c) (b) A ~~40~~ 40-hour week.~~

4. Firefighters who choose and are approved for a 24-hour shift shall be deemed to work an average of 56 hours per week and 2,912 hours per year, regardless of the actual number of hours worked or on paid leave during any biweekly pay period. A firefighter so assigned is entitled to receive 1/26 of the firefighter's annual salary for each biweekly pay period. In addition, overtime must be considered time worked in excess of:

- (a) Twenty-four hours in one scheduled shift; or
- (b) Fifty-three hours average per week during one work period for those hours worked or on paid leave.

➤ The appointing authority shall designate annually the length of the work period to be used in determining the work schedules for such firefighters. In addition to the regular amount paid such a firefighter for the deemed average of 56 hours per week, the firefighter is entitled to payment for the hours which comprise the difference between the 56-hour average and the overtime threshold of 53 hours average at a rate which will result in the equivalent of overtime payment for those hours.

5. The Commission shall adopt regulations to carry out the provisions of subsection 4.

6. For employees who choose and are approved for a variable workday, overtime will be considered only after working 40 hours in 1 week.

7. Employees who are eligible under the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., to work a variable 80-hour work schedule within a biweekly pay period and who choose and are approved for such a work schedule will be considered eligible for overtime only after working 80 hours biweekly ~~77~~ except those eligible employees who are approved for overtime in excess of one scheduled shift of 8 or more hours per day.

8. ~~77~~ An agency may experiment with innovative workweeks upon the approval of the head of the agency and after majority consent of the affected employees. The affected employees are eligible for overtime only after working 40 hours in a workweek.

9. ~~87~~ This section does not supersede or conflict with existing contracts of employment for employees hired to work 24 hours a day in a home setting. Any future classification in which an employee will be required to work 24 hours a day in a home setting must be approved in advance by the Commission.

10. ~~97~~ All overtime must be approved in advance by the appointing authority or the designee of the appointing authority. No officer or employee, other than a director of a department or the chair of a board, commission or similar body, may authorize overtime for himself or herself. The chair of a board, commission or similar body must approve in advance all overtime worked by members of the board, commission or similar body.

11. ~~107~~ The Budget Division of the Department of Administration shall review all overtime worked by employees of the Executive Department to ensure that overtime is held to a minimum. The Budget Division shall report quarterly to the State Board of Examiners the amount of overtime worked in the quarter within the various agencies of the State.

12. ~~117~~ A state employee is entitled to his or her normal rate of pay for working on a legal holiday unless the employee is entitled to payment for overtime pursuant to this section and the regulations adopted pursuant thereto. This payment is in addition to any payment provided for by regulation for a legal holiday.

Sec. 4. NRS 338.020 is hereby amended to read as follows:

338.020 1. Every contract to which a public body of this State is a party, requiring the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor in the performance of public work, must contain in express terms the hourly and daily rate of wages to be paid each of the classes of mechanics and workers. The hourly and daily rate of wages must:

(a) Not be less than the rate of such wages then prevailing in the county in which the public work is located, which prevailing rate of wages must have been determined in the manner provided in NRS 338.030; and

(b) Be posted on the site of the public work in a place generally visible to the workers.

2. When public work is performed by day labor, the prevailing wage for each class of mechanics and workers so employed applies and must be stated clearly to such mechanics and workers when employed.

3. Except as otherwise provided in ~~(subsection)~~ subsections 4 ~~(7)~~ and 5, a contractor or subcontractor shall pay to a mechanic or worker employed by the contractor or subcontractor on the public work not less than one and one-half times the prevailing rate of wages applicable to the class of the mechanic or worker for each hour the mechanic or worker works on the public work in excess of:

(a) Forty ~~40~~ hours in any scheduled week of work by the mechanic or worker for the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work ~~77~~; or

(b) ~~(Eight)~~ Ten hours in any ~~(workday)~~ 18-hour period that the mechanic or worker was employed by the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work, unless by mutual agreement the mechanic or worker works a scheduled shift in excess of 10 hours ~~(per day for 4 calendar days)~~ in an 18-hour period within any scheduled week of work.

4. If a contractor or subcontractor and a mechanic or worker have entered into a mutual agreement described in paragraph (b) of subsection 3 and, through no fault of the contractor or

subcontractor, the mechanic or worker does not complete a scheduled shift in excess of 10 hours in an 18-hour period within a scheduled week of work, the contractor or subcontractor:

(a) May pay the mechanic or worker his or her regular rate of wages for the hours actually worked which do not exceed 40 hours within any scheduled week of work; and

(b) Shall pay the mechanic or worker not less than one and one-half times the prevailing rate of wages applicable to the class of the mechanic or worker for each hour that the mechanic or worker works on the public work in excess of 40 hours within any scheduled week of work.

5. The provisions of ~~subsection~~ *subsections 3 and 4* do not apply to a mechanic or worker who is covered by a collective bargaining agreement that provides for the payment of wages at not less than one and one-half times the rate of wages set forth in the collective bargaining agreement for work in excess of :

~~(a) Forty~~ ~~40~~ hours in any scheduled week of work ~~or~~ ; *or*

~~(b) Eight~~ *Ten* hours in any ~~workday~~ *18-hour period unless the collective bargaining agreement provides that the mechanic or worker shall work a scheduled shift in excess of 10 hours* ~~per day for 4 calendar days~~ *in an 18-hour period within any scheduled week of work.*

~~5.~~ 6. The prevailing wage and any wages paid for overtime pursuant to subsection 3, ~~for~~ 4 *or 5* to each class of mechanics or workers must be in accordance with the jurisdictional classes recognized in the locality where the work is performed.

~~6.~~ 7. Nothing in this section prevents an employer who is signatory to a collective bargaining agreement from assigning such work in accordance with established practice.

Sec. 5. NRS 444.300 is hereby amended to read as follows:

444.300 Any person employed by a children's camp on a written contract basis for a specified term longer than 1 week is exempt from the provisions of NRS 608.250 to 608.290, inclusive, *and section 1.5 of this act* and chapter 609 of NRS relating to daily and weekly hours of labor only if such camp is operated by a nonprofit organization which is exempt from federal income tax under I.R.C. § 501.

JAMES A. SETTELMAYER

PATRICIA FARLEY

BECKY HARRIS

Senate Conference Committee

RANDY KIRNER

ERVEN T. NELSON

NELSON ARAUJO

Assembly Conference Committee

Senator Settelmeyer moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 193.

Remarks by Senator Settelmeyer.

The Conference Committee Report changes it to 10 hours in an 18-hour period. So basically, a 10-hour work day with an 8-hour reset. It also establishes a \$9 minimum wage.

Motion carried by a constitutional majority.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 489.

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

Motion carried.

Assembly Bill No. 490.

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

Motion carried.

Assembly Bill No. 491.

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

Motion carried.

Senator Roberson moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 10:09 a.m.

SENATE IN SESSION

At 12:13 p.m.

President Hutchison presiding.

Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 1, 2015

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 1024 to Assembly Bill No. 5; Senate Amendment No. 835 to Assembly Bill No. 159.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate Amendment No. 1034 to Assembly Bill No. 258.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that Senate Concurrent Resolution No. 6 be taken from the Resolution File and placed on the Resolution File on the next Agenda.

Motion carried.

Senator Settlemeyer moved that Assembly Bill No. 177 be taken from the Secretary's desk and placed at the top of the General File on the next Agenda.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 514.

Bill read third time.

Senator Ford moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 12:15 p.m.

SENATE IN SESSION

At 12:16 p.m.

President Hutchison presiding.

Quorum present.

Remarks by Senator Kieckhefer.

Senate Bill No. 514 is the Appropriations Act. It has been introduced in our Chamber more than one day ago, and it is ready for action. I have in my hand a 17-page Floor statement, but I am not going to read all of it. I am going to try to hit on the highlights.

The General Appropriations Act, the General Authorizations Act, the salary bill, the school funding bill and the Capital Improvement Program bill are the final result of the long deliberations by the Assembly Committee on Ways and Means and the Senate Committee on Finance. The General Appropriations Act and other appropriations bills considered throughout the Session delineate the amount of General Fund support approved by the money committees for the operation of Nevada State Government for the 2015-17 Biennium.

The General Fund appropriations included in the Appropriations Act total \$2,172,853,959 in FY 2016 and \$2,266,594,033 in FY 2017, or \$4.4 billion over the 2015-17 Biennium, an increase of approximately \$433.8 million when compared to General Fund appropriations approved by the 2013 Legislature. The Act includes Highway Fund appropriations totaling \$140,060,413 next fiscal year and \$142,724,422 in FY 2017, an increase of approximately \$28.2 million from the previous Biennium.

There are a number of highlights included in this Appropriations Act, Mr. President, some that I would like to hit on include for K-12 education funding. The schools bill was considered separately, but there are obviously General Fund appropriations that go into the Distributive School Account for the purpose of funding education that was in The Education Act.

The money committees approved General Fund appropriations totaling \$58.4 million over the Biennium to the Department of Education itself. Of this amount, \$27.1 million funds statewide examinations; \$10.3 million funds match requirements for the federal Nevada Ready! High Quality Preschool Development grant; \$7.2 million funds data systems management, including support for the System for Accountability Information in Nevada; \$4.5 million funds staffing costs of the Office of the Superintendent and District Support Services; \$1.4 million supports administrative expenses of the State's Career and Technical Education program and others.

The Nevada System of Higher Education (NSHE) in closing the budgets for NSHE, the money committees approved revenue from all sources totals \$1.7 billion over the 2015-17 Biennium. Of the total revenues, \$1.1 billion, or 63.6 percent, are General Fund appropriations.

In approving the NSHE budgets, the money committees continued funding the seven state-supported instructional budgets with the funding formula adopted by the 2013 Legislature, and distributing General Fund appropriations based on the NSHE institutions' FY 2014 Weighted Student Credit Hours. In addition, the money committees concurred with the Governor's recommendation to fund Weighted Student Credit Hour caseload adjustments, including the removal of "F" grades for non-attendance/efforts, with General Fund appropriations of \$12.2 million in each fiscal year of the upcoming Biennium. In approving the funding formula budgets, the money committees approved Small Institution funding for Great Basin College and Western Nevada College and the funding of the operations and maintenance of research space at the University of Nevada, Las Vegas, and the University of Nevada, Reno.

General Fund appropriations of \$5 million are included in the Appropriations Act to provide mitigation funding in the upcoming Biennium for Great Basin College and Western Nevada College. As recommended by the Governor, the money committees approved performance-funding levels as a 10 percent and 15 percent in the upcoming years respectively as set-aside from their General Fund appropriations.

The money committees also approved to continue the policy adopted by the 2013 Legislature, that non-General Fund revenues should not offset the amount of General Fund appropriations for the seven state-supported operating budgets in NSHE.

Regarding the expansion of medical education, the money committees approved the Governor's recommendation to provide start-up costs for the development of an allopathic medical school at the University of Nevada, Las Vegas, with General Fund support of \$1.2 million in FY 2016 and \$7.1 million in FY 2017. Additional General Fund appropriations of \$18.4 million over the Biennium are included in the Appropriations Act to support the start-up costs for the new medical school and speed up the enrollment process from FY '16 to FY '17.

The money committees approved \$2.5 million in General Fund support over the Biennium to purchase video equipment and fund public medical education expansion through Project Echo Nevada and to expand medical education programs for students and resident physicians with the Renown Partnership. Additional General Fund appropriations of \$3.8 million over the Biennium are included in the Appropriations Act to support the expansion of undergraduate and graduate medical education for the University of Nevada School of Medicine.

The money committees concurred with the Governor's recommendation to fund the Desert Research Institute's (DRI) budget based upon implementation of the new DRI funding formula model. But additional General Fund appropriations of \$954,624 over the Biennium are included in the Appropriations Act to mitigate the reduction in total General Fund appropriations that would otherwise go to DRI based on a reduction of Federal Grant activity.

General Fund appropriations of \$1 million over the Biennium are included in the Appropriations Act to fund personnel and operating expenditures to establish the International Center for Excellence in Gaming Regulation at UNLV.

Additionally, the Act includes General Fund appropriations of \$5 million over the Biennium to support the new Silver State Opportunity Grant Program. This will fund a need-based State funded scholarship for students in our community colleges and the Nevada State College.

Mr. President, I can go on and on, but this is the primary funding bill for our State Government on a go-forward basis for the next Biennium. It is the product of a significant amount of work by both the Senate Finance and Assembly Ways and Means Committees. I would like to thank all of the members of this Body who served on that Committee.

Roll call on Senate Bill No. 514:

YEAS—19.

NAYS—Gustavson, Settelmeyer—2.

Senate Bill No. 514 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Harris moved that Assembly Bill No. 221 be taken from the General File and placed on the General File on the last Agenda.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which was referred Assembly Bill No. 480, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES A. SETTELMEYER, *Chair*

Mr. President:

Your Committee on Finance, to which were referred Assembly Bills Nos. 278, 438, 443, 475, 489, 490, 491, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BEN KIECKHEFER, *Chair*

Mr. President:

Your Senate Committee on Parliamentary Rules and Procedures has approved the consideration of Amendment No. 1053 to Assembly Bill No. 177.

JAMES A. SETTELMEYER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that Senate Concurrent Resolution No. 6 be taken from the Resolution File and placed on the Resolution File on the next Agenda.

Motion carried.

Senator Kieckhefer moved that Assembly Bills Nos. 489, 490, 491 be taken from the General File and placed on the General File on the next Agenda.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 146.

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

Motion carried.

Assembly Bill No. 241.

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

Motion carried.

Assembly Bill No. 326.

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

Motion carried.

Assembly Bill No. 399.

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. 410.

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

Motion carried.

Assembly Bill No. 445.

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

Motion carried.

Assembly Bill No. 476.

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. 478.

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. 481.

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. 485.

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. 492.

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

Motion carried.

Senator Kieckhefer moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 12:28 p.m.

SENATE IN SESSION

At 12:43 p.m.

President Hutchison presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Senate Committee on Parliamentary Rules and Procedures has approved the consideration of Amendment No. 1019 to Assembly Bill No. 177.

JAMES A. SETTELMAYER, *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 177.

Bill read third time.

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

Amendment No. 776.

SUMMARY—Revises provisions governing elections. (BDR 24-627)

AN ACT relating to elections; prohibiting the name of an ineligible candidate from appearing on the ballot unless the period for changing the ballot has elapsed; providing certain remedies and penalties in pre-election challenges to the qualifications of a candidate; prohibiting the filling of a vacancy in a nomination for office under certain circumstances; amending

certain residency requirements for candidates; revising provisions governing the filing of a declaration or acceptance of candidacy; ~~increasing~~ prescribing the penalty for a candidate who files certain documents containing a false statement; requiring certain proofs of identity and residency when filing for candidacy; ~~changing~~ clarifying the deadline for an elector to file certain pre-election challenges to the qualifications of a candidate; providing that a vote cast for an ineligible candidate is a nullity and void for the purposes of determining the outcome of an election; prohibiting an ineligible candidate from demanding a recount, filing a contest of election or receiving a certificate of election; making conforming changes to the definition of "actual residence" for purposes of candidacy; making various other changes relating to elections; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under certain circumstances, existing law sets forth procedures for filling a vacancy in a nomination for a nonpartisan or partisan office, except that no changes may be made to the ballot after a statutorily-prescribed date preceding any general election. If, after that date, a vacancy occurs in a nomination, the nominee's name must remain on the ballot for the general election and, if that person is elected, a vacancy in the office exists. (NRS 293.165, 293.166, 293.368, 293C.190, 293C.370) Further, under existing law, if a candidate whose name appears on a ballot is disqualified from entering upon the duties of an office or dies after the deadline for making changes to the ballot has passed, the Secretary of State and local election officials are required to post a sign at each polling place where the person's name will appear on the ballot notifying voters of the candidate's disqualification or death. (NRS 293.184, 293.302, 293C.1865, 293C.291)

This bill revises the legal rules, standards and procedures that apply to a person who is or becomes an ineligible candidate during an election. Section 1.5 of this bill defines the term "ineligible candidate" to mean a person who is a candidate for any office and who: (1) dies; (2) is adjudicated insane or mentally incompetent; (3) fails to meet any qualification required for the office; or (4) is found by a court to be disqualified from entering upon the duties of the office.

In the absence of a statute prescribing a different rule, the general rule under the common law is that the votes cast for a deceased, disqualified or ineligible candidate are not treated as void but are counted in determining the outcome of the election with regard to the other candidates, which renders the election nugatory and prevents the election of the candidate who receives the next highest number of votes. (*Ingersoll v. Lamb*, 75 Nev. 1, 4 (1959)) Sections 1.7, 15, 18.3 and 26 of this bill abrogate the common-law rule and provide that any vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of the election. Sections 1.8 and 17.4-17.9 of this bill also

provide that an ineligible candidate may not demand or receive a recount of the vote at the election or contest the results of the election.

Sections 2 and 18.5 of this bill provide that the name of an ineligible candidate must not appear on the ballot at any election unless the period for making changes on the ballot has elapsed. If the period has elapsed, local election officials must provide notice to the voters at each affected polling place, on or near each mechanical voting device and on or with each paper ballot and absent ballot that the ineligible candidate is not eligible to take office and that any vote cast for the ineligible candidate will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.

Under existing law, there are several different types of preelection court actions that may be brought to challenge a candidate on grounds that the candidate fails to meet any qualification required for the office, including actions for a declaratory judgment or a writ of mandamus. (NRS 281.050, 293.182, 293C.186; *DeStefano v. Berkus*, 121 Nev. 627, 628-31 (2005); *Child v. Lomax*, 124 Nev. 600, 604-05 (2008)) Section 2.5 of this bill provides that in any preelection action where the court finds that a candidate fails to meet any qualification required for the office: (1) the candidate becomes an ineligible candidate and local election officials must take appropriate action to remove the candidate's name from the ballot or provide the required notice to voters; (2) the candidate is disqualified from taking office; and (3) the court may order the candidate to pay the attorney's fees and costs of the party who brought the action, including the Attorney General or a district attorney or city attorney.

Under existing law, certain state and local officials must issue a certificate of election to the candidate receiving the highest number of votes for an office as official recognition of the candidate's election to the office. (NRS 4.020, 218A.210, 245.010, 258.010, 267.050, 283.130, 293.034, 293.393-293.397, 293.435, 293C.387, 293C.395, 386.260, 539.157; Caliente City Charter 5.100; Carlin City Charter 5.090; Carson City Charter 5.100; Elko City Charter 5.090; Henderson City Charter 5.100; Las Vegas City Charter 5.100; North Las Vegas City Charter 5.080; Reno City Charter 5.100; Sparks City Charter 5.100; Wells City Charter 5.090; Yerington City Charter 5.090) Sections 3.7, 17.1-17.3, 17.9, 28-28.4, 29.1, 29.5, 29.6, 29.8, 31, 36, 40, 46, 49, 52, 54, 58, 62, 66, 69, 72, 75 and 78 of this bill provide that if the name of an ineligible candidate could not be removed from the ballot, a certificate of election must not be issued to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

Existing law sets forth procedures for filling certain vacancies in a nomination for a nonpartisan or partisan office that occur before a statutorily-prescribed date preceding any general election. (NRS 293.165, 293.166, 293C.190) Section 3 of this bill prohibits a vacancy in a nomination for a partisan office from being filled if the vacancy occurs because the

candidate fails to meet any qualification required for the office or is found by a court to be disqualified from taking office, except that the prohibition does not apply to such a vacancy occurring before certain special elections. If a vacancy in a nomination for a nonpartisan or partisan office occurs for certain other reasons, sections 4, 4.5 and 22.5 of this bill allow such a vacancy to be filled in the manner provided by existing law before the statutorily-prescribed date preceding the general election.

Under existing law, the Legislature may enact statutory qualifications to be a candidate for an elective office which are in addition to any constitutional qualifications required for the office. (*Mengelkamp v. List*, 88 Nev. 542, 544-45 (1972); *Riter v. Douglass*, 32 Nev. 400, 435-36 (1910)) Such additional statutory qualifications may include residency requirements, and both the United States Supreme Court and the Nevada Supreme Court have upheld residency requirements that require a candidate to be a state resident for 2 or more years. (*Clements v. Fashing*, 457 U.S. 957, 967-68 (1982) (explaining that the Court upheld New Hampshire's 7-year state residency requirement for gubernatorial candidates when it summarily affirmed the lower court's decision in *Chimento v. Stark*, 353 F. Supp. 1211 (D.N.H. 1973), *summarily aff'd*, 414 U.S. 802 (1973)); *Schaefer v. Eighth Jud. Dist. Ct.*, No. 65361 (Nev. Apr. 14, 2014) (upholding Nevada's 2-year state residency requirement for State Controller candidates in NRS 227.010))

Existing law sets forth certain residency requirements for candidates. In particular, a candidate must actually, as opposed to constructively, reside in the district to which the office pertains for at least 30 days preceding the date of the close of filing for candidacy. (NRS 293.1755, 293C.200) Additionally, a candidate for election or appointment to the Legislature must be an actual, as opposed to constructive, resident of this State for 1 year preceding the person's election or appointment. (NRS 218A.200) Sections 6 and 23 of this bill provide that all candidates must be an actual resident of the district to which the office pertains for at least 180 days preceding the date of the close of filing for ~~the~~ candidacy. Section 29 of this bill ~~requires~~ provides that a candidate for election or appointment to the Legislature must be an actual resident of : (1) this State for ~~2 years~~ 1 year immediately preceding the person's election or appointment ~~;~~ ; and (2) the legislative district prescribed by law for the office for at least 180 days immediately preceding the date of the close of filing of, as applicable, declarations or acceptances of candidacy for the office or applications for appointment to the office.

Existing law: (1) requires a candidate to file a declaration or acceptance of candidacy before his or her name may appear on a ballot; and (2) provides that a candidate who knowingly and willfully files a declaration or acceptance of candidacy which contains a false statement regarding residency is guilty of a gross misdemeanor. (NRS 293.1755, 293.177, 293C.185, 293C.200) Sections 6, 7, 20 and 23 of this bill provide that a candidate who knowingly and willfully files a declaration or acceptance of

candidacy which contains a false statement is guilty of a ~~[category E felony]~~ gross misdemeanor.

Existing law requires a candidate for election or appointment to the Legislature to meet certain qualifications for the office. (NRS 218A.200) A candidate for election to the Legislature must also file a declaration of residency with his or her declaration or acceptance of candidacy. (NRS 293.181) Sections 8 and 29 of this bill provide that any such candidate who knowingly and willfully files a declaration or acceptance of candidacy, a declaration of residency or an application for appointment which contains a false statement is guilty of a ~~[category E felony]~~ gross misdemeanor.

Under existing law, a person who receives a certificate of election or appointment to office as a Legislator must take and subscribe to the official oath before taking office. (NRS 218A.220) Section 29.2 of this bill prohibits a person from taking and subscribing to the official oath as a Legislator if, after the person files a declaration or acceptance of candidacy and on or before the date of the general election, a court finds that the person is an ineligible candidate because the person fails to meet any qualification required for the office.

Before the Assembly meets for each regular session, existing law requires the Secretary of State to make out a roll from the election returns of the persons who received the highest number of votes to be elected as members of the Assembly, and the members whose names appear upon the roll must be allowed to participate in the organization of the Assembly. (NRS 218A.400) Section 29.4 of this bill provides that if the name of an ineligible candidate for office as a member of the Assembly could not be removed from the ballot, the Secretary of State shall not include the ineligible candidate upon the roll of the persons elected as members of the Assembly and the name of the ineligible candidate must not appear upon the roll regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

~~[Existing]~~ The Nevada Supreme Court has interpreted existing law ~~[authorizes]~~ to authorize an elector to file a written challenge to a candidate's qualifications not later than 5 working days after the last day for the candidate to formally withdraw his or her candidacy. Depending on the state or local office being sought by the candidate, the Attorney General or the appropriate district attorney or city attorney must review the challenge and, if he or she determines that probable cause exists to support the challenge, must bring a preelection court action challenging the candidate's qualifications within a statutorily-prescribed period. (NRS 293.182, 293C.186; *Williams v. Clark County Dist. Att'y*, 118 Nev. 473, 477-79 (2002) (interpreting NRS 293.182 to permit an elector to file a written challenge not later than 5 working days after the last day for the candidate to formally withdraw his or her candidacy)) Sections 9 and 21 of this bill ~~[change]~~ codify the Nevada Supreme Court's interpretation so that the ~~[deadline]~~ period for an elector to file such a written challenge ~~[to the last Monday immediately~~

~~preceding the first day of early voting for any general election.] and the period for the Attorney General or the appropriate district attorney or city attorney to review such a challenge and bring a preelection court action are calculated using working days instead of calendar days.~~

Existing law defines the term "actual residence" to mean the place where a candidate is legally domiciled and maintains a permanent habitation, and when a candidate maintains more than one place of permanent habitation, the place designated by the candidate as his or her principal permanent habitation is deemed to be the candidate's actual residence. (NRS 281.050) The Nevada Supreme Court has held that the place designated by the candidate as his or her principal permanent habitation must be the place where the candidate actually resides and is legally domiciled in order for the candidate to be eligible to the office. (*Williams v. Clark County Dist. Att'y*, 118 Nev. 473, 484-86 (2002); *Chachas v. Miller*, 120 Nev. 51, 53-56 (2004)) Section 30 of this bill amends existing law to reflect the Supreme Court's holding.

The remaining sections of this bill make conforming changes to carry out the revisions to existing law.

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 1.5 to 3, inclusive, of this act.

Sec. 1.5. *"Ineligible candidate" means a person who is a candidate for any office and who:*

1. *Dies;*
2. *Is adjudicated insane or mentally incompetent;*
3. *Fails to meet any qualification required for the office pursuant to the Constitution or laws of this State; or*
4. *Is found by a court of competent jurisdiction to be disqualified from entering upon the duties of the office pursuant to the Constitution or laws of this State.*

Sec. 1.7. 1. *Notwithstanding any other provision of law, any vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of a primary election, general election or special election or any other election.*

2. *The provisions of this section are intended to abrogate any principle or rule of the common law to the contrary.*

Sec. 1.8. *A person who is or becomes an ineligible candidate may not:*

1. *Demand or receive a recount of the vote for the office for which he or she is an ineligible candidate pursuant to NRS 293.400 to 293.405, inclusive; or*

2. *Contest the election for the office for which he or she is an ineligible candidate pursuant to NRS 293.407 to 293.435, inclusive.*

Sec. 2. 1. *Except as otherwise provided in this section, the name of a person who is or becomes an ineligible candidate must not appear on the*

ballot at a primary election, general election or special election or any other election.

2. If a person is or becomes an ineligible candidate, the county clerk shall remove the name of the person from the ballot, except that no changes may be made on the ballot pursuant to this section for:

(a) A primary election after 5 p.m. on the first Monday in April of the year in which the primary election is held.

(b) A general election after 5 p.m. on the last Friday in July of the year in which the general election is held.

(c) A special election or any other election after 5 p.m. on the last day prescribed by the Secretary of State or the county clerk, as applicable, for making changes on the ballot for that election.

3. If the period for making changes on the ballot has elapsed pursuant to this section and, for that reason, the county clerk cannot remove the name of the person who is or becomes an ineligible candidate from the ballot, the county clerk shall:

(a) At each polling place where the person's name will appear on the ballot, including, without limitation, a polling place for early voting:

(1) Post a sign informing voters that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election;

(2) Place a notice on or near each mechanical recording device informing a voter who uses the device that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election; and

(3) If paper ballots are used, include a notice on or with each paper ballot informing a voter who uses the paper ballot that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election; and

(b) If the absent ballots have not been distributed by the county clerk, include a notice on or with each absent ballot informing a voter who uses the absent ballot that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.

Sec. 2.5. 1. In addition to any other remedy or penalty provided by law, if a court of competent jurisdiction finds in any preelection action that a person who is a candidate for any office fails to meet any qualification required for the office pursuant to the Constitution or laws of this State:

(a) The person is an ineligible candidate, and the county clerk or city clerk, as applicable, shall take appropriate action regarding the ineligible candidate pursuant to section 2 or 18.5 of this act;

(b) The person is disqualified from entering upon the duties of the office for which he or she filed a declaration of candidacy or acceptance of candidacy; and

(c) The court may order the person to pay the reasonable attorney's fees and costs of the party who brought the action, including, without limitation, the Attorney General or a district attorney or city attorney.

2. *The provisions of this section apply to any preelection action brought to challenge a person who is a candidate for any office on the grounds that the person is an ineligible candidate because the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State, including, without limitation, any action brought pursuant to NRS 281.050, 293.182 or 293C.186 or any action brought for:*

(a) Declaratory or injunctive relief pursuant to chapter 30 or 33 of NRS;

(b) Writ relief pursuant to chapter 34 of NRS; or

(c) Any other legal or equitable relief.

Sec. 3. 1. *Except as otherwise provided in this section, a vacancy occurring in a major or minor political party nomination for a partisan office may not be filled by the party if the vacancy occurs because the candidate who is the party's nominee:*

(a) Fails to meet any qualification required for the office pursuant to the Constitution or laws of this State; or

(b) Is found by a court of competent jurisdiction to be disqualified from entering upon the duties of the office pursuant to the Constitution or laws of this State.

2. *The provisions of this section do not apply to a vacancy occurring in a major or minor political party nomination for a partisan office at a special election if no primary election is held to choose the candidate who is the party's nominee before the special election.*

Sec. 3.5. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, and section 1.5 of this act have the meanings ascribed to them in those sections.

Sec. 3.7. NRS 293.034 is hereby amended to read as follows:

293.034 "Certificate of election" means a certificate prepared by the county or city clerk or Governor, as the case may be, for the person having the highest number of votes for any district, county, township, city, state or statewide office as official recognition of the person's election to office ~~[-]~~, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 or 18.5 of this act, such a certificate must not be prepared for the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

Sec. 3.8. NRS 293.042 is hereby amended to read as follows:

293.042 "Contest" means an adversary proceeding between a candidate for a public office who has received the greatest number of votes and any other candidate for that office or, in certain cases, any registered voter of the

appropriate political subdivision, for the purpose of determining the validity of an election ~~[-]~~, *except that a person who is or becomes an ineligible candidate may not contest the election for the office for which he or she is an ineligible candidate pursuant to section 1.8 of this act.*

Sec. 4. NRS 293.165 is hereby amended to read as follows:

293.165 1. ~~[Except as otherwise provided in NRS 293.166, a vacancy occurring in a major or minor political party nomination for a partisan office 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 and 5.~~

~~—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 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.

~~[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 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 by a candidate designated by the party central committee of the county or State, as the case may be, of the major 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. No]~~

2. *Except as otherwise provided in section 2 of this act, no change in a nomination for a nonpartisan office may be made on the ballot for the general election after 5 p.m. on the fourth Friday in June of the year in which the general election is held [-If,], and no vacancy in a nomination for a nonpartisan office may be filled 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. All designations provided for in this section must be filed on or before 5 p.m. on the fourth Friday in June 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. 4.5. NRS 293.166 is hereby amended to read as follows:

293.166 1. *Except as otherwise provided in this section and sections 2 and 3 of this act:*

(a) A vacancy occurring in a major or minor political party nomination for a partisan office, other than an office described in paragraph (b), may be filled by a candidate who is designated by:

(1) The party central committee of the county or State, as the case may be, of the major political party; or

(2) The executive committee of the minor political party.

(b) A vacancy occurring in a major political party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county 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 *major political party nomination for* ~~the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county]~~ *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 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 vacancy may not be filled pursuant to the provisions of subsection 1, and the nominee's name must ~~[remain on]~~ *be removed from the ballot for the general election .* ~~[and, if elected, a vacancy exists.]~~

3. ~~[No]~~ *Except as otherwise provided in sections 2 and 3 of this act, no change in a major or minor political party nomination for a partisan office may be made on the ballot for the general election after 5 p.m. on the fourth Friday in June of the year in which the general election is held ~~[. If,]~~, and no vacancy in a major or minor political party nomination for a partisan office may be filled 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]~~ *candidate to fill a vacancy pursuant to this section must be filed ~~[with the Secretary of State]~~ on or before 5 p.m. on the fourth Friday in June of the year in which the general election is held, and the statutory filing fee must be paid ~~[with]~~ and an acceptance of the designation ~~[.] must be filed on or before 5 p.m. on the date the designation is filed.~~*

Sec. 5. 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]~~ *Except as otherwise provided in sections 2 and 3 of this act, the names of the candidates for partisan office of a minor political party 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 of its candidates for partisan office pursuant to the provisions of NRS 293.1725 with the Secretary of State 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 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. A minor political party must file a copy of the petition required by paragraph (c) of subsection 2 with the Secretary of State before the petition may be circulated for signatures.

Sec. 6. NRS 293.1755 is hereby amended to read as follows:

293.1755 1. In addition to any other requirement provided by law, no person may be a candidate for any office unless, for at least the ~~{30}~~ 180 days immediately preceding the date of the close of filing of declarations of candidacy or acceptances of candidacy for the office which the person seeks, the person has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the State, district, county, township or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or will represent.

2. Any person who knowingly and willfully files ~~{an acceptance of candidacy or}~~ a declaration of candidacy or acceptance of candidacy which contains a false statement ~~{in this respect}~~ regarding the person's residency in violation of this section is guilty of a gross misdemeanor.

~~{3. The provisions of this section do not apply to candidates for the office of district attorney, category E felony and shall be punished as provided in NRS 193.130.}~~

Sec. 7. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, 293.166 and section 2 of this act, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held ~~{not}~~ and not 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 ~~{not}~~ and not 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:

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 accordance with NRS 281.050, 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}~~ 180 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 nonpartisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence, *in accordance with NRS 281.050*, 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~~ 180 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 ~~[-]~~ *the candidate fails to comply with the following:*

(a) The *candidate shall not list 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]~~ *and*

(b) The candidate ~~[does not]~~ *shall* 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]~~ *and*

(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 *or account 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}~~ *Secretary of State* 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,]~~ *does not meet any qualification required for the office pursuant to the Constitution or laws of this State, the* ~~{filing officer}~~ *Secretary of State shall:*

(a) ~~{May conduct}~~ *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,]~~ *is eligible to hold the office; and*

(b) ~~{Shall transmit}~~ *Transmit* the credible evidence and the findings from such investigation to ~~{the}~~ :

(1) *The Attorney General* ~~{,}~~ *if the filing officer for the candidate is the Secretary of State* ~~{, or to the}~~ ; *or*

(2) *The appropriate district attorney* ~~{,}~~ *if the filing officer for the candidate 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.]~~

8. *Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a* ~~{category E felony and shall be punished as provided in NRS 193.130,}~~ *gross misdemeanor.*

Sec. 8. NRS 293.181 is hereby amended to read as follows:

293.181 1. A candidate for the office of State Senator, Assemblyman or Assemblywoman must execute and file with his or her declaration of

candidacy or acceptance of candidacy a declaration of residency which must be in substantially the following form:

I, the undersigned, do swear or affirm under penalty of perjury that , ~~I have been a citizen resident of this State~~ as required by NRS 218A.200 ~~and~~ , *I will* have actually, as opposed to constructively, *been a citizen resident of this State and* resided at the following residence or residences ~~since November 1 of the preceding year~~ , *in accordance with NRS 281.050, for the ~~2 years~~ period of 1 year immediately preceding the date of the general election:*

..... Street Address	 Street Address
..... City or Town	 City or Town
..... State	 State
From..... To	From To
Dates of Residency	Dates of Residency
..... Street Address	 Street Address
..... City or Town	 City or Town
..... State	 State
From..... To	From To
Dates of Residency	Dates of Residency

(Attach additional sheet or sheets of residences as necessary)

2. Each address of a candidate which must be included in the declaration of residency pursuant to subsection 1 must be the street address of the residence where the candidate actually, as opposed to constructively, resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of residency must not be accepted for filing if any of the candidate's addresses are listed as a post office box unless a street address has not been assigned to the residence.

3. *Any person who knowingly and willfully files a declaration of residency which contains a false statement in violation of this section is guilty of a ~~category E felony and shall be punished as provided in NRS 193.130~~ gross misdemeanor.*

Sec. 9. NRS 293.182 is hereby amended to read as follows:

293.182 1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than 5 working days after ~~4 p.m. on~~ the last day the person may withdraw his or her candidacy ~~Monday immediately preceding the first day of the period of~~

~~early voting by personal appearance for the general election~~ pursuant to NRS 293.202, ~~203.3568,~~ an elector may file with the filing officer for the office a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or ~~[a statute]~~ laws of this State . ~~[, including, without limitation, a requirement concerning age or residency.]~~ Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and ~~court~~ costs of the ~~challenged person.~~ *person who is being challenged.*

2. A challenge filed pursuant to subsection 1 must:

- (a) Indicate each qualification the person fails to meet;
- (b) Have attached all documentation and evidence supporting the challenge; and
- (c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1:

- (a) The Secretary of State shall immediately transmit the challenge to the Attorney General.
- (b) A filing officer other than the Secretary of State shall immediately transmit the challenge to the district attorney.

4. If the Attorney General or district attorney determines that probable cause exists to support the challenge, the Attorney General or district attorney shall, not later than 5 working days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the Constitution or ~~a statute~~ laws of this State, or if the person fails to appear at the hearing ~~:-~~

~~—(a) The name of the person must not appear on any ballot for the election for the office for which the person filed the declaration of candidacy or acceptance of candidacy; and~~

~~—(b) The~~ , the person is ~~[disqualified from entering upon the duties of the office for which he or she filed the declaration of candidacy or acceptance of candidacy.]~~ *an ineligible candidate and is subject to the provisions of section 2.5 of this act.*

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable

attorney's fees and ~~{court}~~ costs of the ~~{challenged person.}~~ *person who was challenged.*

Sec. 10. NRS 293.184 is hereby amended to read as follows:

293.184 ~~{1.}~~ In addition to any other *remedy or* penalty provided by law, if a person *knowingly and* willfully files a declaration of candidacy or acceptance of candidacy ~~{knowing that the declaration of candidacy or acceptance of candidacy}~~ which contains a false statement:

~~{(a) Except as otherwise provided in NRS 293.165 and 293.166, the name of the person must not appear on any ballot for the election for which the person filed the declaration of candidacy or acceptance of candidacy; and~~

~~—(b)}~~ 1. *The person is an ineligible candidate, and the county clerk shall take appropriate action regarding the ineligible candidate pursuant to section 2 of this act; and*

2. *The person is disqualified from entering upon the duties of the office for which he or she* ~~{was a candidate.~~

~~—2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election is disqualified because the deadline set forth in NRS 293.165 and 293.166 for making changes to the ballot has passed, the Secretary of State and county clerk must post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of office.}~~ *filed the declaration of candidacy or acceptance of candidacy.*

Sec. 10.3. 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 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 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 Friday after the first Monday in March.

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]~~ *Except as otherwise provided in section 2 of this act, 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 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 in March. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Monday in March.

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. 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 ~~not~~ and not later than 5 p.m. on the second Friday after the first Monday in March.

Sec. 10.5. NRS 293.203 is hereby amended to read as follows:

293.203 Immediately upon receipt by the county clerk of the certified list of candidates from the Secretary of State, the county clerk shall publish a notice of primary election or general election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.
4. The names of the candidates ~~[-]~~ and, *if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, a statement that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.*

5. A list of the offices to which the candidates seek nomination or election.

➡ The notice required for a general election pursuant to this section may be published in conjunction with the notice required for a proposed constitution, constitutional amendment or statewide measure pursuant to NRS 293.253. If the notices are combined in this manner, they must be published three times in accordance with subsection 3 of NRS 293.253.

Sec. 11. 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 at his or her polling place 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 be informed:*

(a) *If a candidate is or becomes an ineligible candidate; and*

(b) *That any vote cast for an ineligible candidate will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.*

11. To have a uniform, statewide standard for counting and recounting all votes accurately.

~~{11.}~~ 12. To have complaints about elections and election contests resolved fairly, accurately and efficiently.

Sec. 11.5. 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}~~ *Except as otherwise provided in section 2 of this act, 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 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.

Sec. 12. NRS 293.260 is hereby amended to read as follows:

293.260 *Except as otherwise provided in sections 1.7 and 2 of this act:*

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}~~ 1 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 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. 12.2. 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 must appear at the top of the ballot. Except as otherwise provided in NRS 293.2565, *and section 2 of this act*, 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.

Sec. 12.3. NRS 293.265 is hereby amended to read as follows:

293.265 On nonpartisan primary ballots, there must appear at the top of the ballot the designation "Nonpartisan Offices." Except as otherwise

provided in NRS 293.2565, *and section 2 of this act*, following this designation must appear the names of candidates grouped alphabetically under the title and length of term of the nonpartisan office for which those candidates filed.

Sec. 12.4. NRS 293.267 is hereby amended to read as follows:

293.267 1. ~~[Ballots]~~ *Except as otherwise provided in section 2 of this act*, 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, *and section 2 of this act*, 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.

Sec. 12.6. NRS 293.268 is hereby amended to read as follows:

293.268 ~~[The]~~ *Except as otherwise provided in section 2 of this act*, the offices for which there are candidates, the names of the candidates therefor, and the questions to be voted upon must be printed on ballots in the following order:

1. President and Vice President of the United States.
2. United States Senator and Representative in Congress, in that sequence.
3. Governor, Lieutenant Governor, Secretary of State, Treasurer, Controller and Attorney General, in that sequence.
4. State Senators and members of the Assembly.
5. County and township partisan offices.
6. Statewide nonpartisan offices.

7. District nonpartisan offices.
8. County nonpartisan offices.
9. City offices:
 - (a) Mayor;
 - (b) Council members according to ward in numerical order, if no wards, in alphabetical order; and
 - (c) Municipal judges.
10. Township nonpartisan offices.
11. Questions presented to the voters of the State with advisory questions listed in consecutive order after any other questions presented to the voters of the State.

12. Questions presented only to the voters of a special district or political subdivision of the State with advisory questions listed in consecutive order after any other questions presented only to the voters of a special district or political subdivision of the State.

Sec. 12.7. NRS 293.269 is hereby amended to read as follows:

293.269 1. Every ballot upon which appears the names of candidates for any statewide office or for President and Vice President of the United States shall contain for each office an additional line equivalent to the lines on which the candidates' names appear and placed at the end of the group of lines containing the names of the candidates for that office. Each additional line shall contain a square in which the voter may express a choice of that line in the same manner as the voter would express a choice of a candidate, and the line shall read "None of these candidates."

2. ~~Only~~ Except as otherwise provided in section 1.7 of this act, only votes cast for the named candidates shall be counted in determining nomination or election to any statewide office or presidential nominations or the selection of presidential electors, but for each office the number of ballots on which the additional line was chosen shall be listed following the names of the candidates and the number of their votes in every posting, abstract and proclamation of the results of the election.

3. Every sample ballot or other instruction to voters prescribed or approved by the Secretary of State shall clearly explain that the voter may mark the choice of the line "None of these candidates" only if the voter has not voted for any candidate for the office.

Sec. 13. (Deleted by amendment.)

Sec. 14. NRS 293.367 is hereby amended to read as follows:

293.367 1. The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.

2. The regulations for counting ballots must include provisions that:

(a) *A vote cast for an ineligible candidate does not invalidate any other votes properly marked on that ballot.*

(b) An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.

~~[(b)]~~ (c) A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

~~[(c)]~~ (d) Only devices provided for in this chapter or chapter 293B of NRS may be used in marking ballots.

~~[(d)]~~ (e) It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

~~[(e)]~~ (f) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

Sec. 15. NRS 293.3677 is hereby amended to read as follows:

293.3677 1. When counting a vote in an election ~~[-if-]~~ :

(a) *If more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.*

(b) *A vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of the election.*

2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

3. The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 16. NRS 293.370 is hereby amended to read as follows:

293.370 1. When all the votes have been counted ~~[-]~~ *in the manner provided in NRS 293.3677*, the counting board officers shall enter on the tally lists by the name of each candidate the number of votes the candidate received ~~[-]~~ *and, if the name of an ineligible candidate could not be removed*

from the ballot pursuant to section 2 of this act, the number of votes the ineligible candidate received that are a nullity and void. The vote for and against any question submitted to the electors must be entered in the same manner.

2. The tally lists must show the number of votes, other than absentee votes and votes in a mailing precinct, which each candidate received in each precinct at:

- (a) A primary election held in an even-numbered year; or
- (b) A general election.

Sec. 17. NRS 293.387 is hereby amended to read as follows:

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

2. In making its canvass, the board shall:

- (a) Note separately any clerical errors discovered; and
- (b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate ~~[-]~~ *and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the number of votes cast for the ineligible candidate that are a nullity and void.* The board, after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

- (a) A copy of the certified abstract; and
 - (b) A mechanized report of the abstract in compliance with regulations adopted by the Secretary of State,
- ➡ and transmit them to the Secretary of State not more than 7 working days after the election.

4. The Secretary of State shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. The Secretary of State shall make out and file in his or her office an abstract thereof, *which must contain the number of votes cast for each candidate and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the number of votes cast for the ineligible candidate that are a nullity and void,* 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.

Sec. 17.1. NRS 293.393 is hereby amended to read as follows:

293.393 1. On or before the sixth 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 ~~{ }~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the county clerk shall not make out a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

4. Each certificate must be delivered to the person elected upon application at the office of the county clerk.

Sec. 17.2. NRS 293.395 is hereby amended to read as follows:

293.395 1. The board of county commissioners, after making the abstract of votes as provided in NRS 293.393, 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 that abstract in compliance with regulations adopted by the Secretary of State,
 ➔ and forthwith transmit them to the Secretary of State.

2. On the fourth Tuesday of November after each general election, the justices of the Supreme Court, or a majority thereof, shall meet with the Secretary of State, and shall open and canvass the vote for the number of presidential electors to which this State may be entitled, United States Senator, Representative in Congress, members of the Legislature, state officers who are elected statewide or by district, district judges, or district officers whose districts include area in more than one county and for and against any question submitted.

3. The Governor shall issue certificates of election to and commission the persons having the highest number of votes and shall issue proclamations declaring the election of those persons ~~{ }~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the Governor shall not issue a certificate of election to, commission or issue a proclamation declaring the election of the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 17.3. NRS 293.397 is hereby amended to read as follows:

293.397 ~~{A}~~

1. *Except as otherwise provided in this section, a certificate of election or commission must not be withheld from the person having the highest number of votes for the office because of any contest of election filed in the election or any defect or informality in the returns of any election, if it can be*

ascertained with reasonable certainty from the returns what office is intended and who is entitled to the certificate or commission.

2. *If the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, a certificate of election or commission must not be issued or given to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 17.4. NRS 293.400 is hereby amended to read as follows:

293.400 1. ~~{If,}~~ *Except as otherwise provided in section 1.7 of this act, if, after the completion of the canvass of the returns of any election, two or more persons receive an equal number of votes, which is sufficient for the election of one or more but fewer than all of them to the office, the person or persons elected must be determined as follows:*

(a) In a general election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Legislature shall, by joint vote of both houses, elect one of those persons to fill the office.

(b) In a primary election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Secretary of State shall summon the candidates who have received the tie votes to appear before the Secretary of State at a time and place designated by the Secretary of State and the Secretary of State shall determine the tie by lot. If the tie vote is for the office of Secretary of State, the Governor shall perform these duties.

(c) For any office of a county, township, incorporated city, city organized under a special charter where the charter is silent as to determination of a tie vote, or district which is wholly located within one county, the county clerk shall summon the candidates who have received the tie votes to appear before the county clerk at a time and place designated by the county clerk and determine the tie by lot. If the tie vote is for the office of county clerk, the board of county commissioners shall perform these duties.

2. The summons mentioned in this section must be mailed to the address of the candidate as it appears upon the candidate's declaration of candidacy at least 5 days before the day fixed for the determination of the tie vote and must contain the time and place where the determination will take place.

3. The right to a recount extends to all candidates in case of a tie ~~{}~~, *except for ineligible candidates.*

Sec. 17.5. NRS 293.403 is hereby amended to read as follows:

293.403 1. ~~{A}~~ *Except as otherwise provided in section 1.8 of this act, a candidate defeated at any election may demand and receive a recount of the vote for the office for which he or she is a candidate to determine the number of votes received for the candidate and the number of votes received for the person who won the election if within 3 working days after the canvass of the*

vote and the certification by the county clerk or city clerk of the abstract of votes the candidate who demands the recount:

(a) Files in writing a demand with the officer with whom the candidate filed his or her declaration of candidacy or acceptance of candidacy; and

(b) Deposits in advance the estimated costs of the recount with that officer.

2. Any voter at an election may demand and receive a recount of the vote for a ballot question if within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the voter:

(a) Files in writing a demand with:

(1) The Secretary of State, if the demand is for a recount of a ballot question affecting more than one county; or

(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one county or city; and

(b) Deposits in advance the estimated costs of the recount with the person to whom the demand was made.

3. The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the Secretary of State defining the term "costs."

4. As used in this section, "canvass" means:

(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate or ballot question voted for in more than one county.

(b) In any primary city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

(c) In any general election:

(1) The canvass by the Supreme Court of the returns for a candidate for a statewide office or a statewide ballot question; or

(2) The canvass of the board of county commissioners of the returns for any other candidate or ballot question, as provided in paragraph (a).

(d) In any general city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

Sec. 17.6. NRS 293.407 is hereby amended to read as follows:

293.407 1. ~~{A}~~ Except as otherwise provided in section 1.8 of this act, a candidate at any election, or any registered voter of the appropriate political subdivision, may contest the election of any candidate, except for the office of United States Senator or Representative in Congress.

2. Except where the contest involves the general election for the office of Governor, Lieutenant Governor, Assemblyman, Assemblywoman, State Senator, justice of the Supreme Court or judge of the Court of Appeals, a candidate or voter who wishes to contest an election, including election to the office of presidential elector, must, within the time prescribed in

NRS 293.413, file with the clerk of the district court a written statement of contest, setting forth:

- (a) The name of the contestant and that the contestant is a registered voter of the political subdivision in which the election to be contested or part of it was held;
- (b) The name of the defendant;
- (c) The office to which the defendant was declared elected;
- (d) The particular grounds of contest and the section of Nevada Revised Statutes pursuant to which the statement is filed; and
- (e) The date of the declaration of the result of the election and the body or board which canvassed the returns thereof.

3. The contestant shall verify the statement of contest in the manner provided for the verification of pleadings in civil actions.

4. All material regarding a contest filed by a contestant with the clerk of the district court must be filed in triplicate.

Sec. 17.7. NRS 293.427 is hereby amended to read as follows:

293.427 1. The Secretary of State shall deliver the statement of contest filed pursuant to NRS 293.425 and all other documents, including any amendments to the statement, to the presiding officer of the appropriate house of the Legislature on the day of the organization of the Legislature.

2. Until the contest has been decided, the candidate who received the highest number of votes for the office in the contested election must be seated as a member of the appropriate house ~~[-]~~, *except that if the name of an ineligible candidate for the office could not be removed from the ballot pursuant to section 2 of this act, the ineligible candidate must not be seated as a member of the appropriate house regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

3. If, before the contest has been decided, a contestant gives written notice to the Secretary of State that the contestant wishes to withdraw his or her statement of contest, the Secretary of State shall dismiss the contest.

4. The contest, if not dismissed, must be heard and decided as prescribed by the standing or special rules of the house in which the contest is to be tried. If, after hearing the contest, the house decides to declare the contestant elected, the Governor shall execute a certificate of election and deliver it to the contestant. The certificate of election issued to the other candidate is thereafter void.

5. In a contest of a general election for the office of Assemblyman, Assemblywoman or Senator, the house in which a contest was tried or was to be tried shall determine the remedy, if any, to be awarded to a party to such a contest. The remedy may include, without limitation, any costs incurred by a party in connection with the contest.

Sec. 17.8. NRS 293.430 is hereby amended to read as follows:

293.430 1. If the contest is of the general election for the office of Governor, Lieutenant Governor, justice of the Supreme Court or judge of the Court of Appeals, the statement of contest and all depositions, ballots and

other documents relating to the contest must be filed with the Secretary of State within the time provided for filing statements of contests with the clerk of the district court.

2. Until the contest is decided, the candidate who received the highest number of votes for the office in the contested election must be seated and commence the duties of the office ~~[-]~~, *except that if the name of an ineligible candidate for the office could not be removed from the ballot pursuant to section 2 of this act, the ineligible candidate must not be seated or commence the duties of the office regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

3. The Secretary of State shall deliver the statement of contest and all other papers and documents to the speaker of the assembly on the day of the organization of the Legislature.

4. A joint session of both houses must be convened as soon thereafter as the business of both houses permits, but not later than 10 days after receipt of statement of contest.

5. If, before the contest has been decided, a contestant gives written notice to the Secretary of State that the contestant wishes to withdraw his or her statement of contest, the Secretary of State shall dismiss the contest.

Sec. 17.9. NRS 293.435 is hereby amended to read as follows:

293.435 1. After both houses sitting in joint session have decided an election contest, the Secretary of State shall execute and deliver a certificate of election to the person declared elected, unless such a certificate was already issued to that person ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the Secretary of State shall not execute and deliver a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

2. If a certificate of election to the same office has been issued to any person other than the one declared to have been elected, that certificate is void.

Sec. 18. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 18.3 and 18.5 of this act.

Sec. 18.3. 1. *Notwithstanding any other provision of law, any vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of a primary city election, general city election or special election or any other city election.*

2. *The provisions of this section are intended to abrogate any principle or rule of the common law to the contrary.*

Sec. 18.5. 1. *Except as otherwise provided in this section, the name of a person who is or becomes an ineligible candidate must not appear on the ballot at a primary city election, general city election or special election or any other city election.*

2. *If a person is or becomes an ineligible candidate, the city clerk shall remove the name of the person from the ballot, except that no changes may be made on the ballot pursuant to this section for:*

(a) A primary city election after 5 p.m. on the last Friday in February of the year in which the primary city election is held.

(b) A general city election after 5 p.m. on the second Friday in April of the year in which the general city election is held.

(c) A special election or any other city election after 5 p.m. on the last day prescribed by the governing body of the city or the city clerk, as applicable, for making changes on the ballot for that election.

3. *If the period for making changes on the ballot has elapsed pursuant to this section and, for that reason, the city clerk cannot remove the name of the person who is or becomes an ineligible candidate from the ballot, the city clerk shall:*

(a) At each polling place where the person's name will appear on the ballot, including, without limitation, a polling place for early voting:

(1) Post a sign informing voters that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election;

(2) Place a notice on or near each mechanical recording device informing a voter who uses the device that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election; and

(3) If paper ballots are used, include a notice on or with each paper ballot informing a voter who uses the paper ballot that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election; and

(b) If the absent ballots have not been distributed by the city clerk, include a notice on or with each absent ballot informing a voter who uses the absent ballot that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.

Sec. 19. 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, inclusive, of NRS~~ 293.165, ~~and in NRS~~ 293.166, 293.175, 293.177 ~~and 293.345 and 293.368~~ section 2 of this act 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.

Sec. 19.3. 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. *Except as otherwise provided in sections 18.3 and 18.5 of this act:*

(a) 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.

(b) 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. 19.5. NRS 293C.180 is hereby amended to read as follows:

293C.180 *Except as otherwise provided in sections 18.3 and 18.5 of this act:*

1. If at 5 p.m. on the last day for filing a declaration of candidacy, there is only one candidate who has filed for nomination for an office, that candidate must be declared elected and no election may be held for that office.

2. Except as otherwise provided in subsection 1, if not more than twice the number of candidates to be elected have filed for nomination for an office, the names of those candidates must be omitted from all ballots for a primary city election and placed on all ballots for a general city election.

3. If more than twice the number of candidates to be elected have filed for nomination for an office, the names of the candidates must appear on the ballot for a primary city election. Except as otherwise provided in subsection 4 of NRS 293C.175, 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. 20. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, *and section 18.5 of this act*, a name may not be printed on a ballot to be used at a primary city election unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

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

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence, *in accordance with NRS 281.050*, 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}~~ 180 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 that must be included in the declaration 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 ~~[-]~~ *the candidate fails to comply with the following:*

(a) The *candidate shall not list the* candidate's address ~~is listed~~ as a post office box unless a street address has not been assigned to the residence; ~~or~~ *and*

(b) The candidate ~~does not~~ *shall* 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~~ *and*

(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 *or account number* of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. 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 city

clerk duplicate copies of the process. The city clerk 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 city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

6. If the ~~{city clerk}~~ *Secretary of State* 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,]~~ *does not meet any qualification required for the office pursuant to the Constitution or laws of this State, the {city clerk}*:

—(a) ~~May conduct~~ *Secretary of State shall*:

(a) *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,]~~ *is eligible to hold the office; and*

(b) ~~{Shall transmit}~~ *Transmit* the credible evidence and the findings from such investigation to the *appropriate* city attorney.

7. The receipt of information by the city attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186. ~~[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 city clerk 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.]~~

8. *Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a ~~category E felony and shall be punished as provided in NRS 193.130,~~ gross misdemeanor.*

Sec. 21. NRS 293C.186 is hereby amended to read as follows:

293C.186 1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than 5 working days after ~~(p.m. on)~~ the last day the person may withdraw his or her candidacy ~~[Monday immediately preceding the first day of the period of early voting by personal appearance for the general city election]~~ pursuant to NRS 293C.195, ~~293C.3568,~~ an elector may file with the city clerk a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the constitution or ~~{a statute}~~ *laws of this State .* ~~[including, without limitation, a requirement concerning age or residency.]~~ Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable

attorney's fees and ~~{court}~~ costs of the ~~{challenged person.}~~ *person who is being challenged.*

2. A challenge filed pursuant to subsection 1 must:

- (a) Indicate each qualification the person fails to meet;
- (b) Have attached all documentation and evidence supporting the challenge; and
- (c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1, the city clerk shall immediately transmit the challenge to the city attorney.

4. If the city attorney determines that probable cause exists to support the challenge, the city attorney shall, not later than 5 *working* days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the constitution or ~~{a statute}~~ *laws* of this State, or if the person fails to appear at the hearing ~~{:~~

~~—(a) The name of the person must not appear on any ballot for the election for the office for which the person filed the declaration of candidacy or acceptance of candidacy; and~~

~~—(b) The~~ , the person is ~~{disqualified from entering upon the duties of the office for which he or she filed the declaration of candidacy or acceptance of candidacy.}~~ *an ineligible candidate and is subject to the provisions of section 2.5 of this act.*

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and ~~{court}~~ costs of the ~~{challenged person.}~~ *person who was challenged.*

Sec. 22. NRS 293C.1865 is hereby amended to read as follows:

293C.1865 ~~{1-}~~ In addition to any other *remedy* or penalty provided by law, if a person *knowingly and willfully* files a declaration of candidacy or acceptance of candidacy ~~{knowing that the declaration of candidacy or acceptance of candidacy}~~ *which* contains a false statement:

~~{(a) Except as otherwise provided in NRS 293.165 or 293.166, the name of the person must not appear on any ballot for the election for which the person filed the declaration of candidacy or acceptance of candidacy; and~~

~~—(b)}~~ 1. *The person is an ineligible candidate, and the city clerk shall take appropriate action regarding the ineligible candidate pursuant to section 18.5 of this act; and*

2. The person is disqualified from entering upon the duties of the office for which he or she ~~was a candidate.~~

~~—2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election is disqualified because the deadline set forth in NRS 293.165 and 293.166 for making changes to the ballot has passed, the Secretary of State and city clerk must post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of office.~~ *filed the declaration of candidacy or acceptance of candidacy.*

Sec. 22.3. NRS 293C.187 is hereby amended to read as follows:

293C.187 Not later than 30 days before the primary city election and the general city election, the city clerk shall cause to be published a notice of the election in a newspaper of general circulation in the city once a week for 2 successive weeks. If a newspaper of general circulation is not published in the city, the publication may be made in a newspaper of general circulation published within the county in which the city is located. If a newspaper of general circulation is not published in that county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.
4. The names of the candidates ~~[-]~~ *and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, a statement that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.*

5. A list of the offices to which the candidates seek nomination or election.

Sec. 22.5. NRS 293C.190 is hereby amended to read as follows:

293C.190 1. Except as otherwise provided in NRS 293C.115, a vacancy occurring in a nomination for a city office after the close of filing and on or before 5 p.m. of the first Tuesday after the first Monday in March in a year in which a general city election is held must be filled by filing a nominating petition that is signed by at least 1 percent of the persons who are registered to vote and who voted for that office at the last preceding general city election. Except as otherwise provided in NRS 293C.115, the petition must be filed not earlier than the third Tuesday in February and not later than the third Tuesday after the third Monday in March. A candidate nominated pursuant to the provisions of this subsection may be elected only at a general

city election, and the candidate's name must not appear on the ballot for a primary city election.

2. Except as otherwise provided in NRS 293C.115, a vacancy occurring in a nomination for a city office after 5 p.m. of the first Tuesday after the first Monday in March and on or before 5 p.m. of the second Tuesday after the second Monday in April must be filled by the person who received the next highest vote for the nomination in the primary city election.

3. Except to place a candidate nominated pursuant to subsection 1 on the ballot and except as otherwise provided in NRS 293C.115, *and section 18.5 of this act*, no change may be made on the ballot for the general city election after 5 p.m. of the second Tuesday after the second Monday in April of the year in which the general city election is held ~~[If a nominee dies]~~, *and no vacancy in a nomination for a city office may be filled after that time and date*. ~~[the nominee's name must remain on the ballot for the general city election and, if elected, a vacancy exists.]~~

4. Except as otherwise provided in NRS 293C.115, all designations provided for in this section must be filed on or before 5 p.m. on the second Tuesday after the second Monday in April of the year in which the general city election is held. The filing fee must be paid and an acceptance of the designation must be filed on or before 5 p.m. on ~~[that date]~~ *the date the designation is filed*.

Sec. 23. NRS 293C.200 is hereby amended to read as follows:

293C.200 1. In addition to any other requirement provided by law, no person may be a candidate for a city office unless, for at least the ~~[30]~~ 180 days immediately preceding the date of the close of filing of declarations or acceptances of candidacy for the office that the person seeks, the person has in accordance with NRS 281.050, actually, as opposed to constructively, resided in the city or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or which he or she will represent.

2. Any person who knowingly and willfully files a declaration of candidacy or ~~[an]~~ acceptance of candidacy ~~[that]~~ which contains a false statement ~~[in this respect]~~ regarding the person's residency in violation of this section is guilty of a gross misdemeanor. ~~[category E felony and shall be punished as provided in NRS 193.130.]~~

Sec. 23.4. NRS 293C.257 is hereby amended to read as follows:

293C.257 For a primary city election, there must appear at the top of each ballot the designation "Candidates for city offices." Except as otherwise provided in NRS 293.2565, *and section 18.5 of this act*, following this designation must appear the names of candidates grouped alphabetically under the title and length of term of the office for which those candidates filed.

Sec. 23.5. NRS 293C.260 is hereby amended to read as follows:

293C.260 1. Except as otherwise provided in NRS 293C.140, *and section 18.5 of this act*, ballots for a general city election must contain the names of candidates who were nominated at the primary city election.

2. Except as otherwise provided in NRS 293.2565, *and section 18.5 of this act*, the names of candidates must be grouped alphabetically under the title and length of term of the office for which those candidates filed.

Sec. 23.7. NRS 293C.262 is hereby amended to read as follows:

293C.262 1. ~~[The]~~ *Except as otherwise provided in section 18.5 of this act*, the offices for which there are candidates, the names of the candidates therefor and the questions to be voted upon must be printed on ballots for a city election in the following order:

(a) City offices:

(1) Mayor;

(2) Council members according to ward in numerical order, if no wards, in alphabetical order; and

(3) Municipal judges.

(b) Questions presented to the voters of a city or a portion of a city with advisory questions listed in consecutive order after any other questions presented to the voters of the city.

2. The city clerk:

(a) May divide paper ballots into two sheets in a manner that provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 24. (Deleted by amendment.)

Sec. 25. NRS 293C.367 is hereby amended to read as follows:

293C.367 1. The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.

2. Regulations for counting ballots must include provisions that:

(a) *A vote cast for an ineligible candidate does not invalidate any other votes properly marked on that ballot.*

(b) *An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.*

~~[(b)]~~ (c) *A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.*

~~[(c)]~~ (d) *Only devices provided for in this chapter or chapter 293 or 293B of NRS may be used in marking ballots.*

~~[(d)]~~ (e) It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

~~[(e)]~~ (f) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

Sec. 26. NRS 293C.369 is hereby amended to read as follows:

293C.369 1. When counting a vote in an election ~~[-if]~~ :

(a) If more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

(b) *A vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of the election.*

2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

3. The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 27. NRS 293C.372 is hereby amended to read as follows:

293C.372 When all the votes have been counted ~~[-]~~ *in the manner provided in NRS 293C.369*, the counting board officers shall enter on the tally lists by the name of each candidate the number of votes the candidate received ~~[-]~~ *and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the number of votes the ineligible candidate received that are a nullity and void.* The vote for and against any question submitted to the electors must be entered in the same manner.

Sec. 28. 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 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 ~~{ }~~ *and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the number of votes cast for the ineligible candidate that are a nullity and void.*

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 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 ~~[-]~~,

↪ except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the city clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

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.

Sec. 28.2. NRS 293C.395 is hereby amended to read as follows:

293C.395 ~~[-A]~~

1. *Except as otherwise provided in this section, a certificate of election or commission must not be withheld from the person having the highest number of votes for the city office because of any contest of election filed in the city election or any defect or informality in the returns of any city election, if it can be ascertained with reasonable certainty from the returns what city office is intended and who is entitled to the certificate or commission.*

2. *If the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, a certificate of election or commission must not be issued or given to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 28.4. NRS 4.020 is hereby amended to read as follows:

4.020 1. There must be one justice court in each of the townships of the State, for which there must be elected by the qualified electors of the township at least one justice of the peace. Except as otherwise provided in subsection 3, the number of justices of the peace in a township must be increased according to the population of the township, as certified by the Governor in even-numbered years pursuant to NRS 360.285, in accordance with and not to exceed the following schedule:

(a) In a county whose population is 700,000 or more:

(1) In a township whose population is less than 1,100,000, one justice of the peace for each 100,000 population of the township, or fraction thereof, until the township has four justices of the peace, and thereafter, one justice of the peace for each 125,000 population of the township, or fraction thereof, over a population of 300,000; and

(2) In a township whose population is 1,100,000 or more, one justice of the peace for each 100,000 population of the township, or fraction thereof, up to a population of 1,100,000, and thereafter, one justice of the peace for each 125,000 population of the township, or fraction thereof, over a population of 1,100,000.

(b) In a county whose population is 100,000 or more and less than 700,000, one justice of the peace for each 50,000 population of the township, or fraction thereof.

(c) In a county whose population is less than 100,000, one justice of the peace for each 34,000 population of the township, or fraction thereof.

(d) If a township includes a city created by the consolidation of a city and county into one municipal government, one justice of the peace for each 30,000 population of the township, or fraction thereof.

2. Except as otherwise provided in subsection 3, if the schedule set forth in subsection 1 provides for an increase in the number of justices of the peace in a township, the new justice or justices of the peace must be elected at the next ensuing biennial election.

3. If the schedule set forth in subsection 1 provides for an increase in the number of justices of the peace in a township and, in the opinion of a majority of the justices of the peace in that township, the caseload does not warrant an additional justice of the peace, the justices of the peace shall notify the Director of the Legislative Counsel Bureau and the board of county commissioners of their opinion on or before March 15 of the even-numbered year in which the population of the township provides for such an increase. The Director of the Legislative Counsel Bureau shall submit the opinion to the next regular session of the Legislature for its consideration. If the justices of the peace transmit such a notice to the Director of the Legislative Counsel Bureau and the board of county commissioners, the number of justices must not be increased during that period unless the Legislature, by resolution, expressly approves the increase.

4. Justices of the peace shall receive certificates of election from the boards of county commissioners of their respective counties ~~[1-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the board of county commissioners shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

5. The clerk of the board of county commissioners shall, within 10 days after the election or appointment and qualification of any justice of the peace, certify under seal to the Secretary of State the election or appointment and qualification of the justice of the peace. The certificate must be filed in the Office of the Secretary of State as evidence of the official character of that officer.

Sec. 29. NRS 218A.200 is hereby amended to read as follows:

218A.200 1. A person is not eligible to be elected or appointed to office as a Legislator unless the person:

~~[1-]~~ (a) Is a qualified elector;

~~[2-]~~ (b) Has been an actual, as opposed to constructive, citizen resident, in accordance with NRS 281.050, of ~~this~~ :

(1) *This State for the period of 1 year ~~next the 2 years~~ immediately preceding the person's election or appointment; and*

(2) *The district prescribed by law for the office for at least 180 days immediately preceding the date of the close of filing of, as applicable:*

(I) *Declarations of candidacy or acceptances of candidacy for the office pursuant to chapter 293 of NRS; or*

(II) *Applications for appointment to the office; ~~and~~*

~~§-1~~ (c) *At the time of election or appointment, has attained the age of 21 years ~~§-1~~; and*

(d) *Meets all other qualifications for the office as required by the Constitution and laws of this State.*

2. *Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy pursuant to chapter 293 of NRS or an application for appointment to office as a Legislator which contains a false statement regarding the person's qualifications for the office in violation of this section is guilty of a ~~category E felony and shall be punished as provided in NRS 193.130~~ gross misdemeanor.*

Sec. 29.1. NRS 218A.210 is hereby amended to read as follows:

218A.210 A person who is elected to office as a Legislator is entitled to receive a certificate of election from the Governor ~~§-1~~, *except that if the name of an ineligible candidate for office as a Legislator could not be removed from the ballot pursuant to section 2 of this act, the Governor shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 29.2. NRS 218A.220 is hereby amended to read as follows:

218A.220 1. A person who receives a certificate of election or appointment to office as a Legislator must take and subscribe to the official oath before the person takes office as a Legislator, and an entry thereof must be made on the journal of the proper House.

2. *A person shall not take and subscribe to the official oath to take office as a Legislator if, at any time after the person most recently filed a declaration of candidacy or acceptance of candidacy for the office pursuant to chapter 293 of NRS and on or before the date of the most recent general election held for the office, a court of competent jurisdiction has found in any preelection action that the person is an ineligible candidate because the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State.*

Sec. 29.3. NRS 218A.260 is hereby amended to read as follows:

218A.260 1. If a vacancy occurs in the office of a Legislator during a regular or special session or at a time when no biennial election or regular election at which county officers are to be elected will take place between the occurrence of the vacancy and the next regular or special session, the vacancy must be filled in the manner provided in this section.

2. If the former Legislator was elected or appointed from a district wholly within one county, the board of county commissioners of the county in which the district is located shall fill the vacancy by appointing a person who is a member of the same political party as the former Legislator and who

~~[actually, as opposed to constructively, resides in the district.]~~ *meets all qualifications for the office as required by NRS 218A.200.*

3. If the former Legislator was elected or appointed from a district comprising more than one county, the county commissioners of each county within or partly within the district shall fill the vacancy by appointing a person who is a member of the same political party as the former Legislator and who ~~[actually, as opposed to constructively, resides in the district.]~~ *meets all qualifications for the office as required by NRS 218A.200.* To fill the vacancy:

(a) Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy.

(b) The boards shall then meet jointly. The joint meeting must be chaired by the person who is the chair of the board of county commissioners of the county with the largest population in the district. At the joint meeting:

(1) The chair of each board, on behalf of that board, shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of that board's 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.

(2) 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 select a candidate, and the appointee must be chosen by drawing lots among the candidates so selected.

4. The board of county commissioners or the board of the county with the largest population in the district shall issue a certificate of appointment naming the appointee. The county clerk or the clerk of the county with the largest population in the district shall give the certificate to the appointee and send a copy of the certificate to the Secretary of State.

Sec. 29.4. NRS 218A.400 is hereby amended to read as follows:

218A.400 1. Before the Assembly meets for each regular session, the Secretary of State shall make out a roll from the returns on file in the Secretary of State's office of the persons who received the highest number of votes to be elected to office as members of the Assembly in each district in the general election ~~[.]~~, *except that if the name of an ineligible candidate for office as a member of the Assembly could not be removed from the ballot pursuant to section 2 of this act, the Secretary of State shall not include the ineligible candidate upon the roll of the persons elected to office as members of the Assembly and the name of the ineligible candidate must not appear upon the roll regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The members whose names appear upon the roll must be allowed to participate in the organization of the Assembly.

2. On the first day of each regular session at a time that is appropriate for that regular session, the Secretary of State shall call the Assembly to order and shall preside over the Assembly until a presiding officer is elected.

3. If a special session is convened between the date of the general election and the date of the next regular session, the Assembly must be organized for the special session according to the procedure set forth in this section, except that on the first day of the special session, the Secretary of State shall call the Assembly to order at a time that is appropriate for that special session.

Sec. 29.5. NRS 245.010 is hereby amended to read as follows:

245.010 All county officers elected by the people shall receive certificates of election from the boards of county commissioners of their respective counties ~~[-]~~ , *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the board of county commissioners shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 29.6. NRS 258.010 is hereby amended to read as follows:

258.010 1. Except as otherwise provided in subsections 2 and 3:

(a) Constables must be elected by the qualified electors of their respective townships.

(b) The constables of the several townships of the State must be chosen at the general election of 1966, and shall enter upon the duties of their offices on the first Monday of January next succeeding their election, and hold their offices for the term of 4 years thereafter, until their successors are elected and qualified.

(c) Constables must receive certificates of election from the boards of county commissioners of their respective counties ~~[-]~~ , *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the board of county commissioners shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

2. In a county which includes only one township, the board of county commissioners may, by resolution, appoint the sheriff ex officio constable to serve without additional compensation. The resolution must not become effective until the completion of the term of office for which a constable may have been elected.

3. In a county whose population:

(a) Is less than 700,000, if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may, by ordinance, abolish the office of constable in those townships.

(b) Is 700,000 or more, if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may, by ordinance, abolish the office in those townships, but

the abolition does not become effective as to a particular township until the constable incumbent on May 28, 1979, does not seek, or is defeated for, reelection.

➡ For a township in which the office of constable has been abolished, the board of county commissioners may, by resolution, appoint the sheriff ex officio constable to serve without additional compensation.

Sec. 29.7. NRS 267.040 is hereby amended to read as follows:

267.040 1. Nominations of the electors must be made by petition of one-fifth of the qualified voters of the incorporated city.

2. The petition must be filed with the governing body of the city at least 30 days before the day of the election, as provided for in NRS 267.030. ~~[The]~~

3. *Except as otherwise provided in section 18.5 of this act, the names of all candidates so filed must be placed upon the official ballots to be voted at the election.*

Sec. 29.8. NRS 267.050 is hereby amended to read as follows:

267.050 Within 6 working days after the date of the election, the legislative authority of the incorporated city shall:

1. Meet and canvass the returns of the election.

2. Declare the result thereof.

3. Issue certificates of election to the 15 qualified electors having the highest vote therefor ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the legislative authority of the incorporated city shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 30. NRS 281.050 is hereby amended to read as follows:

281.050 1. The residence of a person with reference to *his or her* eligibility to *any* office is the person's actual residence within the State, ~~for~~ county, ~~or~~ district, ward, subdistrict or any other unit prescribed by law, as the case may be, during all the period for which residence is claimed by the person. If any person absents himself or herself from the jurisdiction of that person's residence with the intention in good faith to return without delay and continue such residence, the period of absence must not be considered in determining the question of residence.

2. If a person who has filed ~~[as a candidate]~~ *a declaration of candidacy or acceptance of candidacy* for any elective office moves the person's residence out of the State, county, district, ward, subdistrict or any other unit prescribed by law ~~[for which the person is a candidate and]~~, *as the case may be*, in which the person is required actually, as opposed to constructively, to reside ~~[, a vacancy is created thereby]~~ *in order for the person to be eligible to the office, the person is an ineligible candidate and the county clerk or city clerk, as applicable, shall take appropriate action [for filling the vacancy must be taken.] regarding the ineligible candidate pursuant to section 2 or 18.5 of this act.* A person shall be deemed to have moved the person's residence for the purposes of this section if:

(a) The person has acted affirmatively to remove himself or herself from one place; and

(b) The person has an intention to remain in another place.

3. The district court has jurisdiction to determine the question of residence in an action for declaratory judgment.

4. *If, in any preelection action for declaratory judgment, the district court finds that a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office fails to meet any qualification concerning residence required for the office pursuant to the Constitution or laws of this State, the person is an ineligible candidate and is subject to the provisions of section 2.5 of this act.*

5. As used in this section ~~[- "actual"]~~ :

(a) *"Actual residence" means the place of permanent habitation where a person actually resides and is legally domiciled . ~~[and maintains a permanent habitation.]~~ If the person maintains more than one ~~[such]~~ place of permanent habitation, the place the person declares to be the person's principal permanent habitation when filing a declaration of candidacy or ~~[affidavit pursuant to NRS 293.177 or 293C.185 shall be deemed to]~~ acceptance of candidacy for any elective office must be the ~~[person's actual residence.]~~ place where the person actually resides and is legally domiciled in order for the person to be eligible to the office.*

(b) *"Declaration of candidacy or acceptance of candidacy" means a declaration of candidacy or acceptance of candidacy filed pursuant to chapter 293 or 293C of NRS.*

Sec. 31. NRS 283.130 is hereby amended to read as follows:

283.130 Any officer elected or appointed to fill any vacancy shall be commissioned, or shall receive a certificate of election or appointment to such office ~~[-]~~ , *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 or 18.5 of this act, a certificate of election or commission must not be issued or given to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 32. NRS 306.070 is hereby amended to read as follows:

306.070 1. If there are no other candidates nominated to be voted for at the special election, there must be printed on the ballot the name of the officer sought to be recalled, the office which he or she holds, and the words "For Recall" and "Against Recall."

2. ~~[If]~~ *Except as otherwise provided in sections 2 and 18.5 of this act, if there are other candidates nominated for the office to be voted for at the special election, there must be printed upon the ballot the name of the officer sought to be recalled, and the office which he or she holds, and the name or names of such other candidates as may be nominated to be voted for at the special election, and the words "For Recall" and "Against Recall" must be omitted.*

3. In other respects the ballot must conform with the requirements of this title.

Sec. 33. NRS 309.060 is hereby amended to read as follows:

309.060 1. The board of county commissioners shall meet on or before the sixth working day succeeding the election provided for in NRS 309.050 and proceed to canvass the votes . ~~{and, if}~~

2. *If*, upon the canvass , it appears that a majority of votes cast were for "Local Improvement District—Yes," the board, by an order entered upon its minutes, shall ~~{declare}~~ :

(a) *Declare* the territory organized as an improvement district under the name and style theretofore designated ~~{, and}~~ ;

(b) *Except as otherwise provided in section 1.7 of this act*, declare the persons receiving respectively the highest number of votes for directors to be elected ~~{, and cause}~~ ; *and*

(c) *Cause* a copy of the order and a plat of the district, each certified by the clerk of the board of county commissioners, to be recorded immediately in the office of the county recorder of each county in which any portion of the district is situated . ~~{, and certified}~~ *Certified* copies thereof must also be recorded with the county clerks of those counties.

3. Thereafter , the organization of the district is complete.

Sec. 34. NRS 318.095 is hereby amended to read as follows:

318.095 Except as otherwise provided in NRS 318.0953:

1. There must be held simultaneously with the first general election in the county after the creation of the district and simultaneously with every general election thereafter an election to be known as the biennial election of the district. The election must be conducted under the supervision of the county clerk or registrar of voters. A district shall reimburse the county clerk or registrar of voters for the costs he or she incurred in conducting the election for the district.

2. The office of trustee is a nonpartisan office. The general election laws of this State govern the candidacy, nominations and election of a member of the board. ~~{The}~~ *Except as otherwise provided in section 2 of this act*, the names of the candidates for trustee of a district may be placed on the ballot for the primary or general election.

3. Except as otherwise provided in NRS 318.083, at the first biennial election in any district organized or reorganized and operating under this chapter and each fourth year thereafter, there must be elected by the qualified electors of the district two qualified electors as members of the board to serve for terms of 4 years. At the second biennial election and each fourth year thereafter, there must be so elected three qualified electors as members of the board to serve for terms of 4 years.

4. The secretary of the district shall give notice of election by publication and shall arrange such other details in connection therewith as the county clerk or registrar of voters may direct.

5. Any new member of the board must qualify in the same manner as members of the first board qualify.

Sec. 35. NRS 318.0951 is hereby amended to read as follows:

318.0951 Except as otherwise provided in NRS 318.0952 or 318.0953 ~~[-]~~ and sections 1.7 and 2 of this act:

1. Each trustee elected at any biennial election must be chosen by a plurality of the qualified electors of the district voting on the candidates for the vacancies to be filled.

2. Except as otherwise provided in NRS 318.083, if there are two regular terms which end on the first Monday in January next following the biennial election, the two qualified electors receiving the highest and next highest number of votes must be elected. If there are three regular terms so ending, the three qualified electors receiving the highest, next highest and third highest number of votes must be elected.

3. If there is a vacancy in an unexpired regular term to be filled at the biennial election, as provided in subsection 5 of NRS 318.090, the candidate who receives the highest number of votes, after there are chosen the successful candidates to fill the vacancies in expired regular terms as provided in subsection 2, must be elected.

Sec. 36. NRS 386.260 is hereby amended to read as follows:

386.260 1. Trustees shall be elected as provided in the election laws of this state.

2. After the close of any election, and in accordance with law, the board of county commissioners shall make abstracts of the votes cast for trustees and shall order the county clerk to issue ~~[election]~~ certificates of election to the candidates elected ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the board of county commissioners shall not order the county clerk to issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

3. Immediately, the county clerk shall transmit a copy of each ~~[election]~~ certificate of election to the Superintendent of Public Instruction.

Sec. 37. 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 ~~[-]~~ and *except as otherwise provided in sections 1.7 and 2 of this act:*

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.

Sec. 38. NRS 474.110 is hereby amended to read as follows:

474.110 1. The election having been held, the board of county commissioners shall, on the first Monday succeeding the election, if then in

session, or at its next succeeding general or special session, proceed to canvass the votes cast at the election.

2. If upon such canvass it appears that a majority of all votes cast in the district, and in each portion of the counties included in the district if lands in more than one county are included therein, are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare:

(a) Such territory organized as a county fire protection district under the name theretofore designated; and

(b) ~~{The}~~ *Except as otherwise provided in section 1.7 of this act, the* persons receiving, respectively, the highest number of votes for the directors to be elected to those offices.

Sec. 39. NRS 539.055 is hereby amended to read as follows:

539.055 1. The board of county commissioners shall meet on or before the sixth working day succeeding such election and proceed to canvass the votes. ~~{cast thereat.}~~

2. If, upon such canvass, it appears that a majority of the electors voted "Irrigation District—Yes," the board, by an order entered upon its minutes, shall:

(a) Declare such territory duly organized as an irrigation district under the name and style theretofore designated.

(b) ~~{Declare}~~ *Except as otherwise provided in section 1.7 of this act, declare* the persons receiving respectively the highest number of votes for directors to be duly elected.

(c) Cause a copy of such order and a plat of the district, each duly certified by the clerk of the board of county commissioners, to be immediately filed for record in the office of the county recorder of each county in which any portion of such lands is situated. Certified copies thereof ~~{shall}~~ *must* also be filed with the county clerks of such counties.

3. Thereafter, the organization of the district ~~{shall be}~~ is complete.

Sec. 40. NRS 539.157 is hereby amended to read as follows:

539.157 1. ~~{The}~~ *Except as otherwise provided in section 1.7 of this act, the* board of directors must declare elected the person or persons having the highest number of votes given for each office.

2. The secretary shall immediately make out and deliver to such person or persons a certificate of election ~~{}~~ signed by the secretary and authenticated with the seal of the board ~~{}~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the secretary shall not make out and deliver a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 41. NRS 539.180 is hereby amended to read as follows:

539.180 1. Upon the ballot for the election there shall be printed verbatim, as set forth in the recall petition, the reason for demanding the recall of the director, and in not more than 200 words, if furnished by the director, the director's justification of his or her course in office.

2. If there are no other candidates nominated to be voted for at the special election, there shall be printed on the ballot the name of the director sought to be recalled, the office which he or she holds, and the words "For Recall" and "Against Recall."

3. ~~HF~~ *Except as otherwise provided in section 2 of this act, if* there are other candidates nominated for the office to be voted for at the special election, there shall be printed upon the ballot the name of the director sought to be recalled, and the office which he or she holds, and the name or names of such other candidates as may be nominated to be voted for at the special election, and the words "For Recall" and "Against Recall" shall be omitted.

4. In other respects the ballot shall conform with the requirements of the general election laws of this state.

Sec. 42. NRS 539.183 is hereby amended to read as follows:

539.183 1. ~~HF~~ *Except as otherwise provided in section 1.7 of this act, if* there are other candidates nominated to be voted for at the special election, the candidate who receives the highest number of votes at the special election shall be deemed elected for the remainder of the term, whether it is the person against whom the recall petition was filed or another.

2. If any director is recalled upon a special election and the other candidates are not nominated to be voted for at the special election, the vacancy thereby created shall be filled in the manner provided by law.

Sec. 43. Section 96 of the Charter of Boulder City is hereby amended to read as follows:

Section 96. Conduct of municipal elections.

1. All municipal elections must be nonpartisan in character and must be conducted in accordance with the provisions of the general election laws of the State of Nevada and any ordinance regulations as adopted by the City Council which are consistent with law and this Charter. (1959 Charter)

2. All full terms of office in the City Council are 4 years, and Council Members must be elected at large without regard to precinct residency. Except as otherwise provided in subsection 8, two full-term Council Members and the Mayor are to be elected in each year immediately preceding a federal presidential election, and two full-term Council Members are to be elected in each year immediately following a federal presidential election. In each election, the candidates receiving the greatest number of votes must be declared elected to the vacant full-term positions ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the ineligible candidate must not be declared elected regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* (Add. 17; Amd. 1; 11-5-1996)

3. In the event one or more 2-year term positions on the Council will be available at the time of a municipal election as provided in

section 12, candidates must file specifically for such position(s). Candidates receiving the greatest respective number of votes must be declared elected to the respective available 2-year positions ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the ineligible candidate must not be declared elected regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* (Add. 15; Amd. 2; 6-4-1991)

4. Except as otherwise provided in subsection 8, a primary municipal election must be held on the first Tuesday after the first Monday in April of each odd-numbered year and a general municipal election must be held on the first Tuesday after the first Monday in June of each odd-numbered year.

5. A primary municipal election must not be held if no more than double the number of Council Members to be elected file as candidates. A primary municipal election must not be held for the office of Mayor if no more than two candidates file for that position. The primary municipal election must be held for the purpose of eliminating candidates in excess of a figure double the number of Council Members to be elected. (Add. 17; Amd. 1; 11-5-1996)

6. If, in the primary municipal election, a candidate receives votes equal to a majority of voters casting ballots in that election, ~~he or she~~ *the candidate* shall be considered elected to one of the vacancies and his or her name shall not be placed on the ballot for the general municipal election ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the ineligible candidate must not be considered elected regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* (Add. 10; Amd. 7; 6-2-1981)

7. In each primary and general municipal election, voters are entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the municipal elections. (Add. 11; Amd. 5; 6-7-1983)

8. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

9. If the City Council adopts an ordinance pursuant to subsection 8, the dates set forth in NRS 293.12755, ~~in subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~and in NRS~~, 293.166, 293.175, 293.177 ~~[] and 293.345 and [293.368]~~ *section 2 of this act* apply for the purposes of conducting the primary municipal elections and general municipal elections.

10. If the City Council adopts an ordinance pursuant to subsection 8, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

11. The conduct of all municipal elections must be under the control of the City Council, which shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter. Nothing in this Charter shall be construed as to deny or abridge the power of the City Council to provide for supplemental regulations for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud. (Add. 24; Amd. 1; 6-3-2003)

Sec. 44. Section 5.010 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as last amended by chapter 263, Statutes of Nevada 2013, at page 1182, is hereby amended to read as follows:

Sec. 5.010 Municipal elections.

1. Except as otherwise provided in subsection 2:

(a) On the first Tuesday after the first Monday in June 1973, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and one Council Member who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(b) On the first Tuesday after the first Monday in June 1975, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(c) On the first Tuesday after the first Monday in June 1975, there shall be elected by the qualified voters of the City at a general municipal election to be held for that purpose one Council Member who shall hold office for a period of 2 years and until his or her successor has been elected and qualified.

(d) On the first Tuesday after the first Monday in June 1977, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, ~~in subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~[and in NRS]~~ , 293.166, 293.175, 293.177 ~~[,]~~ and 293.345 and ~~[293.368]~~ section 2 of this act apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

Sec. 45. Section 5.050 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1728, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~[The full names of all candidates, except those]~~ *Except for candidates who have withdrawn ~~[, died]~~ pursuant to the election laws of this State or who are or become ineligible ~~[,]~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 46. Section 5.100 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 185, Statutes of Nevada 2007, at page 627, 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 municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the City Council.

2. The City Council shall meet within 6 working days after any election and canvass the returns and declare the result. The election returns shall then be sealed and kept by the City Clerk for 6 months, and no person shall 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 ~~[,]~~ , *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City*

Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void. The officers ~~who~~ who are elected shall qualify and enter upon the discharge of their respective duties on the first Monday in July next following their election.

4. If any election should result 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 ~~to~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 47. Section 5.015 of the Charter of the City of Carlin, being chapter 493, Statutes of Nevada 2009, as amended by chapter 501, Statutes of Nevada 2011, at page 3310, is hereby amended to read as follows:

Sec. 5.015 Filing of declarations of candidacy.

~~{1-}~~ A candidate to be voted for at the general election must file a declaration of candidacy with the City Clerk as provided by the election laws of this State. 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 City Council by ordinance or resolution.

~~{2- If, due to the death or ineligibility of or withdrawal by a candidate, a vacancy occurs in a nomination after the close of filing and any applicable period for withdrawal of candidacy, the candidate's name must remain on the ballot for the general election and, if elected, a vacancy exists.}~~

Sec. 48. Section 5.040 of the Charter of the City of Carlin, being chapter 493, Statutes of Nevada 2009, at page 2937, is hereby amended to read as follows:

Sec. 5.040 Names on ballots.

1. ~~{The full names of all candidates, except those}~~ *Except for candidates who have withdrawn ~~and died~~ pursuant to the election laws of this State or who are or become ineligible ~~before the close of filing and any applicable period for withdrawal of candidacy,~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 49. Section 5.090 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as last amended by chapter 185, Statutes of Nevada 2007, at page 628, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person is permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board of Council Members.

2. The Board of Council Members shall meet on or before the sixth working day 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 shall have access thereto except on order of a court of competent jurisdiction or by order of the Board of Council Members.

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 ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers ~~[so]~~ who are elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:

(a) July next following their election for those officers elected in June 2007.

(b) January next following their election for those officers elected in November 2008 and November of every even-numbered year thereafter.

4. If any election should result in a tie, the Board of Council Members 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 ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 50. 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. *Except as otherwise provided in sections 1.7 and 2 of this act:*

(a) 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.}~~ (b) 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.

(c) 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. 51. Section 5.050 of the charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~{The full names of all candidates, except those}~~ *Except for candidates who have withdrawn ~~{died}~~ pursuant to the election laws of this State or who are or become ineligible ~~{}~~ candidates whose names must be removed from the ballot pursuant to section 2 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 52. Section 5.100 of the charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 189, Statutes of Nevada 1977, at page 354, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties.

1. The election returns from any special, primary or general municipal election shall be filed with the Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board.

2. The Board shall meet within 10 days after any election and canvass the returns and declare the result. The election returns shall then be sealed and kept by the Clerk for 6 months and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board.

3. The Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers ~~[so]~~ who are elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday in January next following their election.

Sec. 53. Section 5.040 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:

Sec. 5.040 Names on ballots.

1. ~~[The full names of all candidates, except those]~~ *Except for candidates who have withdrawn ~~[died]~~ pursuant to the election laws of this State or who are or become ineligible ~~[]~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 54. Section 5.090 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 231, Statutes of Nevada 2011, at page 1003, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from a municipal 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 the returns are canvassed by the City Council.

2. The City Council shall meet within 6 working days after an election and canvass the returns and declare the result. The election returns must be sealed and kept by the City Clerk for 2 years, 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 ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers ~~[-]~~ who are elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:

(a) If the officer is elected pursuant to subsection 1 or 2 of section 5.010, July next following his or her election.

(b) If the officer is elected pursuant to subsection 3 or 4 of section 5.010, January next following his or her election.

4. If any election should result 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 ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 55. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1214, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. Except as otherwise provided in section 5.020, a primary municipal election must be held on the Tuesday after the first Monday in April of each odd-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office must be voted upon by the registered voters of the City at large.

4. *Except as otherwise provided in sections 18.3 and 18.5 of this act:*

(a) If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election.

(b) If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at the second regular meeting of the City Council held in June of the year of the general municipal election.

Sec. 56. Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1215, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection 2:

(a) A general municipal election must be held in the City on the first Tuesday after the first Monday in June of each odd-numbered year, at which time the registered voters of the City shall elect city officers to fill the available elective positions.

(b) All candidates for the office of Mayor, Council Member and Municipal Judge must be voted upon by the registered voters of the City at large. The term of office for members of the City Council and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015, the term of office for a Municipal Judge is 6 years.

(c) On the Tuesday after the first Monday in June 2001, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 1 who will hold office until his or her successor has been elected and qualified.

(d) On the Tuesday after the first Monday in June 2003 and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who will hold office until his or her successor has been elected and qualified.

(e) On the Tuesday after the first Monday in June 2005, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his or her successor has been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, ~~in subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~[and in NRS]~~ , 293.166, 293.175, 293.177 ~~[,]~~ and 293.345 and ~~[293.368]~~ section 2 of this act apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

Sec. 57. Section 5.050 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~[The full names of all candidates, except those]~~ *Except for candidates who have withdrawn ~~[, died]~~ pursuant to the election laws of this State or who are or become ineligible ~~[,]~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 58. Section 5.100 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1216, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet at any time within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months. No person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person elected a certificate of election ~~[,]~~ , *except that if*

the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void. Except as otherwise provided in section 1.070, the officers ~~so~~ who are elected shall qualify and enter upon the discharge of their respective duties at the second regular meeting of the City Council held in June of the year of the general municipal election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election ~~to~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 59. Section 5.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 218, Statutes of Nevada 2011, at page 959, is hereby amended to read as follows:

Sec. 5.010 Primary municipal elections. Except as otherwise provided in section 5.020:

1. On the Tuesday after the first Monday in April 2001, and at each successive interval of 4 years, a primary municipal election must be held in the City at which time candidates for half of the offices of Council Member and for Municipal Judge, Department 2, must be nominated.

2. On the Tuesday after the first Monday in April 2003, and at each successive interval of 4 years, a primary municipal election must be held in the City at which time candidates for Mayor, for the other half of the offices of Council Member and for Municipal Judge, Department 1, must be nominated.

3. The candidates for Council Member who are to be nominated as provided in subsections 1 and 2 must be nominated and voted for separately according to the respective wards. The candidates from each even-numbered ward must be nominated as provided in subsection 1, and the candidates from each odd-numbered ward must be nominated as provided in subsection 2.

4. If the City Council has established an additional department or departments of the Municipal Court pursuant to section 4.010 and, as a result, more than one office of Municipal Judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

5. Each candidate for the municipal offices which are provided for in subsections 1, 2 and 4 must file a declaration of candidacy with the

City Clerk. All filing fees collected by the City Clerk must be paid into the City Treasury.

6. *Except as otherwise provided in sections 18.3 and 18.5 of this act:*

(a) If, in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, he or she must be declared elected for the term which commences on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made, and no general municipal election need be held for that office.

(b) If, in the primary municipal election, no candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.

Sec. 60. Section 5.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 263, Statutes of Nevada 2013, at page 1183, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection 2, a general municipal election must be held in the City on the Tuesday after the first Monday in June of each odd-numbered year and on the same day every 2 years thereafter, at which time there must be elected those officers whose offices are required to be filled by election in that year.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, ~~in subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~and in NRS~~, 293.166, 293.175, 293.177 ~~and 293.345 and 293.368~~ ~~section 2 of this act~~ apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

5. All candidates for elective office, except the office of Council Member, must be voted upon by the registered voters of the City at large.

Sec. 61. Section 5.050 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~[The full names of all of the candidates, except those]~~ *Except for candidates who have withdrawn ~~[died]~~ pursuant to the election laws of this State or who are or become ineligible ~~[]~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same name or names which are so similar as likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballots; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 62. Section 5.100 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 193, Statutes of Nevada 1991, at page 364, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; declaration of results; certificates of election; entry of officers upon duties; procedure for tied vote.

1. The returns of any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may be permitted to handle, inspect or in any manner interfere with those returns until they have been canvassed by the City Council.

2. The City Council shall meet within 10 days after any election, 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 to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person who is declared to be elected a certificate of election ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers who ~~[have been]~~ are elected shall qualify and enter upon the discharge of their respective duties on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made.

4. If the election for any office results in a tie, the City Council shall summon the candidates who received the equal number of votes and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election ~~[-]~~ , *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 63. Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 963, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Council Members must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Council Members will seek to represent. A candidate for the office of City Council Member shall include in his or her declaration of candidacy the number of the ward which he or she seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he or she seeks to represent.

2. Except as otherwise provided in section 5.025, a primary municipal election must be held on the Tuesday following the first Monday in April preceding the general municipal election, at which time there must be nominated candidates for offices to be voted for at the next general municipal election. In the primary municipal election:

(a) A candidate for the office of City Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.

3. Except as otherwise provided in ~~subsection 4,~~ *sections 18.3 and 18.5 of this act*, after the primary municipal election, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election ~~[-]~~

~~4. If,~~ *but, regardless of the number of candidates for an office, if one candidate receives a majority of the total votes cast for that office in the primary municipal election, he or she must be declared elected to that office and no general municipal election ~~need~~ must be held for that office.*

Sec. 64. Section 5.025 of the Charter of the City of North Las Vegas, being chapter 218, Statutes of Nevada 2011, as amended by chapter 263, Statutes of Nevada 2013, at page 1184, is hereby amended to read as follows:

Sec. 5.025 City Council authorized to provide for primary and general municipal elections in even-numbered years.

1. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

2. If the City Council adopts an ordinance pursuant to subsection 1, the dates set forth in NRS 293.12755, ~~in subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~and in NRS~~ , 293.166, 293.175, 293.177 ~~;~~ and 293.345 and ~~293.368~~ *section 2 of this act* apply for the purposes of conducting the primary municipal elections and general municipal elections.

3. If the City Council adopts an ordinance pursuant to subsection 1, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

Sec. 65. Section 5.050 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~[The full names of all candidates, except those]~~ *Except for candidates who have withdrawn ~~[-died]~~ pursuant to the election laws of this State or who are or become ineligible ~~[-]~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

3. In any election regulated by this Charter, the names of candidates as printed on the ballot shall not include any title, designation or other reference which will indicate the profession or occupation of such candidates.

Sec. 66. Section 5.080 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 465, Statutes of Nevada 1985, at page 1440, is hereby amended to read as follows:

Sec. 5.080 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election shall be filed with the City Clerk, who shall

immediately place the returns in a safe or vault, and no person may be permitted to handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet at any time within 16 days after any election and shall 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 ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers ~~[-]~~ who are elected shall qualify and enter upon the discharge of their respective duties on the 1st day of July next following their election.

4. If any election should result 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 ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 67. 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. *Except as otherwise provided in sections 18.3 and 18.5 of this act:*

(a) 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.}~~ (b) In the primary election:

~~{(a)}~~ (1) 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)}~~ (2) Candidates for Council Member who represent a specific ward must be voted upon only by the registered voters of that ward.

~~{(c)}~~ (3) Candidates for Mayor and Council Member at large must be voted upon by all registered voters of the City.

~~{4.}~~ 3. The Mayor and all Council Members must be voted upon by all registered voters of the City at the general election.

Sec. 68. Section 5.050 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~{The full names of all candidates, except those}~~ *Except for candidates who have withdrawn ~~{died}~~ pursuant to the election laws of this State or who are or become ineligible ~~{}~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 69. 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 [§], *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers who are 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 [§], *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 70. 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 sections 18.3 and 18.5 of this act, 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.*

Sec. 71. Section 5.050 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as amended by chapter 312, Statutes of Nevada 2003, at page 1731, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~{The full names of all candidates, except those}~~ *Except for candidates who have withdrawn ~~{died}~~ pursuant to the election laws of this State or who are or become ineligible ~~{}~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 72. 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 ~~{}~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers who are 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 ~~{-}~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 73. Section 5.015 of the Charter of the City of Wells, being chapter 493, Statutes of Nevada 2009, as amended by chapter 501, Statutes of Nevada 2011, at page 3310, is hereby amended to read as follows:

Sec. 5.015 Filing of declarations of candidacy.

~~{1-}~~ A candidate to be voted for at the general election must file a declaration of candidacy with the City Clerk as provided by the election laws of this State. 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 City Council by ordinance or resolution.

~~{2- If, due to the death or ineligibility of or withdrawal by a candidate, a vacancy occurs in a nomination after the close of filing and any applicable period for withdrawal of candidacy, the candidate's name must remain on the ballot for the general election and, if elected, a vacancy exists.}~~

Sec. 74. Section 5.040 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 493, Statutes of Nevada 2009, at page 2938, is hereby amended to read as follows:

Sec. 5.040 Names on ballots.

1. ~~{The full names of all candidates, except those}~~ *Except for candidates who have withdrawn ~~{-died}~~ pursuant to the election laws of this State or who are or become ineligible ~~{before the close of filing and any applicable period for withdrawal of candidacy,}~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 75. Section 5.090 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 185, Statutes of Nevada 2007, at page 629, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election must be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person is permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board of Council Members.

2. The Board of Council Members shall meet on or before the sixth working day 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 shall have access thereto except on order of a court of competent jurisdiction or by order of the Board of Council Members.

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 ~~{-}~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers ~~{so}~~ who are elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:

(a) July next following their election for those officers elected in June 2007 or 2009.

(b) January next following their election for those officers elected in November 2010 and every even-numbered year thereafter.

4. If any election should result in a tie, the Board of Council Members 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 ~~{-}~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 76. Section 5.010 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as last amended by chapter 263, Statutes of Nevada 2013, at page 1184, is hereby amended to read as follows:

Sec. 5.010 Municipal elections.

1. Except as otherwise provided in subsection 2:

(a) On the first Tuesday after the first Monday in June 1975, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held

for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(b) On the first Tuesday after the first Monday in June 1977, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, ~~in subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~[and in NRS]~~, 293.166, 293.175, 293.177 ~~[,]~~ and 293.345 and ~~[293.368]~~ *section 2 of this act* apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

Sec. 77. Section 5.040 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1731, is hereby amended to read as follows:

Sec. 5.040 Names on ballots.

1. ~~[The full names of all candidates, except those]~~ *Except for candidates who have withdrawn ~~[, died]~~ pursuant to the election laws of this State or who are or become ineligible ~~[,]~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 78. Section 5.090 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 913, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such 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 results. The election returns shall then be sealed and kept by the City Clerk for 6 months, and no person shall 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 ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers ~~[-so]~~ who are elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday in July next following their election.

4. If any election should result 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 ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 79. Section 7 of the Moapa Valley Water District Act, being chapter 477, Statutes of Nevada 1983, as last amended by chapter 28, Statutes of Nevada 2011, at page 93, is hereby amended to read as follows:

Sec. 7. 1. Unless otherwise required for purposes of an election to incur an indebtedness, the Registrar of Voters of Clark County shall conduct, supervise and, by ordinance, regulate all district elections in accordance, as nearly as practicable, with the general election laws of the State, including, but not limited to, laws relating to the time of opening and closing of polls, the manner of conducting the election, the canvassing, announcement and certification of results, and the preparation and disposition of ballots.

2. A candidate for election to the Board shall file a declaration of candidacy with the Registrar of Voters of Clark County. The declaration of candidacy must be filed not earlier than the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March of that year. Timely filing of such a declaration is a prerequisite to election.

3. Each member of the Board must be elected by a plurality of the registered voters voting in the election area which the member represents. ~~[[H]]~~ *Except as otherwise provided in section 1.7 of this act, if* there are two seats upon the Board to be filled at the same election, each of which represents the same election area, the two candidates therefor receiving the highest number of votes, respectively, are elected.

4. If a member of the Board is unopposed in seeking reelection, the Board may declare that member elected without a formal election, but that member must not participate in the declaration.

5. If no person files candidacy for election to a particular seat upon the Board, the seat must be filled in the manner of filling a vacancy.

Sec. 80. Section 8 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, as last amended by chapter 353, Statutes of Nevada 2013, at page 1850, is hereby amended to read as follows:

Sec. 8. 1. Unless otherwise required for purposes of an election to incur an indebtedness, the Registrar of Voters of Clark County shall conduct, supervise and, by ordinance, regulate all district elections in accordance, as nearly as practicable, with the general election laws of this state, including, but not limited to, laws relating to the time of opening and closing of polls, the manner of conducting the election, the canvassing, announcement and certification of results and the preparation and disposition of ballots.

2. Each candidate for election to the Board must file a declaration of candidacy with the Registrar of Voters not earlier than the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March. Timely filing of such declaration is a prerequisite to election.

3. ~~[[H]]~~ *Except as otherwise provided in section 1.7 of this act, if* the Board establishes various election areas within the District and there are two or more seats upon the Board to be filled at the same election, each of which represents the same election area, the two candidates therefor receiving the highest number of votes, respectively, are elected.

4. If a member of the Board is unopposed in seeking reelection, the Board may declare that member elected without a formal election, but that member may not participate in the declaration.

5. If no person files candidacy for election to a particular seat upon the Board, the seat must be filled in the manner provided in subsection 3 of section 7 of this act for filling a vacancy.

Sec. 81. 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. 82. NRS 293.302, 293.368, 293C.291 and 293C.370 are hereby repealed.

Sec. 83. 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.

LEADLINES OF REPEALED SECTIONS

293.302 Posting of notice of death of candidate at polling place.

293.368 Counting of votes cast for deceased candidate.

293C.291 Posting of notice of death of candidate at polling place.

293C.370 Counting of votes cast for deceased candidate.

Senator Farley moved the adoption of the amendment.

Remarks by Senator Farley.

Amendment No. 776 to Assembly Bill No. 177 removes language that would have established a category E felony for a candidate who includes a false statement on his or her declaration of candidacy form. The amendment: returns the penalty to the existing gross misdemeanor violation and restores existing NRS language that requires a candidate or appointee to the Legislature reside in the State for one year. The bill still clarifies that this one-year requirement is for residency "immediately preceding" the person's election or appointment; and restores existing NRS language regarding the timeframe by which an elector may file with the filing officer a written challenge of a candidate's qualifications.

Amendment adopted.

Senator Ford moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 12:46 p.m.

SENATE IN SESSION

At 12:48

President Hutchison presiding.

Quorum present.

The following Amendment was proposed by Senator Harris.

Amendment No. 1019.

SUMMARY—Revises provisions governing elections. (BDR 24-627)

AN ACT relating to elections; prohibiting the name of an ineligible candidate from appearing on the ballot unless the period for changing the ballot has elapsed; providing certain remedies and penalties in pre-election challenges to the qualifications of a candidate; prohibiting the filling of a vacancy in a nomination for office under certain circumstances; amending certain residency requirements for candidates; revising provisions governing the filing of a declaration or acceptance of candidacy; increasing the penalty for a candidate who files certain documents containing a false statement; requiring certain proofs of identity and residency when filing for candidacy; changing the deadline for an elector to file certain preelection challenges to the qualifications of a candidate; providing that a vote cast for an ineligible candidate is a nullity and void for the purposes of determining the outcome

of an election; prohibiting an ineligible candidate from demanding a recount, filing a contest of election or receiving a certificate of election; making conforming changes to the definition of "actual residence" for purposes of candidacy; revising requirements for disclosures on certain electioneering communications; making various other changes relating to elections; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under certain circumstances, existing law sets forth procedures for filling a vacancy in a nomination for a nonpartisan or partisan office, except that no changes may be made to the ballot after a statutorily-prescribed date preceding any general election. If, after that date, a vacancy occurs in a nomination, the nominee's name must remain on the ballot for the general election and, if that person is elected, a vacancy in the office exists. (NRS 293.165, 293.166, 293.368, 293C.190, 293C.370) Further, under existing law, if a candidate whose name appears on a ballot is disqualified from entering upon the duties of an office or dies after the deadline for making changes to the ballot has passed, the Secretary of State and local election officials are required to post a sign at each polling place where the person's name will appear on the ballot notifying voters of the candidate's disqualification or death. (NRS 293.184, 293.302, 293C.1865, 293C.291)

This bill revises the legal rules, standards and procedures that apply to a person who is or becomes an ineligible candidate during an election. Section 1.5 of this bill defines the term "ineligible candidate" to mean a person who is a candidate for any office and who: (1) dies; (2) is adjudicated insane or mentally incompetent; (3) fails to meet any qualification required for the office; or (4) is found by a court to be disqualified from entering upon the duties of the office.

In the absence of a statute prescribing a different rule, the general rule under the common law is that the votes cast for a deceased, disqualified or ineligible candidate are not treated as void but are counted in determining the outcome of the election with regard to the other candidates, which renders the election nugatory and prevents the election of the candidate who receives the next highest number of votes. (*Ingersoll v. Lamb*, 75 Nev. 1, 4 (1959)) Sections 1.7, 15, 18.3 and 26 of this bill abrogate the common-law rule and provide that any vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of the election. Sections 1.8 and 17.4-17.9 of this bill also provide that an ineligible candidate may not demand or receive a recount of the vote at the election or contest the results of the election.

Sections 2 and 18.5 of this bill provide that the name of an ineligible candidate must not appear on the ballot at any election unless the period for making changes on the ballot has elapsed. If the period has elapsed, local election officials must provide notice to the voters at each affected polling place, on or near each mechanical voting device and on or with each paper ballot and absent ballot that the ineligible candidate is not eligible to take

office and that any vote cast for the ineligible candidate will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.

Under existing law, there are several different types of preelection court actions that may be brought to challenge a candidate on grounds that the candidate fails to meet any qualification required for the office, including actions for a declaratory judgment or a writ of mandamus. (NRS 281.050, 293.182, 293C.186; *DeStefano v. Berkus*, 121 Nev. 627, 628-31 (2005); *Child v. Lomax*, 124 Nev. 600, 604-05 (2008)) Section 2.5 of this bill provides that in any preelection action where the court finds that a candidate fails to meet any qualification required for the office: (1) the candidate becomes an ineligible candidate and local election officials must take appropriate action to remove the candidate's name from the ballot or provide the required notice to voters; (2) the candidate is disqualified from taking office; and (3) the court may order the candidate to pay the attorney's fees and costs of the party who brought the action, including the Attorney General or a district attorney or city attorney.

Under existing law, certain state and local officials must issue a certificate of election to the candidate receiving the highest number of votes for an office as official recognition of the candidate's election to the office. (NRS 4.020, 218A.210, 245.010, 258.010, 267.050, 283.130, 293.034, 293.393-293.397, 293.435, 293C.387, 293C.395, 386.260, 539.157; Caliente City Charter 5.100; Carlin City Charter 5.090; Carson City Charter 5.100; Elko City Charter 5.090; Henderson City Charter 5.100; Las Vegas City Charter 5.100; North Las Vegas City Charter 5.080; Reno City Charter 5.100; Sparks City Charter 5.100; Wells City Charter 5.090; Yerington City Charter 5.090) Sections 3.7, 17.1-17.3, 17.9, 28-28.4, 29.1, 29.5, 29.6, 29.8, 31, 36, 40, 46, 49, 52, 54, 58, 62, 66, 69, 72, 75 and 78 of this bill provide that if the name of an ineligible candidate could not be removed from the ballot, a certificate of election must not be issued to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

Existing law sets forth procedures for filling certain vacancies in a nomination for a nonpartisan or partisan office that occur before a statutorily-prescribed date preceding any general election. (NRS 293.165, 293.166, 293C.190) Section 3 of this bill prohibits a vacancy in a nomination for a partisan office from being filled if the vacancy occurs because the candidate fails to meet any qualification required for the office or is found by a court to be disqualified from taking office, except that the prohibition does not apply to such a vacancy occurring before certain special elections. If a vacancy in a nomination for a nonpartisan or partisan office occurs for certain other reasons, sections 4, 4.5 and 22.5 of this bill allow such a vacancy to be filled in the manner provided by existing law before the statutorily-prescribed date preceding the general election.

Under existing law, the Legislature may enact statutory qualifications to be a candidate for an elective office which are in addition to any constitutional qualifications required for the office. (*Mengelkamp v. List*, 88 Nev. 542, 544-45 (1972); *Riter v. Douglass*, 32 Nev. 400, 435-36 (1910)) Such additional statutory qualifications may include residency requirements, and both the United States Supreme Court and the Nevada Supreme Court have upheld residency requirements that require a candidate to be a state resident for 2 or more years. (*Clements v. Fashing*, 457 U.S. 957, 967-68 (1982) (explaining that the Court upheld New Hampshire's 7-year state residency requirement for gubernatorial candidates when it summarily affirmed the lower court's decision in *Chimento v. Stark*, 353 F. Supp. 1211 (D.N.H. 1973), *summarily aff'd*, 414 U.S. 802 (1973)); *Schaefer v. Eighth Jud. Dist. Ct.*, No. 65361 (Nev. Apr. 14, 2014) (upholding Nevada's 2-year state residency requirement for State Controller candidates in NRS 227.010))

Existing law sets forth certain residency requirements for candidates. In particular, a candidate must actually, as opposed to constructively, reside in the district to which the office pertains for at least 30 days preceding the date of the close of filing for candidacy. (NRS 293.1755, 293C.200) Additionally, a candidate for election or appointment to the Legislature must be an actual, as opposed to constructive, resident of this State for 1 year preceding the person's election or appointment. (NRS 218A.200) Sections 6 and 23 of this bill provide that all candidates must be an actual resident of the district to which the office pertains for at least 180 days preceding the date of the close of filing for a candidacy. Section 29 of this bill requires that a candidate for election or appointment to the Legislature be an actual resident of this State for 2 years preceding the person's election or appointment.

Existing law: (1) requires a candidate to file a declaration or acceptance of candidacy before his or her name may appear on a ballot; and (2) provides that a candidate who knowingly and willfully files a declaration or acceptance of candidacy which contains a false statement regarding residency is guilty of a gross misdemeanor. (NRS 293.1755, 293.177, 293C.185, 293C.200) Sections 6, 7, 20 and 23 of this bill provide that a candidate who knowingly and willfully files a declaration or acceptance of candidacy which contains a false statement is guilty of a category E felony.

Existing law requires a candidate for election or appointment to the Legislature to meet certain qualifications for the office. (NRS 218A.200) A candidate for election to the Legislature must also file a declaration of residency with his or her declaration or acceptance of candidacy. (NRS 293.181) Sections 8 and 29 of this bill provide that any such candidate who knowingly and willfully files a declaration or acceptance of candidacy, a declaration of residency or an application for appointment which contains a false statement is guilty of a category E felony.

Under existing law, a person who receives a certificate of election or appointment to office as a Legislator must take and subscribe to the official oath before taking office. (NRS 218A.220) Section 29.2 of this bill prohibits

a person from taking and subscribing to the official oath as a Legislator if, after the person files a declaration or acceptance of candidacy and on or before the date of the general election, a court finds that the person is an ineligible candidate because the person fails to meet any qualification required for the office.

Before the Assembly meets for each regular session, existing law requires the Secretary of State to make out a roll from the election returns of the persons who received the highest number of votes to be elected as members of the Assembly, and the members whose names appear upon the roll must be allowed to participate in the organization of the Assembly. (NRS 218A.400) Section 29.4 of this bill provides that if the name of an ineligible candidate for office as a member of the Assembly could not be removed from the ballot, the Secretary of State shall not include the ineligible candidate upon the roll of the persons elected as members of the Assembly and the name of the ineligible candidate must not appear upon the roll regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

Existing law authorizes an elector to file a written challenge to a candidate's qualifications not later than 5 working days after the last day for the candidate to formally withdraw his or her candidacy. Depending on the state or local office being sought by the candidate, the Attorney General or the appropriate district attorney or city attorney must review the challenge and, if he or she determines that probable cause exists to support the challenge, must bring a preelection court action challenging the candidate's qualifications within a statutorily-prescribed period. (NRS 293.182, 293C.186; *Williams v. Clark County Dist. Att'y*, 118 Nev. 473, 477-79 (2002) (interpreting NRS 293.182 to permit an elector to file a written challenge not later than 5 working days after the last day for the candidate to formally withdraw his or her candidacy)) Sections 9 and 21 of this bill change the deadline for an elector to file such a written challenge to the last Monday immediately preceding the first day of early voting for any general election.

Existing law requires printed electioneering communications, such as campaign signs or political advertising distributed by mail, to contain disclosures providing certain information about the person or organization that paid for the communications. (NRS 294A.347, 294A.348) Sections 28.21 and 28.22 of this bill specify minimum font sizes and certain typeface requirements for such disclosures appearing on printed electioneering communications.

Existing law defines the term "actual residence" to mean the place where a candidate is legally domiciled and maintains a permanent habitation, and when a candidate maintains more than one place of permanent habitation, the place designated by the candidate as his or her principal permanent habitation is deemed to be the candidate's actual residence. (NRS 281.050) The Nevada Supreme Court has held that the place designated by the candidate as his or her principal permanent habitation must be the place where the candidate

actually resides and is legally domiciled in order for the candidate to be eligible to the office. (*Williams v. Clark County Dist. Att'y*, 118 Nev. 473, 484-86 (2002); *Chachas v. Miller*, 120 Nev. 51, 53-56 (2004)) Section 30 of this bill amends existing law to reflect the Supreme Court's holding.

The remaining sections of this bill make conforming changes to carry out the revisions to existing law.

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 1.5 to 3, inclusive, of this act.

Sec. 1.5. *"Ineligible candidate" means a person who is a candidate for any office and who:*

1. *Dies;*
2. *Is adjudicated insane or mentally incompetent;*
3. *Fails to meet any qualification required for the office pursuant to the Constitution or laws of this State; or*
4. *Is found by a court of competent jurisdiction to be disqualified from entering upon the duties of the office pursuant to the Constitution or laws of this State.*

Sec. 1.7. 1. *Notwithstanding any other provision of law, any vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of a primary election, general election or special election or any other election.*

2. *The provisions of this section are intended to abrogate any principle or rule of the common law to the contrary.*

Sec. 1.8. *A person who is or becomes an ineligible candidate may not:*

1. *Demand or receive a recount of the vote for the office for which he or she is an ineligible candidate pursuant to NRS 293.400 to 293.405, inclusive; or*

2. *Contest the election for the office for which he or she is an ineligible candidate pursuant to NRS 293.407 to 293.435, inclusive.*

Sec. 2. 1. *Except as otherwise provided in this section, the name of a person who is or becomes an ineligible candidate must not appear on the ballot at a primary election, general election or special election or any other election.*

2. *If a person is or becomes an ineligible candidate, the county clerk shall remove the name of the person from the ballot, except that no changes may be made on the ballot pursuant to this section for:*

(a) *A primary election after 5 p.m. on the first Monday in April of the year in which the primary election is held.*

(b) *A general election after 5 p.m. on the last Friday in July of the year in which the general election is held.*

(c) *A special election or any other election after 5 p.m. on the last day prescribed by the Secretary of State or the county clerk, as applicable, for making changes on the ballot for that election.*

3. *If the period for making changes on the ballot has elapsed pursuant to this section and, for that reason, the county clerk cannot remove the name of the person who is or becomes an ineligible candidate from the ballot, the county clerk shall:*

(a) At each polling place where the person's name will appear on the ballot, including, without limitation, a polling place for early voting:

(1) Post a sign informing voters that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election;

(2) Place a notice on or near each mechanical recording device informing a voter who uses the device that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election; and

(3) If paper ballots are used, include a notice on or with each paper ballot informing a voter who uses the paper ballot that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election; and

(b) If the absent ballots have not been distributed by the county clerk, include a notice on or with each absent ballot informing a voter who uses the absent ballot that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.

Sec. 2.5. 1. *In addition to any other remedy or penalty provided by law, if a court of competent jurisdiction finds in any preelection action that a person who is a candidate for any office fails to meet any qualification required for the office pursuant to the Constitution or laws of this State:*

(a) The person is an ineligible candidate, and the county clerk or city clerk, as applicable, shall take appropriate action regarding the ineligible candidate pursuant to section 2 or 18.5 of this act;

(b) The person is disqualified from entering upon the duties of the office for which he or she filed a declaration of candidacy or acceptance of candidacy; and

(c) The court may order the person to pay the reasonable attorney's fees and costs of the party who brought the action, including, without limitation, the Attorney General or a district attorney or city attorney.

2. *The provisions of this section apply to any preelection action brought to challenge a person who is a candidate for any office on the grounds that the person is an ineligible candidate because the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State, including, without limitation, any action brought pursuant to NRS 281.050, 293.182 or 293C.186 or any action brought for:*

- (a) *Declaratory or injunctive relief pursuant to chapter 30 or 33 of NRS;*
- (b) *Writ relief pursuant to chapter 34 of NRS; or*
- (c) *Any other legal or equitable relief.*

Sec. 3. 1. *Except as otherwise provided in this section, a vacancy occurring in a major or minor political party nomination for a partisan office may not be filled by the party if the vacancy occurs because the candidate who is the party's nominee:*

- (a) *Fails to meet any qualification required for the office pursuant to the Constitution or laws of this State; or*
- (b) *Is found by a court of competent jurisdiction to be disqualified from entering upon the duties of the office pursuant to the Constitution or laws of this State.*

2. *The provisions of this section do not apply to a vacancy occurring in a major or minor political party nomination for a partisan office at a special election if no primary election is held to choose the candidate who is the party's nominee before the special election.*

Sec. 3.5. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, and section 1.5 of this act have the meanings ascribed to them in those sections.

Sec. 3.7. NRS 293.034 is hereby amended to read as follows:

293.034 "Certificate of election" means a certificate prepared by the county or city clerk or Governor, as the case may be, for the person having the highest number of votes for any district, county, township, city, state or statewide office as official recognition of the person's election to office [—], *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 or 18.5 of this act, such a certificate must not be prepared for the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 3.8. NRS 293.042 is hereby amended to read as follows:

293.042 "Contest" means an adversary proceeding between a candidate for a public office who has received the greatest number of votes and any other candidate for that office or, in certain cases, any registered voter of the appropriate political subdivision, for the purpose of determining the validity of an election [—], *except that a person who is or becomes an ineligible candidate may not contest the election for the office for which he or she is an ineligible candidate pursuant to section 1.8 of this act.*

Sec. 4. NRS 293.165 is hereby amended to read as follows:

293.165 1. ~~Except as otherwise provided in NRS 293.166, a vacancy occurring in a major or minor political party nomination for a partisan office 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 and 5.~~

~~—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 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.~~

~~{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 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 by a candidate designated by the party central committee of the county or State, as the case may be, of the major 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. No}~~

2. Except as otherwise provided in section 2 of this act, no change in a nomination for a nonpartisan office may be made on the ballot for the general election after 5 p.m. on the fourth Friday in June of the year in which the general election is held ~~[If,]~~ , and no vacancy in a nomination for a nonpartisan office may be filled 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. All designations provided for in this section must be filed on or before 5 p.m. on the fourth Friday in June 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. 4.5. NRS 293.166 is hereby amended to read as follows:

293.166 1. *Except as otherwise provided in this section and sections 2 and 3 of this act:*

(a) A vacancy occurring in a major or minor political party nomination for a partisan office, other than an office described in paragraph (b), may be filled by a candidate who is designated by:

(1) The party central committee of the county or State, as the case may be, of the major political party; or

(2) *The executive committee of the minor political party.*

(b) A vacancy occurring in a *major political* party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county 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 *major political* party nomination for ~~the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county]~~ *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 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 vacancy may not be filled pursuant to the provisions of subsection 1, and the nominee's name must* ~~[remain on]~~ *be removed from the ballot for the general election .* ~~[and, if elected, a vacancy exists.]~~

3. ~~[No]~~ *Except as otherwise provided in sections 2 and 3 of this act, no change in a major or minor political party nomination for a partisan office may be made on the ballot for the general election after 5 p.m. on the fourth Friday in June of the year in which the general election is held* ~~[. If.]~~ , *and no vacancy in a major or minor political party nomination for a partisan office may be filled 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]~~ *candidate to fill a vacancy* pursuant to this section must be filed ~~[with the Secretary of State]~~ on or before 5 p.m. on the fourth Friday in June of the year in which the general election is held, and the statutory filing fee must be paid ~~[with]~~ *and an acceptance of the designation* ~~[.] must be filed on or before 5 p.m. on the date the designation is filed.~~

Sec. 5. 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]~~ *Except as otherwise provided in sections 2 and 3 of this act, the names of the candidates for partisan office of a minor political party 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 of its candidates for partisan office pursuant to the provisions of NRS 293.1725 with the Secretary of State 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 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. A minor political party must file a copy of the petition required by paragraph (c) of subsection 2 with the Secretary of State before the petition may be circulated for signatures.

Sec. 6. NRS 293.1755 is hereby amended to read as follows:

293.1755 1. In addition to any other requirement provided by law, no person may be a candidate for any office unless, for at least the ~~{30}~~ 180 days immediately preceding the date of the close of filing of declarations of candidacy or acceptances of candidacy for the office which the person seeks, the person has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the State, district, county, township or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or will represent.

2. Any person who knowingly and willfully files ~~[an acceptance of candidacy or]~~ *a declaration of candidacy or acceptance of candidacy* which

contains a false statement ~~[in this respect]~~ regarding the person's residency in violation of this section is guilty of a ~~[gross misdemeanor]~~.

~~3. The provisions of this section do not apply to candidates for the office of district attorney.] category E felony and shall be punished as provided in NRS 193.130.~~

Sec. 7. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, 293.166 and section 2 of this act, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held ~~[not]~~ and not 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 ~~[not]~~ and not 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:

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 accordance with NRS 281.050, 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]~~ 180 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 nonpartisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence, *in accordance with NRS 281.050*, 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~~ 180 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 ~~[-] the candidate fails to comply with the following:~~

(a) The *candidate shall not list the candidate's address* ~~[is listed]~~ as a post office box unless a street address has not been assigned to his or her residence; ~~[-] and~~

(b) The candidate ~~[does not]~~ *shall* 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; ~~[-] and~~

(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 , ~~[-]~~ driver's license or identification card number *or account 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}~~ *Secretary of State* 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,}~~ *does not meet any qualification required for the office pursuant to the Constitution or laws of this State*, the ~~{filing officer}~~ *Secretary of State* shall:

(a) ~~{May conduct}~~ *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,}~~ *is eligible to hold the office*; and

(b) ~~{Shall transmit}~~ *Transmit* the credible evidence and the findings from such investigation to ~~{the}~~ :

(1) *The Attorney General* ~~{}~~ if the filing officer *for the candidate* is the Secretary of State ~~{, or to the}~~ ; or

(2) *The appropriate district attorney* ~~{}~~ if the filing officer *for the candidate* 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.}~~

8. *Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.*

Sec. 8. NRS 293.181 is hereby amended to read as follows:

293.181 1. A candidate for the office of State Senator, Assemblyman or Assemblywoman must execute and file with his or her declaration of candidacy or acceptance of candidacy a declaration of residency which must be in substantially the following form:

I, the undersigned, do swear or affirm under penalty of perjury that , ~~{I have been a citizen resident of this State}~~ as required by NRS 218A.200 ~~{and}~~ , *I will* have actually, as opposed to constructively, *been a citizen resident of this State and* resided at the following residence or residences ~~{since November 1 of the preceding year,}~~ , *in accordance with NRS 281.050, for the period of 1 year immediately preceding the date of the general election:*

..... Street Address	 Street Address
..... City or Town	 City or Town
..... State	 State
From..... To	From To
Dates of Residency	Dates of Residency
..... Street Address	 Street Address
..... City or Town	 City or Town
..... State	 State
From..... To	From To
Dates of Residency	Dates of Residency

(Attach additional sheet or sheets of residences as necessary)

2. Each address of a candidate which must be included in the declaration of residency pursuant to subsection 1 must be the street address of the residence where the candidate actually, as opposed to constructively, resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of residency must not be accepted for filing if any of the candidate's addresses are listed as a post office box unless a street address has not been assigned to the residence.

3. *Any person who knowingly and willfully files a declaration of residency which contains a false statement in violation of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.*

Sec. 9. NRS 293.182 is hereby amended to read as follows:

293.182 1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than 5 ~~[days after]~~ p.m. on the last ~~[day the person may withdraw his or her candidacy]~~ Monday immediately preceding the first day of the period of early voting by personal appearance for the general election pursuant to NRS ~~[293.202]~~ 293.3568, an elector may file with the filing officer for the office a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or ~~[a statute]~~ laws of this State . ~~[, including, without limitation, a requirement concerning age or residency.]~~ Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and ~~[court]~~ costs of the ~~[challenged person.]~~ *person who is being challenged.*

2. A challenge filed pursuant to subsection 1 must:

- (a) Indicate each qualification the person fails to meet;
- (b) Have attached all documentation and evidence supporting the challenge; and
- (c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1:

- (a) The Secretary of State shall immediately transmit the challenge to the Attorney General.
- (b) A filing officer other than the Secretary of State shall immediately transmit the challenge to the district attorney.

4. If the Attorney General or district attorney determines that probable cause exists to support the challenge, the Attorney General or district attorney shall, not later than 5 working days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the Constitution or ~~the statute~~ laws of this State, or if the person fails to appear at the hearing ~~:-~~

~~—(a) The name of the person must not appear on any ballot for the election for the office for which the person filed the declaration of candidacy or acceptance of candidacy; and~~

~~—(b) The~~ , the person is ~~[disqualified from entering upon the duties of the office for which he or she filed the declaration of candidacy or acceptance of candidacy.]~~ an ineligible candidate and is subject to the provisions of section 2.5 of this act.

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and ~~the court~~ costs of the ~~challenged person.~~ *person who was challenged.*

Sec. 10. NRS 293.184 is hereby amended to read as follows:

293.184 ~~[1-]~~ In addition to any other *remedy or* penalty provided by law, if a person *knowingly and* willfully files a declaration of candidacy or acceptance of candidacy ~~[knowing that the declaration of candidacy or acceptance of candidacy]~~ which contains a false statement:

~~[(a) Except as otherwise provided in NRS 293.165 and 293.166, the name of the person must not appear on any ballot for the election for which the person filed the declaration of candidacy or acceptance of candidacy; and~~

~~—(b)}~~ 1. *The person is an ineligible candidate, and the county clerk shall take appropriate action regarding the ineligible candidate pursuant to section 2 of this act; and*

2. The person is disqualified from entering upon the duties of the office for which he or she ~~was a candidate.~~

~~—2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election is disqualified because the deadline set forth in NRS 293.165 and 293.166 for making changes to the ballot has passed, the Secretary of State and county clerk must post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of office.] filed the declaration of candidacy or acceptance of candidacy.~~

Sec. 10.3. 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 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 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 Friday after the first Monday in March.

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]~~ *Except as otherwise provided in section 2 of this act, 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 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 in March. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Monday in March.

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. 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 ~~for~~ and not later than 5 p.m. on the second Friday after the first Monday in March.

Sec. 10.5. NRS 293.203 is hereby amended to read as follows:

293.203 Immediately upon receipt by the county clerk of the certified list of candidates from the Secretary of State, the county clerk shall publish a notice of primary election or general election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.

4. The names of the candidates ~~{ }~~ and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, a statement that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.

5. A list of the offices to which the candidates seek nomination or election.

➔ The notice required for a general election pursuant to this section may be published in conjunction with the notice required for a proposed constitution, constitutional amendment or statewide measure pursuant to NRS 293.253. If the notices are combined in this manner, they must be published three times in accordance with subsection 3 of NRS 293.253.

Sec. 11. 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 at his or her polling place 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 be informed:
 - (a) If a candidate is or becomes an ineligible candidate; and
 - (b) That any vote cast for an ineligible candidate will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.
11. To have a uniform, statewide standard for counting and recounting all votes accurately.
- ~~{ }~~ 12. To have complaints about elections and election contests resolved fairly, accurately and efficiently.

Sec. 11.5. 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]~~ *Except as otherwise provided in section 2 of this act, 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 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.

Sec. 12. NRS 293.260 is hereby amended to read as follows:

293.260 *Except as otherwise provided in sections 1.7 and 2 of this act:*

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}~~ 1 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 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. 12.2. 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 must appear at the top of the ballot. Except as otherwise provided in NRS 293.2565, *and section 2 of this act*, 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.

Sec. 12.3. NRS 293.265 is hereby amended to read as follows:

293.265 On nonpartisan primary ballots, there must appear at the top of the ballot the designation "Nonpartisan Offices." Except as otherwise provided in NRS 293.2565, *and section 2 of this act*, following this designation must appear the names of candidates grouped alphabetically under the title and length of term of the nonpartisan office for which those candidates filed.

Sec. 12.4. NRS 293.267 is hereby amended to read as follows:

293.267 1. ~~[Ballots]~~ *Except as otherwise provided in section 2 of this act*, 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, *and section 2 of this act*, 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.

Sec. 12.6. NRS 293.268 is hereby amended to read as follows:

293.268 ~~[The]~~ *Except as otherwise provided in section 2 of this act, the offices for which there are candidates, the names of the candidates therefor, and the questions to be voted upon must be printed on ballots in the following order:*

1. President and Vice President of the United States.
2. United States Senator and Representative in Congress, in that sequence.
3. Governor, Lieutenant Governor, Secretary of State, Treasurer, Controller and Attorney General, in that sequence.
4. State Senators and members of the Assembly.
5. County and township partisan offices.
6. Statewide nonpartisan offices.
7. District nonpartisan offices.
8. County nonpartisan offices.
9. City offices:
 - (a) Mayor;
 - (b) Council members according to ward in numerical order, if no wards, in alphabetical order; and
 - (c) Municipal judges.
10. Township nonpartisan offices.
11. Questions presented to the voters of the State with advisory questions listed in consecutive order after any other questions presented to the voters of the State.

12. Questions presented only to the voters of a special district or political subdivision of the State with advisory questions listed in consecutive order after any other questions presented only to the voters of a special district or political subdivision of the State.

Sec. 12.7. NRS 293.269 is hereby amended to read as follows:

293.269 1. Every ballot upon which appears the names of candidates for any statewide office or for President and Vice President of the United States shall contain for each office an additional line equivalent to the lines on which the candidates' names appear and placed at the end of the group of lines containing the names of the candidates for that office. Each additional line shall contain a square in which the voter may express a choice of that line in the same manner as the voter would express a choice of a candidate, and the line shall read "None of these candidates."

2. ~~Only~~ Except as otherwise provided in section 1.7 of this act, only votes cast for the named candidates shall be counted in determining nomination or election to any statewide office or presidential nominations or the selection of presidential electors, but for each office the number of ballots on which the additional line was chosen shall be listed following the names of the candidates and the number of their votes in every posting, abstract and proclamation of the results of the election.

3. Every sample ballot or other instruction to voters prescribed or approved by the Secretary of State shall clearly explain that the voter may mark the choice of the line "None of these candidates" only if the voter has not voted for any candidate for the office.

Sec. 13. (Deleted by amendment.)

Sec. 14. NRS 293.367 is hereby amended to read as follows:

293.367 1. The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.

2. The regulations for counting ballots must include provisions that:

(a) *A vote cast for an ineligible candidate does not invalidate any other votes properly marked on that ballot.*

(b) *An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.*

~~((b))~~ (c) *A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.*

~~((e))~~ (d) *Only devices provided for in this chapter or chapter 293B of NRS may be used in marking ballots.*

~~((d))~~ (e) *It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.*

~~[(e)]~~ (f) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

Sec. 15. NRS 293.3677 is hereby amended to read as follows:

293.3677 1. When counting a vote in an election ~~[-if-]~~ :

(a) *If more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.*

(b) *A vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of the election.*

2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

3. The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 16. NRS 293.370 is hereby amended to read as follows:

293.370 1. When all the votes have been counted ~~[-]~~ *in the manner provided in NRS 293.3677*, the counting board officers shall enter on the tally lists by the name of each candidate the number of votes the candidate received ~~[-]~~ *and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the number of votes the ineligible candidate received that are a nullity and void.* The vote for and against any question submitted to the electors must be entered in the same manner.

2. The tally lists must show the number of votes, other than absentee votes and votes in a mailing precinct, which each candidate received in each precinct at:

(a) A primary election held in an even-numbered year; or

(b) A general election.

Sec. 17. NRS 293.387 is hereby amended to read as follows:

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

2. In making its canvass, the board shall:

(a) Note separately any clerical errors discovered; and

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

3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate ~~[-]~~ *and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the number of votes cast for the ineligible candidate that are a nullity and void.* The board, after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

(a) A copy of the certified abstract; and

(b) A mechanized report of the abstract in compliance with regulations adopted by the Secretary of State,
➡ and transmit them to the Secretary of State not more than 7 working days after the election.

4. The Secretary of State shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. The Secretary of State shall make out and file in his or her office an abstract thereof, *which must contain the number of votes cast for each candidate and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the number of votes cast for the ineligible candidate that are a nullity and void,* 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.

Sec. 17.1. NRS 293.393 is hereby amended to read as follows:

293.393 1. On or before the sixth 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 ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the county clerk shall not make out a certificate of election to the ineligible candidate*

regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

4. Each certificate must be delivered to the person elected upon application at the office of the county clerk.

Sec. 17.2. NRS 293.395 is hereby amended to read as follows:

293.395 1. The board of county commissioners, after making the abstract of votes as provided in NRS 293.393, 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 that abstract in compliance with regulations adopted by the Secretary of State,

➤ and forthwith transmit them to the Secretary of State.

2. On the fourth Tuesday of November after each general election, the justices of the Supreme Court, or a majority thereof, shall meet with the Secretary of State, and shall open and canvass the vote for the number of presidential electors to which this State may be entitled, United States Senator, Representative in Congress, members of the Legislature, state officers who are elected statewide or by district, district judges, or district officers whose districts include area in more than one county and for and against any question submitted.

3. The Governor shall issue certificates of election to and commission the persons having the highest number of votes and shall issue proclamations declaring the election of those persons ~~{ }~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the Governor shall not issue a certificate of election to, commission or issue a proclamation declaring the election of the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 17.3. NRS 293.397 is hereby amended to read as follows:

293.397 ~~{A}~~

1. *Except as otherwise provided in this section, a certificate of election or commission must not be withheld from the person having the highest number of votes for the office because of any contest of election filed in the election or any defect or informality in the returns of any election, if it can be ascertained with reasonable certainty from the returns what office is intended and who is entitled to the certificate or commission.*

2. *If the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, a certificate of election or commission must not be issued or given to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 17.4. NRS 293.400 is hereby amended to read as follows:

293.400 1. ~~{F}~~ *Except as otherwise provided in section 1.7 of this act, if, after the completion of the canvass of the returns of any election, two or more persons receive an equal number of votes, which is sufficient for the*

election of one or more but fewer than all of them to the office, the person or persons elected must be determined as follows:

(a) In a general election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Legislature shall, by joint vote of both houses, elect one of those persons to fill the office.

(b) In a primary election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Secretary of State shall summon the candidates who have received the tie votes to appear before the Secretary of State at a time and place designated by the Secretary of State and the Secretary of State shall determine the tie by lot. If the tie vote is for the office of Secretary of State, the Governor shall perform these duties.

(c) For any office of a county, township, incorporated city, city organized under a special charter where the charter is silent as to determination of a tie vote, or district which is wholly located within one county, the county clerk shall summon the candidates who have received the tie votes to appear before the county clerk at a time and place designated by the county clerk and determine the tie by lot. If the tie vote is for the office of county clerk, the board of county commissioners shall perform these duties.

2. The summons mentioned in this section must be mailed to the address of the candidate as it appears upon the candidate's declaration of candidacy at least 5 days before the day fixed for the determination of the tie vote and must contain the time and place where the determination will take place.

3. The right to a recount extends to all candidates in case of a tie ~~[T]~~, *except for ineligible candidates.*

Sec. 17.5. NRS 293.403 is hereby amended to read as follows:

293.403 1. ~~[A]~~ *Except as otherwise provided in section 1.8 of this act,* a candidate defeated at any election may demand and receive a recount of the vote for the office for which he or she is a candidate to determine the number of votes received for the candidate and the number of votes received for the person who won the election if within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes the candidate who demands the recount:

(a) Files in writing a demand with the officer with whom the candidate filed his or her declaration of candidacy or acceptance of candidacy; and

(b) Deposits in advance the estimated costs of the recount with that officer.

2. Any voter at an election may demand and receive a recount of the vote for a ballot question if within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the voter:

(a) Files in writing a demand with:

(1) The Secretary of State, if the demand is for a recount of a ballot question affecting more than one county; or

(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one county or city; and

(b) Deposits in advance the estimated costs of the recount with the person to whom the demand was made.

3. The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the Secretary of State defining the term "costs."

4. As used in this section, "canvass" means:

(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate or ballot question voted for in more than one county.

(b) In any primary city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

(c) In any general election:

(1) The canvass by the Supreme Court of the returns for a candidate for a statewide office or a statewide ballot question; or

(2) The canvass of the board of county commissioners of the returns for any other candidate or ballot question, as provided in paragraph (a).

(d) In any general city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

Sec. 17.6. NRS 293.407 is hereby amended to read as follows:

293.407 1. ~~{A}~~ Except as otherwise provided in section 1.8 of this act, a candidate at any election, or any registered voter of the appropriate political subdivision, may contest the election of any candidate, except for the office of United States Senator or Representative in Congress.

2. Except where the contest involves the general election for the office of Governor, Lieutenant Governor, Assemblyman, Assemblywoman, State Senator, justice of the Supreme Court or judge of the Court of Appeals, a candidate or voter who wishes to contest an election, including election to the office of presidential elector, must, within the time prescribed in NRS 293.413, file with the clerk of the district court a written statement of contest, setting forth:

(a) The name of the contestant and that the contestant is a registered voter of the political subdivision in which the election to be contested or part of it was held;

(b) The name of the defendant;

(c) The office to which the defendant was declared elected;

(d) The particular grounds of contest and the section of Nevada Revised Statutes pursuant to which the statement is filed; and

(e) The date of the declaration of the result of the election and the body or board which canvassed the returns thereof.

3. The contestant shall verify the statement of contest in the manner provided for the verification of pleadings in civil actions.

4. All material regarding a contest filed by a contestant with the clerk of the district court must be filed in triplicate.

Sec. 17.7. NRS 293.427 is hereby amended to read as follows:

293.427 1. The Secretary of State shall deliver the statement of contest filed pursuant to NRS 293.425 and all other documents, including any amendments to the statement, to the presiding officer of the appropriate house of the Legislature on the day of the organization of the Legislature.

2. Until the contest has been decided, the candidate who received the highest number of votes for the office in the contested election must be seated as a member of the appropriate house ~~[-]~~, *except that if the name of an ineligible candidate for the office could not be removed from the ballot pursuant to section 2 of this act, the ineligible candidate must not be seated as a member of the appropriate house regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

3. If, before the contest has been decided, a contestant gives written notice to the Secretary of State that the contestant wishes to withdraw his or her statement of contest, the Secretary of State shall dismiss the contest.

4. The contest, if not dismissed, must be heard and decided as prescribed by the standing or special rules of the house in which the contest is to be tried. If, after hearing the contest, the house decides to declare the contestant elected, the Governor shall execute a certificate of election and deliver it to the contestant. The certificate of election issued to the other candidate is thereafter void.

5. In a contest of a general election for the office of Assemblyman, Assemblywoman or Senator, the house in which a contest was tried or was to be tried shall determine the remedy, if any, to be awarded to a party to such a contest. The remedy may include, without limitation, any costs incurred by a party in connection with the contest.

Sec. 17.8. NRS 293.430 is hereby amended to read as follows:

293.430 1. If the contest is of the general election for the office of Governor, Lieutenant Governor, justice of the Supreme Court or judge of the Court of Appeals, the statement of contest and all depositions, ballots and other documents relating to the contest must be filed with the Secretary of State within the time provided for filing statements of contests with the clerk of the district court.

2. Until the contest is decided, the candidate who received the highest number of votes for the office in the contested election must be seated and commence the duties of the office ~~[-]~~, *except that if the name of an ineligible candidate for the office could not be removed from the ballot pursuant to section 2 of this act, the ineligible candidate must not be seated or commence*

the duties of the office regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

3. The Secretary of State shall deliver the statement of contest and all other papers and documents to the speaker of the assembly on the day of the organization of the Legislature.

4. A joint session of both houses must be convened as soon thereafter as the business of both houses permits, but not later than 10 days after receipt of statement of contest.

5. If, before the contest has been decided, a contestant gives written notice to the Secretary of State that the contestant wishes to withdraw his or her statement of contest, the Secretary of State shall dismiss the contest.

Sec. 17.9. NRS 293.435 is hereby amended to read as follows:

293.435 1. After both houses sitting in joint session have decided an election contest, the Secretary of State shall execute and deliver a certificate of election to the person declared elected, unless such a certificate was already issued to that person ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the Secretary of State shall not execute and deliver a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

2. If a certificate of election to the same office has been issued to any person other than the one declared to have been elected, that certificate is void.

Sec. 18. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 18.3 and 18.5 of this act.

Sec. 18.3. 1. *Notwithstanding any other provision of law, any vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of a primary city election, general city election or special election or any other city election.*

2. *The provisions of this section are intended to abrogate any principle or rule of the common law to the contrary.*

Sec. 18.5. 1. *Except as otherwise provided in this section, the name of a person who is or becomes an ineligible candidate must not appear on the ballot at a primary city election, general city election or special election or any other city election.*

2. *If a person is or becomes an ineligible candidate, the city clerk shall remove the name of the person from the ballot, except that no changes may be made on the ballot pursuant to this section for:*

(a) *A primary city election after 5 p.m. on the last Friday in February of the year in which the primary city election is held.*

(b) *A general city election after 5 p.m. on the second Friday in April of the year in which the general city election is held.*

(c) A special election or any other city election after 5 p.m. on the last day prescribed by the governing body of the city or the city clerk, as applicable, for making changes on the ballot for that election.

3. If the period for making changes on the ballot has elapsed pursuant to this section and, for that reason, the city clerk cannot remove the name of the person who is or becomes an ineligible candidate from the ballot, the city clerk shall:

(a) At each polling place where the person's name will appear on the ballot, including, without limitation, a polling place for early voting:

(1) Post a sign informing voters that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election;

(2) Place a notice on or near each mechanical recording device informing a voter who uses the device that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election; and

(3) If paper ballots are used, include a notice on or with each paper ballot informing a voter who uses the paper ballot that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election; and

(b) If the absent ballots have not been distributed by the city clerk, include a notice on or with each absent ballot informing a voter who uses the absent ballot that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.

Sec. 19. 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, inclusive, of NRS~~ 293.165, ~~and in NRS~~ 293.166, 293.175, 293.177 ~~and 293.345 and 293.368~~ ~~section 2 of this act~~ 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.

Sec. 19.3. 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. *Except as otherwise provided in sections 18.3 and 18.5 of this act:*

(a) 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.

(b) 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. 19.5. NRS 293C.180 is hereby amended to read as follows:

293C.180 *Except as otherwise provided in sections 18.3 and 18.5 of this act:*

1. If at 5 p.m. on the last day for filing a declaration of candidacy, there is only one candidate who has filed for nomination for an office, that candidate must be declared elected and no election may be held for that office.

2. Except as otherwise provided in subsection 1, if not more than twice the number of candidates to be elected have filed for nomination for an office, the names of those candidates must be omitted from all ballots for a primary city election and placed on all ballots for a general city election.

3. If more than twice the number of candidates to be elected have filed for nomination for an office, the names of the candidates must appear on the ballot for a primary city election. Except as otherwise provided in subsection 4 of NRS 293C.175, 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. 20. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, *and section 18.5 of this act*, a name may not be printed on a ballot to be used at a primary city election unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

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

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 accordance with NRS 281.050*, 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}~~ 180 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

3. The address of a candidate that must be included in the declaration 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 ~~[]~~ *the candidate fails to comply with the following:*

(a) The *candidate shall not list the* candidate's address ~~[is listed]~~ as a post office box unless a street address has not been assigned to the residence; ~~[or]~~ *and*

(b) The candidate ~~[does not]~~ *shall* 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]~~ *and*

(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 *or account number* of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. 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 city

clerk duplicate copies of the process. The city clerk 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 city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

6. If the ~~{city clerk}~~ *Secretary of State* 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,}~~ *does not meet any qualification required for the office pursuant to the Constitution or laws of this State, the {city clerk}*

~~—(a) May conduct}~~ *Secretary of State shall:*

(a) *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,}~~ *is eligible to hold the office; and*

(b) ~~{Shall transmit}~~ *Transmit* the credible evidence and the findings from such investigation to the *appropriate* city attorney.

7. The receipt of information by the city attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186. ~~{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 city clerk 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.}~~

8. *Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.*

Sec. 21. NRS 293C.186 is hereby amended to read as follows:

293C.186 1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than 5 ~~{working days after}~~ *p.m. on the last {day the person may withdraw his or her candidacy}* *Monday immediately preceding the first day of the period of early voting by personal appearance for the general city election pursuant to NRS {293C.195,} 293C.3568, an elector may file with the city clerk a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the constitution or {a statute} laws of this State . {, including, without limitation, a requirement concerning age or residency.} Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and ~~{court}~~ costs of the ~~{challenged person.}~~ *person who is being challenged.**

2. A challenge filed pursuant to subsection 1 must:

- (a) Indicate each qualification the person fails to meet;
- (b) Have attached all documentation and evidence supporting the challenge; and
- (c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1, the city clerk shall immediately transmit the challenge to the city attorney.

4. If the city attorney determines that probable cause exists to support the challenge, the city attorney shall, not later than 5 *working* days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the constitution or ~~the~~ *laws* of this State, or if the person fails to appear at the hearing {:-

~~—(a) The name of the person must not appear on any ballot for the election for the office for which the person filed the declaration of candidacy or acceptance of candidacy; and~~

~~—(b) The~~ , the person is ~~{disqualified from entering upon the duties of the office for which he or she filed the declaration of candidacy or acceptance of candidacy.}~~ *an ineligible candidate and is subject to the provisions of section 2.5 of this act.*

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and ~~{court}~~ costs of the ~~{challenged person.}~~ *person who was challenged.*

Sec. 22. NRS 293C.1865 is hereby amended to read as follows:

293C.1865 ~~{1.}~~ In addition to any other *remedy* or penalty provided by law, if a person *knowingly and willfully* files a declaration of candidacy or acceptance of candidacy ~~{knowing that the declaration of candidacy or acceptance of candidacy}~~ which contains a false statement:

~~{(a) Except as otherwise provided in NRS 293.165 or 293.166, the name of the person must not appear on any ballot for the election for which the person filed the declaration of candidacy or acceptance of candidacy; and~~

~~—(b)}~~ *1. The person is an ineligible candidate, and the city clerk shall take appropriate action regarding the ineligible candidate pursuant to section 18.5 of this act; and*

2. The person is disqualified from entering upon the duties of the office for which he or she ~~was a candidate.~~

~~2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election is disqualified because the deadline set forth in NRS 293.165 and 293.166 for making changes to the ballot has passed, the Secretary of State and city clerk must post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of office.~~ *filed the declaration of candidacy or acceptance of candidacy.*

Sec. 22.3. NRS 293C.187 is hereby amended to read as follows:

293C.187 Not later than 30 days before the primary city election and the general city election, the city clerk shall cause to be published a notice of the election in a newspaper of general circulation in the city once a week for 2 successive weeks. If a newspaper of general circulation is not published in the city, the publication may be made in a newspaper of general circulation published within the county in which the city is located. If a newspaper of general circulation is not published in that county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.
4. The names of the candidates ~~[-]~~ *and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, a statement that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.*

5. A list of the offices to which the candidates seek nomination or election.

Sec. 22.5. NRS 293C.190 is hereby amended to read as follows:

293C.190 1. Except as otherwise provided in NRS 293C.115, a vacancy occurring in a nomination for a city office after the close of filing and on or before 5 p.m. of the first Tuesday after the first Monday in March in a year in which a general city election is held must be filled by filing a nominating petition that is signed by at least 1 percent of the persons who are registered to vote and who voted for that office at the last preceding general city election. Except as otherwise provided in NRS 293C.115, the petition must be filed not earlier than the third Tuesday in February and not later than the third Tuesday after the third Monday in March. A candidate nominated pursuant to the provisions of this subsection may be elected only at a general city election, and the candidate's name must not appear on the ballot for a primary city election.

2. Except as otherwise provided in NRS 293C.115, a vacancy occurring in a nomination for a city office after 5 p.m. of the first Tuesday after the first Monday in March and on or before 5 p.m. of the second Tuesday after the second Monday in April must be filled by the person who received the next highest vote for the nomination in the primary city election.

3. Except to place a candidate nominated pursuant to subsection 1 on the ballot and except as otherwise provided in NRS 293C.115, *and section 18.5 of this act*, no change may be made on the ballot for the general city election after 5 p.m. of the second Tuesday after the second Monday in April of the year in which the general city election is held ~~[. If a nominee dies]~~, *and no vacancy in a nomination for a city office may be filled after that time and date*. ~~[. the nominee's name must remain on the ballot for the general city election and, if elected, a vacancy exists.]~~

4. Except as otherwise provided in NRS 293C.115, all designations provided for in this section must be filed on or before 5 p.m. on the second Tuesday after the second Monday in April of the year in which the general city election is held. The filing fee must be paid and an acceptance of the designation must be filed on or before 5 p.m. on ~~[that date.]~~ *the date the designation is filed.*

Sec. 23. NRS 293C.200 is hereby amended to read as follows:

293C.200 1. In addition to any other requirement provided by law, no person may be a candidate for a city office unless, for at least the ~~[30]~~ 180 days immediately preceding the date of the close of filing of declarations or acceptances of candidacy for the office that the person seeks, the person has in accordance with NRS 281.050, actually, as opposed to constructively, resided in the city or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or which he or she will represent.

2. Any person who knowingly and willfully files a declaration of candidacy or an acceptance of candidacy ~~[that]~~ *which* contains a false statement ~~[in this respect]~~ *regarding the person's residency in violation of this section* is guilty of a ~~[gross misdemeanor.]~~ *category E felony and shall be punished as provided in NRS 193.130.*

Sec. 23.4. NRS 293C.257 is hereby amended to read as follows:

293C.257 For a primary city election, there must appear at the top of each ballot the designation "Candidates for city offices." Except as otherwise provided in NRS 293.2565, *and section 18.5 of this act*, following this designation must appear the names of candidates grouped alphabetically under the title and length of term of the office for which those candidates filed.

Sec. 23.5. NRS 293C.260 is hereby amended to read as follows:

293C.260 1. Except as otherwise provided in NRS 293C.140, *and section 18.5 of this act*, ballots for a general city election must contain the names of candidates who were nominated at the primary city election.

2. Except as otherwise provided in NRS 293.2565, *and section 18.5 of this act*, the names of candidates must be grouped alphabetically under the title and length of term of the office for which those candidates filed.

Sec. 23.7. NRS 293C.262 is hereby amended to read as follows:

293C.262 1. ~~{The}~~ *Except as otherwise provided in section 18.5 of this act*, the offices for which there are candidates, the names of the candidates therefor and the questions to be voted upon must be printed on ballots for a city election in the following order:

(a) City offices:

(1) Mayor;

(2) Council members according to ward in numerical order, if no wards, in alphabetical order; and

(3) Municipal judges.

(b) Questions presented to the voters of a city or a portion of a city with advisory questions listed in consecutive order after any other questions presented to the voters of the city.

2. The city clerk:

(a) May divide paper ballots into two sheets in a manner that provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 24. (Deleted by amendment.)

Sec. 25. NRS 293C.367 is hereby amended to read as follows:

293C.367 1. The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.

2. Regulations for counting ballots must include provisions that:

(a) *A vote cast for an ineligible candidate does not invalidate any other votes properly marked on that ballot.*

(b) An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.

~~{(b)}~~ (c) A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

~~{(c)}~~ (d) Only devices provided for in this chapter or chapter 293 or 293B of NRS may be used in marking ballots.

~~{(d)}~~ (e) It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

~~{(e)}~~ (f) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write

upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

Sec. 26. NRS 293C.369 is hereby amended to read as follows:

293C.369 1. When counting a vote in an election ~~[-, if]~~ :

(a) *If more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.*

(b) *A vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of the election.*

2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

3. The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 27. NRS 293C.372 is hereby amended to read as follows:

293C.372 When all the votes have been counted ~~[-]~~ *in the manner provided in NRS 293C.369*, the counting board officers shall enter on the tally lists by the name of each candidate the number of votes the candidate received ~~[-]~~ *and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the number of votes the ineligible candidate received that are a nullity and void.* The vote for and against any question submitted to the electors must be entered in the same manner.

Sec. 28. 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 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 ~~and~~ *and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the number of votes cast for the ineligible candidate that are a nullity and void.*

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 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 ~~and~~.

➡ *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the city clerk shall not*

issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

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.

Sec. 28.2. NRS 293C.395 is hereby amended to read as follows:

293C.395 ~~[A]~~

1. *Except as otherwise provided in this section, a certificate of election or commission must not be withheld from the person having the highest number of votes for the city office because of any contest of election filed in the city election or any defect or informality in the returns of any city election, if it can be ascertained with reasonable certainty from the returns what city office is intended and who is entitled to the certificate or commission.*

2. *If the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, a certificate of election or commission must not be issued or given to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 28.21. NRS 294A.347 is hereby amended to read as follows:

294A.347 1. A statement which:

(a) Is published within 60 days before a general election or special election or 30 days before a primary election;

(b) Expressly advocates the election or defeat of a clearly identified candidate for a state or local office; and

(c) Is published by a person who receives compensation from the candidate, an opponent of the candidate or a person, political party or committee for political action,

↪ must contain a disclosure of the fact that the person receives compensation pursuant to paragraph (c) and the name of the person, political party or committee for political action providing that compensation.

2. *If the disclosure required by subsection 1 appears on a printed communication:*

(a) The disclosure must be printed in the same typeface that is used as the primary or predominant typeface for the main text of the printed communication; and

(b) Except as otherwise provided by regulation of the Secretary of State adopted pursuant to subsection 3, the disclosure must be printed in:

(1) At least 12-point font if the disclosure appears on a printed communication which is not larger than 24 inches by 36 inches;

(2) At least 24-point font if the disclosure appears on a printed communication which is larger than 24 inches by 36 inches and not larger than 48 inches by 72 inches; and

(3) At least 48-point font if the disclosure appears on a printed communication which is larger than 48 inches by 72 inches.

3. The Secretary of State may require by regulation the use of font sizes larger than those otherwise required by subsection 2.

4. A statement which:

(a) Is published by a candidate within 60 days before a general election or special election or 30 days before a primary election; and

(b) Contains the name of the candidate,

→ shall be deemed to comply with the provisions of this section.

~~3.5.~~ 5. As used in this section, "publish" means the act of:

(a) Printing, posting, broadcasting, mailing or otherwise disseminating; or

(b) Causing to be printed, posted, broadcasted, mailed or otherwise disseminated.

Sec. 28.22. NRS 294A.348 is hereby amended to read as follows:

294A.348 1. A person, committee for political action, political party or committee sponsored by a political party that expends more than \$100 for the purpose of financing a communication through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising that:

(a) Advocates expressly the election or defeat of a clearly identified candidate or group of candidates; or

(b) Solicits a contribution through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising,

→ shall disclose on the communication the name of the person, committee for political action, political party or committee sponsored by a political party that paid for the communication.

2. If a communication described in subsection 1 is approved by a candidate, in addition to the requirements of subsection 1, the communication must state that the candidate approved the communication and disclose the street address, telephone number and Internet address, if any, of the person, committee for political action, political party or committee sponsored by a political party that paid for the communication.

3. A person, committee for political action, political party or committee sponsored by a political party that has an Internet website available for viewing by the general public or that sends out an electronic mailing to more than 500 people that:

(a) Advocates expressly the election or defeat of a clearly identified candidate or group of candidates; or

(b) Solicits a contribution through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising,

→ shall disclose on the Internet website or electronic mailing, as applicable, the name of the person, committee for political action, political party or committee sponsored by a political party.

4. The disclosures and statements required ~~[pursuant to]~~ by this section must be clear and conspicuous, and easy to read or hear, as applicable. If the disclosures and statements required by this section appear on a printed communication:

(a) The disclosures and statements must be printed in the same typeface that is used as the primary or predominant typeface for the main text of the printed communication; and

(b) Except as otherwise provided by regulation of the Secretary of State adopted pursuant to subsection 5, the disclosures and statements must be printed in:

(1) At least 12-point font if the disclosures and statements appear on a printed communication which is not larger than 24 inches by 36 inches;

(2) At least 24-point font if the disclosures and statements appear on a printed communication which is larger than 24 inches by 36 inches and not larger than 48 inches by 72 inches; and

(3) At least 48-point font if the disclosures and statements appear on a printed communication which is larger than 48 inches by 72 inches.

5. The Secretary of State may require by regulation the use of font sizes larger than those otherwise required by subsection 4.

Sec. 28.4. NRS 4.020 is hereby amended to read as follows:

4.020 1. There must be one justice court in each of the townships of the State, for which there must be elected by the qualified electors of the township at least one justice of the peace. Except as otherwise provided in subsection 3, the number of justices of the peace in a township must be increased according to the population of the township, as certified by the Governor in even-numbered years pursuant to NRS 360.285, in accordance with and not to exceed the following schedule:

(a) In a county whose population is 700,000 or more:

(1) In a township whose population is less than 1,100,000, one justice of the peace for each 100,000 population of the township, or fraction thereof, until the township has four justices of the peace, and thereafter, one justice of the peace for each 125,000 population of the township, or fraction thereof, over a population of 300,000; and

(2) In a township whose population is 1,100,000 or more, one justice of the peace for each 100,000 population of the township, or fraction thereof, up to a population of 1,100,000, and thereafter, one justice of the peace for each 125,000 population of the township, or fraction thereof, over a population of 1,100,000.

(b) In a county whose population is 100,000 or more and less than 700,000, one justice of the peace for each 50,000 population of the township, or fraction thereof.

(c) In a county whose population is less than 100,000, one justice of the peace for each 34,000 population of the township, or fraction thereof.

(d) If a township includes a city created by the consolidation of a city and county into one municipal government, one justice of the peace for each 30,000 population of the township, or fraction thereof.

2. Except as otherwise provided in subsection 3, if the schedule set forth in subsection 1 provides for an increase in the number of justices of the peace in a township, the new justice or justices of the peace must be elected at the next ensuing biennial election.

3. If the schedule set forth in subsection 1 provides for an increase in the number of justices of the peace in a township and, in the opinion of a majority of the justices of the peace in that township, the caseload does not warrant an additional justice of the peace, the justices of the peace shall notify the Director of the Legislative Counsel Bureau and the board of county commissioners of their opinion on or before March 15 of the even-numbered year in which the population of the township provides for such an increase. The Director of the Legislative Counsel Bureau shall submit the opinion to the next regular session of the Legislature for its consideration. If the justices of the peace transmit such a notice to the Director of the Legislative Counsel Bureau and the board of county commissioners, the number of justices must not be increased during that period unless the Legislature, by resolution, expressly approves the increase.

4. Justices of the peace shall receive certificates of election from the boards of county commissioners of their respective counties ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the board of county commissioners shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

5. The clerk of the board of county commissioners shall, within 10 days after the election or appointment and qualification of any justice of the peace, certify under seal to the Secretary of State the election or appointment and qualification of the justice of the peace. The certificate must be filed in the Office of the Secretary of State as evidence of the official character of that officer.

Sec. 29. NRS 218A.200 is hereby amended to read as follows:

218A.200 1. A person is not eligible to be elected or appointed to office as a Legislator unless the person:

~~{1-}~~ (a) Is a qualified elector;

~~{2-}~~ (b) Has been an actual, as opposed to constructive, citizen resident , *in accordance with NRS 281.050, of ~~this~~ :*

(1) *This State for ~~{1-year next}~~ the 2 years immediately preceding the person's election or appointment; and*

(2) *The district prescribed by law for the office for at least 180 days immediately preceding the date of the close of filing of, as applicable:*

(1) *Declarations of candidacy or acceptances of candidacy for the office pursuant to chapter 293 of NRS; or*

(II) Applications for appointment to the office; ~~and~~

~~[3-]~~ *(c) At the time of election or appointment, has attained the age of 21 years ~~[]~~; and*

(d) Meets all other qualifications for the office as required by the Constitution and laws of this State.

2. Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy pursuant to chapter 293 of NRS or an application for appointment to office as a Legislator which contains a false statement regarding the person's qualifications for the office in violation of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 29.1. NRS 218A.210 is hereby amended to read as follows:

218A.210 A person who is elected to office as a Legislator is entitled to receive a certificate of election from the Governor ~~[]~~, *except that if the name of an ineligible candidate for office as a Legislator could not be removed from the ballot pursuant to section 2 of this act, the Governor shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 29.2. NRS 218A.220 is hereby amended to read as follows:

218A.220 *1. A person who receives a certificate of election or appointment to office as a Legislator must take and subscribe to the official oath before the person takes office as a Legislator, and an entry thereof must be made on the journal of the proper House.*

2. A person shall not take and subscribe to the official oath to take office as a Legislator if, at any time after the person most recently filed a declaration of candidacy or acceptance of candidacy for the office pursuant to chapter 293 of NRS and on or before the date of the most recent general election held for the office, a court of competent jurisdiction has found in any preelection action that the person is an ineligible candidate because the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State.

Sec. 29.3. NRS 218A.260 is hereby amended to read as follows:

218A.260 *1. If a vacancy occurs in the office of a Legislator during a regular or special session or at a time when no biennial election or regular election at which county officers are to be elected will take place between the occurrence of the vacancy and the next regular or special session, the vacancy must be filled in the manner provided in this section.*

2. If the former Legislator was elected or appointed from a district wholly within one county, the board of county commissioners of the county in which the district is located shall fill the vacancy by appointing a person who is a member of the same political party as the former Legislator and who ~~[actually, as opposed to constructively, resides in the district]~~ meets all qualifications for the office as required by NRS 218A.200.

3. If the former Legislator was elected or appointed from a district comprising more than one county, the county commissioners of each county

within or partly within the district shall fill the vacancy by appointing a person who is a member of the same political party as the former Legislator and who ~~[actually, as opposed to constructively, resides in the district.]~~ *meets all qualifications for the office as required by NRS 218A.200.* To fill the vacancy:

(a) Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy.

(b) The boards shall then meet jointly. The joint meeting must be chaired by the person who is the chair of the board of county commissioners of the county with the largest population in the district. At the joint meeting:

(1) The chair of each board, on behalf of that board, shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of that board's 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.

(2) 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 select a candidate, and the appointee must be chosen by drawing lots among the candidates so selected.

4. The board of county commissioners or the board of the county with the largest population in the district shall issue a certificate of appointment naming the appointee. The county clerk or the clerk of the county with the largest population in the district shall give the certificate to the appointee and send a copy of the certificate to the Secretary of State.

Sec. 29.4. NRS 218A.400 is hereby amended to read as follows:

218A.400 1. Before the Assembly meets for each regular session, the Secretary of State shall make out a roll from the returns on file in the Secretary of State's office of the persons who received the highest number of votes to be elected to office as members of the Assembly in each district in the general election ~~[]~~, *except that if the name of an ineligible candidate for office as a member of the Assembly could not be removed from the ballot pursuant to section 2 of this act, the Secretary of State shall not include the ineligible candidate upon the roll of the persons elected to office as members of the Assembly and the name of the ineligible candidate must not appear upon the roll regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The members whose names appear upon the roll must be allowed to participate in the organization of the Assembly.

2. On the first day of each regular session at a time that is appropriate for that regular session, the Secretary of State shall call the Assembly to order and shall preside over the Assembly until a presiding officer is elected.

3. If a special session is convened between the date of the general election and the date of the next regular session, the Assembly must be

organized for the special session according to the procedure set forth in this section, except that on the first day of the special session, the Secretary of State shall call the Assembly to order at a time that is appropriate for that special session.

Sec. 29.5. NRS 245.010 is hereby amended to read as follows:

245.010 All county officers elected by the people shall receive certificates of election from the boards of county commissioners of their respective counties ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the board of county commissioners shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 29.6. NRS 258.010 is hereby amended to read as follows:

258.010 1. Except as otherwise provided in subsections 2 and 3:

(a) Constables must be elected by the qualified electors of their respective townships.

(b) The constables of the several townships of the State must be chosen at the general election of 1966, and shall enter upon the duties of their offices on the first Monday of January next succeeding their election, and hold their offices for the term of 4 years thereafter, until their successors are elected and qualified.

(c) Constables must receive certificates of election from the boards of county commissioners of their respective counties ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the board of county commissioners shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

2. In a county which includes only one township, the board of county commissioners may, by resolution, appoint the sheriff ex officio constable to serve without additional compensation. The resolution must not become effective until the completion of the term of office for which a constable may have been elected.

3. In a county whose population:

(a) Is less than 700,000, if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may, by ordinance, abolish the office of constable in those townships.

(b) Is 700,000 or more, if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may, by ordinance, abolish the office in those townships, but the abolition does not become effective as to a particular township until the constable incumbent on May 28, 1979, does not seek, or is defeated for, reelection.

➡ For a township in which the office of constable has been abolished, the board of county commissioners may, by resolution, appoint the sheriff ex officio constable to serve without additional compensation.

Sec. 29.7. NRS 267.040 is hereby amended to read as follows:

267.040 1. Nominations of the electors must be made by petition of one-fifth of the qualified voters of the incorporated city.

2. The petition must be filed with the governing body of the city at least 30 days before the day of the election, as provided for in NRS 267.030. ~~[The]~~

3. *Except as otherwise provided in section 18.5 of this act, the names of all candidates so filed must be placed upon the official ballots to be voted at the election.*

Sec. 29.8. NRS 267.050 is hereby amended to read as follows:

267.050 Within 6 working days after the date of the election, the legislative authority of the incorporated city shall:

1. Meet and canvass the returns of the election.

2. Declare the result thereof.

3. Issue certificates of election to the 15 qualified electors having the highest vote therefor ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the legislative authority of the incorporated city shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 30. NRS 281.050 is hereby amended to read as follows:

281.050 1. The residence of a person with reference to *his or her* eligibility to any office is the person's actual residence within the State, ~~for~~ county, ~~or~~ district, ward, subdistrict or any other unit prescribed by law, as the case may be, during all the period for which residence is claimed by the person. If any person absents himself or herself from the jurisdiction of that person's residence with the intention in good faith to return without delay and continue such residence, the period of absence must not be considered in determining the question of residence.

2. If a person who has filed ~~[as a candidate]~~ *a declaration of candidacy or acceptance of candidacy* for any elective office moves the person's residence out of the State, county, district, ward, subdistrict or any other unit prescribed by law ~~[for which the person is a candidate and]~~, *as the case may be*, in which the person is required actually, as opposed to constructively, to reside ~~[a vacancy is created thereby]~~ *in order for the person to be eligible to the office, the person is an ineligible candidate and the county clerk or city clerk, as applicable, shall take appropriate action [for filling the vacancy must be taken.] regarding the ineligible candidate pursuant to section 2 or 18.5 of this act.* A person shall be deemed to have moved the person's residence for the purposes of this section if:

(a) The person has acted affirmatively to remove himself or herself from one place; and

(b) The person has an intention to remain in another place.

3. The district court has jurisdiction to determine the question of residence in an action for declaratory judgment.

4. *If, in any preelection action for declaratory judgment, the district court finds that a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office fails to meet any qualification concerning residence required for the office pursuant to the Constitution or laws of this State, the person is an ineligible candidate and is subject to the provisions of section 2.5 of this act.*

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

(a) "Actual residence" means the place of permanent habitation where a person *actually resides* and is legally domiciled. ~~[and maintains a permanent habitation.]~~ If the person maintains more than one ~~[such]~~ place of permanent habitation, the place the person declares to be the person's principal permanent habitation when filing a declaration of candidacy or ~~[affidavit pursuant to NRS 293.177 or 293C.185 shall be deemed to]~~ acceptance of candidacy for any elective office must be the ~~[person's actual residence.]~~ place where the person actually resides and is legally domiciled in order for the person to be eligible to the office.

(b) "Declaration of candidacy or acceptance of candidacy" means a declaration of candidacy or acceptance of candidacy filed pursuant to chapter 293 or 293C of NRS.

Sec. 31. NRS 283.130 is hereby amended to read as follows:

283.130 Any officer elected or appointed to fill any vacancy shall be commissioned, or shall receive a certificate of election or appointment to such office ~~[,]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 or 18.5 of this act, a certificate of election or commission must not be issued or given to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 32. NRS 306.070 is hereby amended to read as follows:

306.070 1. If there are no other candidates nominated to be voted for at the special election, there must be printed on the ballot the name of the officer sought to be recalled, the office which he or she holds, and the words "For Recall" and "Against Recall."

2. ~~[If]~~ *Except as otherwise provided in sections 2 and 18.5 of this act, if there are other candidates nominated for the office to be voted for at the special election, there must be printed upon the ballot the name of the officer sought to be recalled, and the office which he or she holds, and the name or names of such other candidates as may be nominated to be voted for at the special election, and the words "For Recall" and "Against Recall" must be omitted.*

3. In other respects the ballot must conform with the requirements of this title.

Sec. 33. NRS 309.060 is hereby amended to read as follows:

309.060 1. The board of county commissioners shall meet on or before the sixth working day succeeding the election provided for in NRS 309.050 and proceed to canvass the votes . ~~[and, if]~~

2. *If*, upon the canvass , it appears that a majority of votes cast were for "Local Improvement District—Yes," the board, by an order entered upon its minutes, shall ~~[declare]~~ :

(a) *Declare* the territory organized as an improvement district under the name and style theretofore designated ~~[, and]~~ ;

(b) *Except as otherwise provided in section 1.7 of this act*, declare the persons receiving respectively the highest number of votes for directors to be elected ~~[, and cause]~~ ; and

(c) *Cause* a copy of the order and a plat of the district, each certified by the clerk of the board of county commissioners, to be recorded immediately in the office of the county recorder of each county in which any portion of the district is situated . ~~[, and certified]~~ *Certified* copies thereof must also be recorded with the county clerks of those counties.

3. Thereafter , the organization of the district is complete.

Sec. 34. NRS 318.095 is hereby amended to read as follows:

318.095 Except as otherwise provided in NRS 318.0953:

1. There must be held simultaneously with the first general election in the county after the creation of the district and simultaneously with every general election thereafter an election to be known as the biennial election of the district. The election must be conducted under the supervision of the county clerk or registrar of voters. A district shall reimburse the county clerk or registrar of voters for the costs he or she incurred in conducting the election for the district.

2. The office of trustee is a nonpartisan office. The general election laws of this State govern the candidacy, nominations and election of a member of the board. ~~[The]~~ *Except as otherwise provided in section 2 of this act*, the names of the candidates for trustee of a district may be placed on the ballot for the primary or general election.

3. Except as otherwise provided in NRS 318.083, at the first biennial election in any district organized or reorganized and operating under this chapter and each fourth year thereafter, there must be elected by the qualified electors of the district two qualified electors as members of the board to serve for terms of 4 years. At the second biennial election and each fourth year thereafter, there must be so elected three qualified electors as members of the board to serve for terms of 4 years.

4. The secretary of the district shall give notice of election by publication and shall arrange such other details in connection therewith as the county clerk or registrar of voters may direct.

5. Any new member of the board must qualify in the same manner as members of the first board qualify.

Sec. 35. NRS 318.0951 is hereby amended to read as follows:

318.0951 Except as otherwise provided in NRS 318.0952 or 318.0953 ~~and sections 1.7 and 2 of this act:~~

1. Each trustee elected at any biennial election must be chosen by a plurality of the qualified electors of the district voting on the candidates for the vacancies to be filled.

2. Except as otherwise provided in NRS 318.083, if there are two regular terms which end on the first Monday in January next following the biennial election, the two qualified electors receiving the highest and next highest number of votes must be elected. If there are three regular terms so ending, the three qualified electors receiving the highest, next highest and third highest number of votes must be elected.

3. If there is a vacancy in an unexpired regular term to be filled at the biennial election, as provided in subsection 5 of NRS 318.090, the candidate who receives the highest number of votes, after there are chosen the successful candidates to fill the vacancies in expired regular terms as provided in subsection 2, must be elected.

Sec. 36. NRS 386.260 is hereby amended to read as follows:

386.260 1. Trustees shall be elected as provided in the election laws of this state.

2. After the close of any election, and in accordance with law, the board of county commissioners shall make abstracts of the votes cast for trustees and shall order the county clerk to issue ~~election~~ certificates of election to the candidates elected ~~and~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the board of county commissioners shall not order the county clerk to issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

3. Immediately, the county clerk shall transmit a copy of each ~~election~~ certificate of election to the Superintendent of Public Instruction.

Sec. 37. 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 ~~and~~ *and except as otherwise provided in sections 1.7 and 2 of this act:*

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.

Sec. 38. NRS 474.110 is hereby amended to read as follows:

474.110 1. The election having been held, the board of county commissioners shall, on the first Monday succeeding the election, if then in session, or at its next succeeding general or special session, proceed to canvass the votes cast at the election.

2. If upon such canvass it appears that a majority of all votes cast in the district, and in each portion of the counties included in the district if lands in more than one county are included therein, are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare:

(a) Such territory organized as a county fire protection district under the name theretofore designated; and

(b) ~~[The]~~ *Except as otherwise provided in section 1.7 of this act, the persons receiving, respectively, the highest number of votes for the directors to be elected to those offices.*

Sec. 39. NRS 539.055 is hereby amended to read as follows:

539.055 1. The board of county commissioners shall meet on or before the sixth working day succeeding such election and proceed to canvass the votes. ~~[cast thereat.]~~

2. If, upon such canvass, it appears that a majority of the electors voted "Irrigation District—Yes," the board, by an order entered upon its minutes, shall:

(a) Declare such territory duly organized as an irrigation district under the name and style theretofore designated.

(b) ~~[Declare]~~ *Except as otherwise provided in section 1.7 of this act, declare the persons receiving respectively the highest number of votes for directors to be duly elected.*

(c) Cause a copy of such order and a plat of the district, each duly certified by the clerk of the board of county commissioners, to be immediately filed for record in the office of the county recorder of each county in which any portion of such lands is situated. Certified copies thereof ~~[shall]~~ *must* also be filed with the county clerks of such counties.

3. Thereafter, the organization of the district ~~[shall be]~~ *is* complete.

Sec. 40. NRS 539.157 is hereby amended to read as follows:

539.157 1. ~~[The]~~ *Except as otherwise provided in section 1.7 of this act, the board of directors must declare elected the person or persons having the highest number of votes given for each office.*

2. The secretary shall immediately make out and deliver to such person or persons a certificate of election ~~[,]~~ signed by the secretary and authenticated with the seal of the board ~~[,]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the secretary shall not make out and deliver a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 41. NRS 539.180 is hereby amended to read as follows:

539.180 1. Upon the ballot for the election there shall be printed verbatim, as set forth in the recall petition, the reason for demanding the recall of the director, and in not more than 200 words, if furnished by the director, the director's justification of his or her course in office.

2. If there are no other candidates nominated to be voted for at the special election, there shall be printed on the ballot the name of the director

sought to be recalled, the office which he or she holds, and the words "For Recall" and "Against Recall."

3. ~~HF~~ *Except as otherwise provided in section 2 of this act, if there are other candidates nominated for the office to be voted for at the special election, there shall be printed upon the ballot the name of the director sought to be recalled, and the office which he or she holds, and the name or names of such other candidates as may be nominated to be voted for at the special election, and the words "For Recall" and "Against Recall" shall be omitted.*

4. In other respects the ballot shall conform with the requirements of the general election laws of this state.

Sec. 42. NRS 539.183 is hereby amended to read as follows:

539.183 1. ~~HF~~ *Except as otherwise provided in section 1.7 of this act, if there are other candidates nominated to be voted for at the special election, the candidate who receives the highest number of votes at the special election shall be deemed elected for the remainder of the term, whether it is the person against whom the recall petition was filed or another.*

2. If any director is recalled upon a special election and the other candidates are not nominated to be voted for at the special election, the vacancy thereby created shall be filled in the manner provided by law.

Sec. 43. Section 96 of the Charter of Boulder City is hereby amended to read as follows:

Section 96. Conduct of municipal elections.

1. All municipal elections must be nonpartisan in character and must be conducted in accordance with the provisions of the general election laws of the State of Nevada and any ordinance regulations as adopted by the City Council which are consistent with law and this Charter. (1959 Charter)

2. All full terms of office in the City Council are 4 years, and Council Members must be elected at large without regard to precinct residency. Except as otherwise provided in subsection 8, two full-term Council Members and the Mayor are to be elected in each year immediately preceding a federal presidential election, and two full-term Council Members are to be elected in each year immediately following a federal presidential election. In each election, the candidates receiving the greatest number of votes must be declared elected to the vacant full-term positions ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the ineligible candidate must not be declared elected regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* (Add. 17; Amd. 1; 11-5-1996)

3. In the event one or more 2-year term positions on the Council will be available at the time of a municipal election as provided in section 12, candidates must file specifically for such position(s). Candidates receiving the greatest respective number of votes must be

declared elected to the respective available 2-year positions ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the ineligible candidate must not be declared elected regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* (Add. 15; Amd. 2; 6-4-1991)

4. Except as otherwise provided in subsection 8, a primary municipal election must be held on the first Tuesday after the first Monday in April of each odd-numbered year and a general municipal election must be held on the first Tuesday after the first Monday in June of each odd-numbered year.

5. A primary municipal election must not be held if no more than double the number of Council Members to be elected file as candidates. A primary municipal election must not be held for the office of Mayor if no more than two candidates file for that position. The primary municipal election must be held for the purpose of eliminating candidates in excess of a figure double the number of Council Members to be elected. (Add. 17; Amd. 1; 11-5-1996)

6. If, in the primary municipal election, a candidate receives votes equal to a majority of voters casting ballots in that election, ~~he or she~~ *the candidate* shall be considered elected to one of the vacancies and his or her name shall not be placed on the ballot for the general municipal election ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the ineligible candidate must not be considered elected regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* (Add. 10; Amd. 7; 6-2-1981)

7. In each primary and general municipal election, voters are entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the municipal elections. (Add. 11; Amd. 5; 6-7-1983)

8. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

9. If the City Council adopts an ordinance pursuant to subsection 8, the dates set forth in NRS 293.12755, ~~in subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~[and in NRS]~~, 293.166, 293.175, 293.177 ~~[]~~ and 293.345 and ~~[293.368]~~ *section 2 of this act* apply for the purposes of conducting the primary municipal elections and general municipal elections.

10. If the City Council adopts an ordinance pursuant to subsection 8, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the

ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

11. The conduct of all municipal elections must be under the control of the City Council, which shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter. Nothing in this Charter shall be construed as to deny or abridge the power of the City Council to provide for supplemental regulations for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud. (Add. 24; Amd. 1; 6-3-2003)

Sec. 44. Section 5.010 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as last amended by chapter 263, Statutes of Nevada 2013, at page 1182, is hereby amended to read as follows:

Sec. 5.010 Municipal elections.

1. Except as otherwise provided in subsection 2:

(a) On the first Tuesday after the first Monday in June 1973, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and one Council Member who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(b) On the first Tuesday after the first Monday in June 1975, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(c) On the first Tuesday after the first Monday in June 1975, there shall be elected by the qualified voters of the City at a general municipal election to be held for that purpose one Council Member who shall hold office for a period of 2 years and until his or her successor has been elected and qualified.

(d) On the first Tuesday after the first Monday in June 1977, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, ~~in subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~and in NRS~~, 293.166, 293.175, 293.177 ~~and~~ 293.345 and ~~293.368~~ *section 2 of this act* apply for

the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

Sec. 45. Section 5.050 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1728, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~{The full names of all candidates, except those}~~ *Except for candidates who have withdrawn ~~{died}~~ pursuant to the election laws of this State or who are or become ineligible ~~{}~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 46. Section 5.100 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 185, Statutes of Nevada 2007, at page 627, 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 municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the City Council.

2. The City Council shall meet within 6 working days after any election and canvass the returns and declare the result. The election returns shall then be sealed and kept by the City Clerk for 6 months, and no person shall 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 ~~{}~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers ~~{so}~~ who are elected

shall qualify and enter upon the discharge of their respective duties on the first Monday in July next following their election.

4. If any election should result 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 ~~{-}~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 47. Section 5.015 of the Charter of the City of Carlin, being chapter 493, Statutes of Nevada 2009, as amended by chapter 501, Statutes of Nevada 2011, at page 3310, is hereby amended to read as follows:

Sec. 5.015 Filing of declarations of candidacy.

~~{1-}~~ A candidate to be voted for at the general election must file a declaration of candidacy with the City Clerk as provided by the election laws of this State. 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 City Council by ordinance or resolution.

~~{2- If, due to the death or ineligibility of or withdrawal by a candidate, a vacancy occurs in a nomination after the close of filing and any applicable period for withdrawal of candidacy, the candidate's name must remain on the ballot for the general election and, if elected, a vacancy exists.}~~

Sec. 48. Section 5.040 of the Charter of the City of Carlin, being chapter 493, Statutes of Nevada 2009, at page 2937, is hereby amended to read as follows:

Sec. 5.040 Names on ballots.

1. ~~{The full names of all candidates, except those}~~ *Except for candidates who have withdrawn ~~{-died}~~ pursuant to the election laws of this State or who are or become ineligible ~~{before the close of filing and any applicable period for withdrawal of candidacy,}~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 49. Section 5.090 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as last amended by chapter 185, Statutes of Nevada 2007, at page 628, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person is permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board of Council Members.

2. The Board of Council Members shall meet on or before the sixth working day 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 shall have access thereto except on order of a court of competent jurisdiction or by order of the Board of Council Members.

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 ~~{-}~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers ~~{so}~~ who are elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:

(a) July next following their election for those officers elected in June 2007.

(b) January next following their election for those officers elected in November 2008 and November of every even-numbered year thereafter.

4. If any election should result in a tie, the Board of Council Members 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 ~~{-}~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 50. 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. *Except as otherwise provided in sections 1.7 and 2 of this act:*

(a) 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-}~~ (b) 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.

(c) 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. 51. Section 5.050 of the charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~{The full names of all candidates, except those}~~ *Except for candidates who have withdrawn ~~{died}~~ pursuant to the election laws of this State or who are or become ineligible ~~{}~~ candidates whose names must be removed from the ballot pursuant to section 2 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 52. Section 5.100 of the charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 189, Statutes of Nevada 1977, at page 354, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties.

1. The election returns from any special, primary or general municipal election shall be filed with the Clerk, who shall

immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board.

2. The Board shall meet within 10 days after any election and canvass the returns and declare the result. The election returns shall then be sealed and kept by the Clerk for 6 months and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board.

3. The Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election ~~{-}~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers ~~{-}~~ who are elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday in January next following their election.

Sec. 53. Section 5.040 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:

Sec. 5.040 Names on ballots.

1. ~~{The full names of all candidates, except those}~~ *Except for candidates who have withdrawn ~~{-died}~~ pursuant to the election laws of this State or who are or become ineligible ~~{-}~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 54. Section 5.090 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 231, Statutes of Nevada 2011, at page 1003, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from a municipal 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 the returns are canvassed by the City Council.

2. The City Council shall meet within 6 working days after an election and canvass the returns and declare the result. The election

returns must be sealed and kept by the City Clerk for 2 years, 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 ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers ~~[-]~~ who are elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:

(a) If the officer is elected pursuant to subsection 1 or 2 of section 5.010, July next following his or her election.

(b) If the officer is elected pursuant to subsection 3 or 4 of section 5.010, January next following his or her election.

4. If any election should result 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 ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 55. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1214, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. Except as otherwise provided in section 5.020, a primary municipal election must be held on the Tuesday after the first Monday in April of each odd-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office must be voted upon by the registered voters of the City at large.

4. *Except as otherwise provided in sections 18.3 and 18.5 of this act:*

(a) If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election.

(b) If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at the second regular meeting of the City Council held in June of the year of the general municipal election.

Sec. 56. Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1215, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection 2:

(a) A general municipal election must be held in the City on the first Tuesday after the first Monday in June of each odd-numbered year, at which time the registered voters of the City shall elect city officers to fill the available elective positions.

(b) All candidates for the office of Mayor, Council Member and Municipal Judge must be voted upon by the registered voters of the City at large. The term of office for members of the City Council and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015, the term of office for a Municipal Judge is 6 years.

(c) On the Tuesday after the first Monday in June 2001, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 1 who will hold office until his or her successor has been elected and qualified.

(d) On the Tuesday after the first Monday in June 2003 and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who will hold office until his or her successor has been elected and qualified.

(e) On the Tuesday after the first Monday in June 2005, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his or her successor has been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, ~~in subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~and in NRS~~, 293.166, 293.175, 293.177 ~~and~~ 293.345 and ~~293.368~~ *section 2 of this act* apply for

the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

Sec. 57. Section 5.050 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~{The full names of all candidates, except those}~~ *Except for candidates who have withdrawn ~~{, died}~~ pursuant to the election laws of this State or who are or become ineligible ~~{,}~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 58. Section 5.100 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1216, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet at any time within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months. No person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person elected a certificate of election ~~{,}~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity*

and void. Except as otherwise provided in section 1.070, the officers ~~who are~~ elected shall qualify and enter upon the discharge of their respective duties at the second regular meeting of the City Council held in June of the year of the general municipal election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election ~~to~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 59. Section 5.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 218, Statutes of Nevada 2011, at page 959, is hereby amended to read as follows:

Sec. 5.010 Primary municipal elections. Except as otherwise provided in section 5.020:

1. On the Tuesday after the first Monday in April 2001, and at each successive interval of 4 years, a primary municipal election must be held in the City at which time candidates for half of the offices of Council Member and for Municipal Judge, Department 2, must be nominated.

2. On the Tuesday after the first Monday in April 2003, and at each successive interval of 4 years, a primary municipal election must be held in the City at which time candidates for Mayor, for the other half of the offices of Council Member and for Municipal Judge, Department 1, must be nominated.

3. The candidates for Council Member who are to be nominated as provided in subsections 1 and 2 must be nominated and voted for separately according to the respective wards. The candidates from each even-numbered ward must be nominated as provided in subsection 1, and the candidates from each odd-numbered ward must be nominated as provided in subsection 2.

4. If the City Council has established an additional department or departments of the Municipal Court pursuant to section 4.010 and, as a result, more than one office of Municipal Judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

5. Each candidate for the municipal offices which are provided for in subsections 1, 2 and 4 must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be paid into the City Treasury.

6. *Except as otherwise provided in sections 18.3 and 18.5 of this act:*

(a) If, in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, he or she must be declared elected for the term which commences on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made, and no general municipal election need be held for that office.

(b) If, in the primary municipal election, no candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.

Sec. 60. Section 5.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 263, Statutes of Nevada 2013, at page 1183, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection 2, a general municipal election must be held in the City on the Tuesday after the first Monday in June of each odd-numbered year and on the same day every 2 years thereafter, at which time there must be elected those officers whose offices are required to be filled by election in that year.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, ~~in subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~[and in NRS]~~, 293.166, 293.175, 293.177 ~~[,]~~ and 293.345 and ~~[293.368]~~ section 2 of this act apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

5. All candidates for elective office, except the office of Council Member, must be voted upon by the registered voters of the City at large.

Sec. 61. Section 5.050 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~[The full names of all of the candidates, except those]~~ Except for candidates who have withdrawn ~~[, died]~~ pursuant to the election

laws of this State or who are or become ineligible ~~to~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same name or names which are so similar as likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballots; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 62. Section 5.100 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 193, Statutes of Nevada 1991, at page 364, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; declaration of results; certificates of election; entry of officers upon duties; procedure for tied vote.

1. The returns of any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may be permitted to handle, inspect or in any manner interfere with those returns until they have been canvassed by the City Council.

2. The City Council shall meet within 10 days after any election, 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 to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person who is declared to be elected a certificate of election ~~to~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers who ~~have been~~ are elected shall qualify and enter upon the discharge of their respective duties on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made.

4. If the election for any office results in a tie, the City Council shall summon the candidates who received the equal number of votes and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election ~~to~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of*

election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

Sec. 63. Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 963, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Council Members must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Council Members will seek to represent. A candidate for the office of City Council Member shall include in his or her declaration of candidacy the number of the ward which he or she seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he or she seeks to represent.

2. Except as otherwise provided in section 5.025, a primary municipal election must be held on the Tuesday following the first Monday in April preceding the general municipal election, at which time there must be nominated candidates for offices to be voted for at the next general municipal election. In the primary municipal election:

(a) A candidate for the office of City Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.

3. Except as otherwise provided in ~~[subsection 4,]~~ sections 18.3 and 18.5 of this act, after the primary municipal election, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election ~~[-~~
~~—4.—If,]~~ but, regardless of the number of candidates for an office, if one candidate receives a majority of the total votes cast for that office in the primary municipal election, he or she must be declared elected to that office and no general municipal election ~~[need]~~ must be held for that office.

Sec. 64. Section 5.025 of the Charter of the City of North Las Vegas, being chapter 218, Statutes of Nevada 2011, as amended by chapter 263, Statutes of Nevada 2013, at page 1184, is hereby amended to read as follows:

Sec. 5.025 City Council authorized to provide for primary and general municipal elections in even-numbered years.

1. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

2. If the City Council adopts an ordinance pursuant to subsection 1, the dates set forth in NRS 293.12755, ~~in subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~[and in NRS]~~ , 293.166, 293.175, 293.177 ~~[,]~~ and 293.345 and ~~[293.368]~~ section 2 of this act apply for the purposes of conducting the primary municipal elections and general municipal elections.

3. If the City Council adopts an ordinance pursuant to subsection 1, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

Sec. 65. Section 5.050 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~[The full names of all candidates, except those]~~ *Except for candidates who have withdrawn ~~[, died]~~ pursuant to the election laws of this State or who are or become ineligible ~~[,]~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

3. In any election regulated by this Charter, the names of candidates as printed on the ballot shall not include any title, designation or other reference which will indicate the profession or occupation of such candidates.

Sec. 66. Section 5.080 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 465, Statutes of Nevada 1985, at page 1440, is hereby amended to read as follows:

Sec. 5.080 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election shall be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may be permitted to handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet at any time within 16 days after any election and shall 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 ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers ~~[so]~~ who are elected shall qualify and enter upon the discharge of their respective duties on the 1st day of July next following their election.

4. If any election should result 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 ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 67. 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. *Except as otherwise provided in sections 18.3 and 18.5 of this act:*

(a) 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.]~~ (b) In the primary election:

~~[(a)]~~ (1) 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)]~~ (2) Candidates for Council Member who represent a specific ward must be voted upon only by the registered voters of that ward.

~~[(c)]~~ (3) Candidates for Mayor and Council Member at large must be voted upon by all registered voters of the City.

~~[(4)]~~ 3. The Mayor and all Council Members must be voted upon by all registered voters of the City at the general election.

Sec. 68. Section 5.050 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~[(The full names of all candidates, except those)]~~ *Except for candidates who have withdrawn ~~[(died)]~~ pursuant to the election laws of this State or who are or become ineligible ~~[()]~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 69. 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 ~~[()]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers who are 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 ~~to~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 70. 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 sections 18.3 and 18.5 of this act, 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.*

Sec. 71. Section 5.050 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as amended by chapter 312, Statutes of Nevada 2003, at page 1731, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~[The full names of all candidates, except those]~~ *Except for candidates who have withdrawn ~~[died]~~ pursuant to the election laws of this State or who are or become ineligible ~~[]~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 72. 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 ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers who are 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 ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City*

Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

Sec. 73. Section 5.015 of the Charter of the City of Wells, being chapter 493, Statutes of Nevada 2009, as amended by chapter 501, Statutes of Nevada 2011, at page 3310, is hereby amended to read as follows:

Sec. 5.015 Filing of declarations of candidacy.

~~[1.]~~ A candidate to be voted for at the general election must file a declaration of candidacy with the City Clerk as provided by the election laws of this State. 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 City Council by ordinance or resolution.

~~[2. If, due to the death or ineligibility of or withdrawal by a candidate, a vacancy occurs in a nomination after the close of filing and any applicable period for withdrawal of candidacy, the candidate's name must remain on the ballot for the general election and, if elected, a vacancy exists.]~~

Sec. 74. Section 5.040 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 493, Statutes of Nevada 2009, at page 2938, is hereby amended to read as follows:

Sec. 5.040 Names on ballots.

1. ~~[The full names of all candidates, except those]~~ *Except for candidates who have withdrawn [died] pursuant to the election laws of this State or who are or become ineligible [before the close of filing and any applicable period for withdrawal of candidacy], candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 75. Section 5.090 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 185, Statutes of Nevada 2007, at page 629, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election must be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person is permitted to handle, inspect or in any

manner interfere with such returns until canvassed by the Board of Council Members.

2. The Board of Council Members shall meet on or before the sixth working day 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 shall have access thereto except on order of a court of competent jurisdiction or by order of the Board of Council Members.

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 ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers ~~[-]~~ who are elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:

(a) July next following their election for those officers elected in June 2007 or 2009.

(b) January next following their election for those officers elected in November 2010 and every even-numbered year thereafter.

4. If any election should result in a tie, the Board of Council Members 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 ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 76. Section 5.010 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as last amended by chapter 263, Statutes of Nevada 2013, at page 1184, is hereby amended to read as follows:

Sec. 5.010 Municipal elections.

1. Except as otherwise provided in subsection 2:

(a) On the first Tuesday after the first Monday in June 1975, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(b) On the first Tuesday after the first Monday in June 1977, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Council Members, who shall hold office for

a period of 4 years and until their successors have been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, ~~in subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~and in NRS~~ , 293.166, 293.175, 293.177 ~~;~~ and 293.345 and ~~293.368~~ section 2 of this act apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

Sec. 77. Section 5.040 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1731, is hereby amended to read as follows:

Sec. 5.040 Names on ballots.

1. ~~{The full names of all candidates, except those}~~ *Except for candidates who have withdrawn ~~{died}~~ pursuant to the election laws of this State or who are or become ineligible ~~{;}~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 78. Section 5.090 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 913, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such 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 results. The election returns shall then be sealed and kept by the City Clerk for 6 months, and no

person shall 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 ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers ~~[so]~~ who are elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday in July next following their election.

4. If any election should result 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 ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 79. Section 7 of the Moapa Valley Water District Act, being chapter 477, Statutes of Nevada 1983, as last amended by chapter 28, Statutes of Nevada 2011, at page 93, is hereby amended to read as follows:

Sec. 7. 1. Unless otherwise required for purposes of an election to incur an indebtedness, the Registrar of Voters of Clark County shall conduct, supervise and, by ordinance, regulate all district elections in accordance, as nearly as practicable, with the general election laws of the State, including, but not limited to, laws relating to the time of opening and closing of polls, the manner of conducting the election, the canvassing, announcement and certification of results, and the preparation and disposition of ballots.

2. A candidate for election to the Board shall file a declaration of candidacy with the Registrar of Voters of Clark County. The declaration of candidacy must be filed not earlier than the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March of that year. Timely filing of such a declaration is a prerequisite to election.

3. Each member of the Board must be elected by a plurality of the registered voters voting in the election area which the member represents. ~~[H]~~ *Except as otherwise provided in section 1.7 of this act, if there are two seats upon the Board to be filled at the same election, each of which represents the same election area, the two candidates therefor receiving the highest number of votes, respectively, are elected.*

4. If a member of the Board is unopposed in seeking reelection, the Board may declare that member elected without a formal election, but that member must not participate in the declaration.

5. If no person files candidacy for election to a particular seat upon the Board, the seat must be filled in the manner of filling a vacancy.

Sec. 80. Section 8 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, as last amended by chapter 353, Statutes of Nevada 2013, at page 1850, is hereby amended to read as follows:

Sec. 8. 1. Unless otherwise required for purposes of an election to incur an indebtedness, the Registrar of Voters of Clark County shall conduct, supervise and, by ordinance, regulate all district elections in accordance, as nearly as practicable, with the general election laws of this state, including, but not limited to, laws relating to the time of opening and closing of polls, the manner of conducting the election, the canvassing, announcement and certification of results and the preparation and disposition of ballots.

2. Each candidate for election to the Board must file a declaration of candidacy with the Registrar of Voters not earlier than the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March. Timely filing of such declaration is a prerequisite to election.

3. ~~HH~~ *Except as otherwise provided in section 1.7 of this act, if* the Board establishes various election areas within the District and there are two or more seats upon the Board to be filled at the same election, each of which represents the same election area, the two candidates therefor receiving the highest number of votes, respectively, are elected.

4. If a member of the Board is unopposed in seeking reelection, the Board may declare that member elected without a formal election, but that member may not participate in the declaration.

5. If no person files candidacy for election to a particular seat upon the Board, the seat must be filled in the manner provided in subsection 3 of section 7 of this act for filling a vacancy.

Sec. 81. 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. 82. NRS 293.302, 293.368, 293C.291 and 293C.370 are hereby repealed.

Sec. 83. 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.

LEADLINES OF REPEALED SECTIONS

293.302 Posting of notice of death of candidate at polling place.

293.368 Counting of votes cast for deceased candidate.

293C.291 Posting of notice of death of candidate at polling place.

293C.370 Counting of votes cast for deceased candidate.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

This amendment would require that disclosures be put on printed campaign materials and makes this parallel with federal regulations with regard to font size. There is a provision that will allow for the type face of that font to be parallel or similar to the font size in the printed materials; although Helvetica has been suggested as the type face of choice. Candidates should be free to choose the font of their choice.

Amendment adopted.

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

Assembly Bill No. 278.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 278 requires the Department of Education to develop policies and procedures concerning the monitoring and distribution of funds to reduce the pupil-teacher ratio and to provide guidance to school districts concerning the class-size reduction program. The measure requires the Department to establish methods to monitor school district plans for class-size reduction, monitor the content and accuracy of quarterly reports concerning pupil-teacher ratios and average daily attendance, review and verify the accuracy of program variance requests, and provide documentation relating to the distribution and use of program funds. The Department must also advise school district boards of trustees concerning its expectations for the use of the funds, including the minimum number of teachers the district is expected to employ.

Finally, the measure requires the Legislative Auditor to conduct an audit concerning the use by each school district of money appropriated for the class-size reduction program during the 2013–2015 Biennium. The audit must include an examination and analysis of the "plus two" program that authorized school districts to elect to increase class size by two pupils. The bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 278:

YEAS—20.

NAYS—Gustavson.

Assembly Bill No. 278 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 438.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 438 appropriates \$255,815 from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources for costs related to employee retirement buyouts for eliminated positions within the Intergovernmental All-Risk Fire Management Program of the Division. Assembly Bill No. 438 becomes effective upon passage and approval.

Roll call on Assembly Bill No. 438:

YEAS—21.

NAYS—None.

Assembly Bill No. 438 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 443.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 443 appropriates from the General Fund to the Legislative Counsel Bureau the sum of \$2,004,232, of which \$776,460 would be allocated for dues and registration expenditures, and \$1,227,772 would be allocated for a one-time building maintenance and information technology requests.

Senator Kieckhefer moved that the bill be taken from the General File and placed on the General File on the next Agenda.

Motion carried.

Assembly Bill No. 475.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 475 changes the Real Estate licensing terms for Real Estate Brokers and Salespersons from two years to one year for initial licensure and from four years to two years for subsequent licensure. The legislation also reduces the licensing fees outlined in the bill to align with the new licensing renewal period, and provides that existing licenses issued by the Real Estate Division before July 1, 2015, do not require renewal until the expiration date indicated on the license. Mr. President, these additional terms were requested by the licensees.

Senator Parks disclosed that he is an active real estate licensee.

Roll call on Assembly Bill No. 475:

YEAS—21.

NAYS—None.

Assembly Bill No. 475 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 480.

Bill read third time.

Remarks by Senators Settlemeyer, Hardy and Segerblom.

SENATOR SETTELMAYER:

Assembly Bill No. 480 is a bill that we heard earlier today dealing with mortgage lending. It provides for licensure and regulation of out-of-state wholesale lenders as mortgage brokers or mortgage bankers, and requires the Commissioner of Mortgage Lending to prescribe by regulation the requirements for licensing, regulation and discipline of mortgage servicers. The bill also makes various changes to the regulation of escrow agents and escrow agencies, and revises certain provisions relating to thrift companies. The measure increases certain fees related to mortgage bankers.

Assembly Bill No. 480 allows thrift companies to contract for the insurance of deposits issued by a private insurer and provides for the Commissioner of the Division of Financial Institutions, Department of Business and Industry, to adopt regulations prescribing the contract requirements.

Provisions of this bill relating to thrift companies are effective upon passage and approval. Other provisions are effective upon passage and approval for the purpose of adopting regulations and performing preparatory administrative tasks, and on January 1, 2016, for all other purposes.

SENATOR HARDY:

What kind of business does a thrift agency type business do?

SENATOR SETTELMAYER:

I believe it was mentioned, in the Committee, that this would allow some of the medical marijuana dispensaries to utilize this.

SENATOR SEGERBLOM:

I want to point out that one of the biggest problems with our legal medical marijuana industry is the banking and the fact that regular FDIC banks will not accept cash deposits. It is a huge problem. This bill tries to address that. This is a major problem. This is an industry growing, literally and figuratively, and we need this bill.

Roll call on Assembly Bill No. 480:

YEAS—17.

NAYS—Brower, Gustavson, Hardy, Harris—4.

Assembly Bill No. 480 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 185.

The following Assembly amendment was read:

Amendment No. 1025.

SUMMARY—Makes temporary changes relating to fire and related emergency services in certain counties. (BDR 42-121)

AN ACT relating to suppression of fires; temporarily requiring the entity that is responsible for the closest emergency fire-fighting vehicle to respond to and suppress certain fires in certain counties; exempting an airport authority located in certain counties from this requirement; requiring certain entities to negotiate an automatic aid agreement concerning certain matters; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the municipalities of this State to provide fire protection services. (NRS 268.730) Existing law also authorizes the creation of districts for a fire department by boards of county commissioners and the creation of fire protection districts and county fire protection districts. (NRS 244.2961, 473.034, 474.110, 474.460) Section 1 of this bill requires, in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County), the entity that is responsible for the emergency fire-fighting vehicle located closest to a structure or brush fire to respond to and take all actions necessary to suppress the fire regardless of

whether the location of the fire falls within the territory served by the entity. Section 1 exempts an airport authority in such a county and any vehicle or firefighter of such an airport authority from this requirement. Section 1 additionally: (1) requires each entity, other than an airport authority which maintains an emergency fire-fighting vehicle in such a county, to negotiate an automatic aid agreement with each other such entity which addresses the reimbursement of costs, geographic areas of coverage or any other relevant issue or any combination thereof; and (2) provides that a failure to reach an automatic aid agreement does not exempt an entity from complying with the requirement to respond to a fire if it is responsible for the emergency fire-fighting vehicle located closest to the fire. Section 2 of this bill provides that the provisions of section 1 expire by limitation on June 30, 2017.

WHEREAS, The provision of fire protection and related emergency services is fundamental to what the people of this State expect from their local governments; and

WHEREAS, Providing such services in a timely, effective and efficient manner is critical to the protection of life and property; and

WHEREAS, The infighting that has continuously occurred for several years between the entities that provide fire protection and related emergency services in Washoe County threatens the lives and property of the people of this State who reside in that county; and

WHEREAS, The failure of the local governments in Washoe County to resolve this dispute in a timely manner now requires the Nevada Legislature to intervene and ensure that the lives and property of the people of this State who reside in Washoe County are no longer put at risk by the reluctance of these entities to find an agreement that protects their residents; now, therefore,

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

Section 1. Chapter 475 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any provision of law to the contrary, in a county whose population is 100,000 or more but less than 700,000, the entity that is responsible for the emergency fire-fighting vehicle located closest to a structure or brush fire, unless that entity is described in subsection 4, shall respond to and take all actions necessary to suppress the fire regardless of whether the fire occurs within the territory served by the entity.

2. Each entity, other than an airport authority which maintains an emergency fire-fighting vehicle in a county whose population is 100,000 or more but less than 700,000, shall negotiate an automatic aid agreement with each other such entity to address:

(a) The reimbursement of costs for actions to suppress fires pursuant to subsection 1;

(b) Geographic areas to be covered by each entity, except that any such geographic areas must be established so that, at a minimum, the entity

responsible for the emergency fire-fighting vehicle located closest to a structure or brush fire is required to respond to the fire as described in subsection 1; or

(c) Any other issues relating to the requirements of subsection 1 identified by the entities.

3. The failure of an entity to enter into an automatic aid agreement pursuant to subsection 2 does not exempt the entity from the requirements imposed by subsection 1.

4. The provisions of subsection 1 do not apply to an airport authority or to any emergency fire-fighting vehicle or firefighter of an airport authority.

Sec. 2. This act expires by limitation on June 30, 2017.

Senator Goicoechea moved that the Senate concur in Assembly Amendment No. 1025 to Senate Bill No. 185.

Remarks by Senator Goicoechea.

The amendment requires each entity to negotiate an automatic aid agreement with each other addressing reimbursement costs and coverage areas. The coverage areas must be established so that, at a minimum, the entity closest to a structure or brush fire is required to respond to the fire. Finally, the provisions of this bill do not apply to any emergency fire-fighting vehicle or firefighter of an airport authority.

Motion carried by a constitutional majority.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Senate Bill No. 52, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that Amendment No. 751 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 5, which is attached to and hereby made a part of this report.

Conference Amendment No. 5.

SUMMARY—Revises provisions governing ~~search warrants~~ criminal procedure. (BDR 14-159)

AN ACT relating to ~~search warrants~~ criminal procedure; defining certain terms relating to the interception of wire, electronic or oral communications; authorizing the use of secure electronic transmission for the submission of an application and affidavit for, and the issuance by a magistrate of, a search warrant; providing that the interception, listening or recording of a wire, electronic or oral communication by a peace officer or certain other persons is not unlawful in certain circumstances; authorizing the issuance of orders requiring a provider of electronic communication service to disclose the contents of a wire or electronic communication or a record or other information pertaining to a subscriber to, or customer of, such service in certain circumstances; providing immunity from liability to a provider of electronic communication service and associated persons for disclosing such information; revising certain existing definitions relating to the interception of wire or oral communications; authorizing the interception of electronic communications in certain circumstances; providing immunity from liability to a provider of electronic communication service, a public utility and associated persons for providing information or assistance concerning court-ordered interceptions of wire, electronic or oral communications; authorizing a judge to accept a facsimile or electronic copy of the signature of certain persons as part of an application for an order authorizing the interception of a wire, electronic or oral communication as an original signature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a search warrant may only be issued: (1) pursuant to an affidavit or affidavits sworn to before a magistrate and establishing the grounds for issuing the warrant; or (2) in lieu of an affidavit, pursuant to an oral statement taken by a magistrate, given under oath and filed with the clerk of the court. (NRS 179.045) ~~(This)~~ Section 9 of this bill authorizes the use of secure electronic transmission for the submission of an application and affidavit for, and the issuance by a magistrate of, a search warrant.

Existing law authorizes the Attorney General or the district attorney of any county to apply to a Supreme Court justice or to a district judge in the county where the interception is to take place for an order authorizing the interception of wire or oral communications. The judge may grant an order authorizing such interception by certain investigative or law enforcement officers when the interception may provide evidence of the commission of certain crimes. (NRS 179.460) Section 18 of this bill additionally authorizes the Attorney General or the district attorney to apply for an order authorizing the interception of an electronic communication. Section 18 also provides that a provider of electronic communication service, a public utility and associated persons are immune from any liability relating to the interception of a wire, electronic or oral communication made pursuant to such a court order. Sections 11-14, 18-25 and 27 of this bill add a reference to an electronic communication to the provisions of existing law that reference wire or oral communications. Section 26 of this bill adds a reference to an electronic or oral communication to make the section consistent with the references to communications included in the federal statute cited therein.

Existing law also requires that each application for an order authorizing the interception of a wire or oral communication be made in writing upon oath or affirmation to a justice of the Supreme Court or district judge. (NRS 179.470) Section 20 of this bill authorizes the judge to accept a facsimile or electronic copy of the signature of any person required to give an oath or affirmation as part of an application for an order authorizing the interception of a wire, electronic or oral communication as an original signature.

Section 7 of this bill provides that the interception, listening or recording of a wire, electronic or oral communication by a peace officer or certain other persons is not unlawful if the peace officer or person is intercepting the communication of a person who has: (1) barricaded himself or herself, resulting in an imminent risk of harm to the life of another person; (2) created a hostage situation; or (3) threatened the imminent illegal use of an explosive.

Section 8 of this bill authorizes the Nevada Supreme Court and the district courts of this State to issue orders requiring a provider of electronic communication service to disclose the contents of a wire or electronic communication or a record or other information pertaining to a subscriber to, or customer of, such service upon the application of a district attorney or the Attorney General, or their deputies, supported by an affidavit of a peace officer under the circumstances and upon the conditions prescribed by federal law. Section 8 provides that a provider of electronic communication service and associated persons are immune from any liability relating to a disclosure made pursuant to such a court order. Sections 13, 17, 21 and 27 of this bill replace existing references to a communications common carrier with the term "provider of electronic communication service."

Sections 2-6 of this bill add new definitions of terms relating to the interception of wire, electronic or oral communications, and sections 13 and 15-17 of this bill revise certain existing definitions relating to the interception of wire or oral communications.

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

Section 1. Chapter 179 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. "Electronic communication" means a transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transferred in whole or in part by a wire, radio, electromagnetic, photoelectric or photo-optical system. The term does not include:

1. A wire or oral communication.
2. A communication made through a tone-only paging device.
3. A communication from a tracking device.
4. Electronic funds transfer information stored by a financial institution in a communication system used for the electronic storage and transfer of funds.

5. The incoming or outgoing electronic or other impulses that identify the originating number of an instrument or device from which or to which a wire or electronic communication was transmitted.

Sec. 3. "Electronic communication service" means a service that provides to users of the service the ability to send or receive a wire or electronic communication.

Sec. 4. "Peace officer" means a category I peace officer, as defined in NRS 289.460.

Sec. 5. "Tracking device" means an electronic or mechanical device that permits the tracking of the movement of a person or an object.

Sec. 6. "User" means a person or entity who:

1. Uses an electronic communication service; and

2. Is authorized by the provider of the electronic communication service to engage in such use.

Sec. 7. 1. The interception, listening or recording of a wire, electronic or oral communication by a peace officer specifically designated by the Attorney General or the district attorney of any county, or a person acting under the direction or request of a peace officer, is not unlawful if the peace officer or person is intercepting the communication of a person who has:

(a) Barricaded himself or herself and is not exiting or surrendering at the lawful request of a peace officer, in circumstances in which there is imminent risk of harm to the life of another person as a result of the barricaded person's actions or the actions of law enforcement in resolving the barricade situation;

(b) Created a hostage situation; or

(c) Threatened the imminent illegal use of an explosive.

2. For the purposes of subsection 1:

(a) A barricade occurs when a person:

(1) Refuses to come out from a covered or enclosed position after being provided an order to exit by a peace officer; or

(2) Is contained in an open area and the presence or approach of a peace officer precipitates an imminent risk of harm to the life of another person.

(b) A hostage situation occurs when a person holds another person against the other person's will, regardless of whether the person holding the other person has made a demand.

Sec. 8. 1. The Nevada Supreme Court and the district courts of this State may issue orders requiring a provider of electronic communication service to disclose the contents of a wire or electronic communication or a record or other information pertaining to a subscriber to, or customer of, such service upon the application of a district attorney or the Attorney General, or their deputies, supported by an affidavit of a peace officer under the circumstances and upon the conditions prescribed by 18 U.S.C. § 2703.

2. A provider of electronic communication service, an officer, employee or agent thereof or another person associated with the provider of electronic communication service who, pursuant to an order issued by a district court pursuant to subsection 1, discloses the contents of a wire or electronic communication or a record or other information pertaining to a subscriber to, or customer of, the electronic communication service is immune from any liability relating to any disclosure made pursuant to the order.

~~[Section 1.]~~ Sec. 9. NRS 179.045 is hereby amended to read as follows:

179.045 1. A search warrant may issue only on affidavit or affidavits sworn to before the magistrate and establishing the grounds for issuing the warrant or as provided in subsection ~~[2.]~~

3. If the magistrate is satisfied that grounds for the application exist or that there is probable cause to believe that they exist, the magistrate shall issue a warrant identifying the property and naming or describing the person or place to be searched.

2. Secure electronic transmission may be used for the submission of an application and affidavit required by subsection 1, and for the issuance of a search warrant by a magistrate. The Nevada Supreme Court ~~shall~~ may adopt rules not inconsistent with the laws of this State to carry out the provisions of this subsection.

3. In lieu of the affidavit required by subsection 1, the magistrate may take an oral statement given under oath, which must be recorded in the presence of the magistrate or in the magistrate's immediate vicinity by a certified court reporter or by electronic means, transcribed, certified by

the reporter if the reporter recorded it, and certified by the magistrate. The statement must be filed with the clerk of the court.

~~{3-}~~ 4. Upon a showing of good cause, the magistrate may order an affidavit or a recording of an oral statement given pursuant to this section to be sealed. Upon a showing of good cause, a court may cause the affidavit or recording to be unsealed.

~~{4-}~~ 5. After a magistrate has issued a search warrant, whether it is based on an affidavit or an oral statement given under oath, the magistrate may orally authorize a peace officer to sign the name of the magistrate on a duplicate original warrant. A duplicate original search warrant shall be deemed to be a search warrant. It must be returned to the magistrate who authorized the signing of it. The magistrate shall endorse his or her name and enter the date on the warrant when it is returned. Any failure of the magistrate to make such an endorsement and entry does not in itself invalidate the warrant.

~~{5-}~~ 6. The warrant must be directed to a peace officer in the county where the warrant is to be executed. It must:

(a) State the grounds or probable cause for its issuance and the names of the persons whose affidavits have been taken in support thereof; or

(b) Incorporate by reference the affidavit or oral statement upon which it is based.

➤ The warrant must command the officer to search forthwith the person or place named for the property specified.

~~{6-}~~ 7. The warrant must direct that it be served between the hours of 7 a.m. and 7 p.m., unless the magistrate, upon a showing of good cause therefor, inserts a direction that it be served at any time.

~~{7-}~~ 8. The warrant must designate the magistrate to whom it is to be returned.

9. *As used in this section, "secure electronic transmission" means the sending of information from one computer system to another computer system in such a manner as to ensure that:*

(a) *No person other than the intended recipient receives the information;*

(b) *The identity of the sender of the information can be authenticated; and*

(c) *The information which is received by the intended recipient is identical to the information that was sent.*

Sec. 10. NRS 179.410 is hereby amended to read as follows:

179.410 As used in NRS 179.410 to 179.515, inclusive, and sections 2 to 8, inclusive, of this act, except where the context otherwise requires, the words and terms defined in NRS 179.415 to 179.455, inclusive, and sections 2 to 6, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 11. NRS 179.415 is hereby amended to read as follows:

179.415 "Aggrieved person" means a person who was a party to any intercepted wire electronic or oral communication or a person against whom the interception was directed.

Sec. 12. NRS 179.420 is hereby amended to read as follows:

179.420 "Contents" when used with respect to any wire electronic or oral communication includes any information concerning the identity of the parties to such communication or the existence, substance, purport or meaning of that communication.

Sec. 13. NRS 179.425 is hereby amended to read as follows:

179.425 "Electronic, mechanical or other device" means any device or apparatus which can be used to intercept a wire electronic or oral communication other than:

1. Any telephone instrument, equipment or facility, or any component thereof:

(a) Furnished to the subscriber or user by a ~~communications common carrier~~ provider of electronic communication service in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; ~~for~~

(b) Furnished by the subscriber or user for connection to the facilities of an electronic communication service and being used by the subscriber or user in the ordinary course of its business; or

(c) Being used by a ~~communications common carrier~~ provider of electronic communication service in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his or her duties.

2. A hearing aid or similar device being used to correct subnormal hearing to not better than normal.

Sec. 14. NRS 179.430 is hereby amended to read as follows:

179.430 "Intercept" means the aural acquisition of the contents of any wire, electronic or oral communication through the use of any electronic, mechanical or other device or of any sending or receiving equipment.

Sec. 15. NRS 179.435 is hereby amended to read as follows:

179.435 "Investigative or law enforcement officer" means any officer of the United States or this State or a political subdivision thereof who is empowered by the law of this state to conduct investigations of or to make arrests for felonies, and any attorney authorized by law to prosecute or participate in the prosecution of such offenses.

Sec. 16. NRS 179.440 is hereby amended to read as follows:

179.440 "Oral communication" means any verbal message uttered by a person exhibiting an expectation that such communication is not subject to interception, under circumstances justifying such expectation. The term does not include an electronic communication.

Sec. 17. NRS 179.455 is hereby amended to read as follows:

179.455 "Wire communication" means any ~~communication~~ aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable or other like connection between the point of origin and the point of reception, including the use of such connection in a switching station, furnished or operated by any person engaged ~~as a common carrier~~ in providing or operating such facilities for the transmission of intrastate, interstate or foreign communications.

Sec. 18. NRS 179.460 is hereby amended to read as follows:

179.460 1. The Attorney General or the district attorney of any county may apply to a Supreme Court justice or to a district judge in the county where the interception is to take place for an order authorizing the interception of wire, electronic or oral communications, and the judge may, in accordance with NRS 179.470 to 179.515, inclusive, and sections 7 and 8 of this act, grant an order authorizing the interception of wire, electronic or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when the interception may provide evidence of the commission of murder, kidnapping, robbery, extortion, bribery, escape of an offender in the custody of the Department of Corrections, destruction of public property by explosives, a sexual offense against a child, sex trafficking, a violation of NRS 200.463, 200.464 or 200.465, trafficking in persons in violation of NRS 200.467 or 200.468 or the commission of any offense which is made a felony by the provisions of chapter 453 or 454 of NRS.

2. ~~A [good faith reliance by] provider of electronic communication service or a public utility [on a court order shall constitute a complete defense to any civil or criminal action brought against the public utility on account of]~~, an officer, employee or agent thereof or another person associated with the provider of electronic communication service or public utility who, pursuant to an order issued pursuant to subsection 1, provides information or otherwise assists an investigative or law enforcement officer in the interception of a wire, electronic or oral communication is immune from any liability relating to any interception made pursuant to the order.

3. As used in this section, "sexual offense against a child" includes any act upon a child constituting:

- (a) Incest pursuant to NRS 201.180;
- (b) Lewdness with a child pursuant to NRS 201.230;
- (c) Sado-masochistic abuse pursuant to NRS 201.262;
- (d) Sexual assault pursuant to NRS 200.366;
- (e) Statutory sexual seduction pursuant to NRS 200.368;
- (f) Open or gross lewdness pursuant to NRS 201.210; or
- (g) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

Sec. 19. NRS 179.465 is hereby amended to read as follows:

179.465 1. Any investigative or law enforcement officer who, by any means authorized by NRS 179.410 to 179.515, inclusive, and sections 2 to 8, inclusive, of this act or 704.195 or

18 U.S.C. §§ 2510 to ~~(2520)~~ 2522, inclusive, has obtained knowledge of the contents of any wire, *electronic* or oral communication, or evidence derived therefrom, may disclose the contents to another investigative or law enforcement officer or use the contents to the extent that the disclosure or use is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

2. Any person who has received, by any means authorized by NRS 179.410 to 179.515, inclusive, *and sections 2 to 8, inclusive, of this act* or 704.195 or 18 U.S.C. §§ 2510 to ~~(2520)~~ 2522, inclusive, or by a statute of another state, any information concerning a wire, *electronic* or oral communication, or evidence derived therefrom intercepted in accordance with the provisions of NRS 179.410 to 179.515, inclusive, *and sections 2 to 8, inclusive, of this act* may disclose the contents of that communication or the derivative evidence while giving testimony under oath or affirmation in any criminal proceeding in any court or before any grand jury in this state, or in any court of the United States or of any state, or in any federal or state grand jury proceeding.

3. An otherwise privileged wire, *electronic* or oral communication intercepted in accordance with, or in violation of, the provisions of NRS 179.410 to 179.515, inclusive, *and sections 2 to 8, inclusive, of this act* or 18 U.S.C. §§ 2510 to ~~(2520)~~ 2522, inclusive, does not lose its privileged character.

4. When an investigative or law enforcement officer engaged in intercepting wire, *electronic* or oral communications as authorized by NRS 179.410 to 179.515, inclusive, *and sections 2 to 8, inclusive, of this act* intercepts wire, *electronic* or oral communications relating to offenses other than those specified in the order provided for in NRS 179.460, the contents of the communications and the evidence derived therefrom may be disclosed or used as provided in subsection 1. The direct evidence derived from the communications is inadmissible in a criminal proceeding, but any other evidence obtained as a result of knowledge obtained from the communications may be disclosed or used as provided in subsection 2 when authorized or approved by a justice of the Supreme Court or district judge who finds upon application made as soon as practicable that the contents of the communications were intercepted in accordance with the provisions of NRS 179.410 to 179.515, inclusive, *and sections 2 to 8, inclusive, of this act* or 18 U.S.C. §§ 2510 to ~~(2520)~~ 2522, inclusive.

Sec. 20. NRS 179.470 is hereby amended to read as follows:

179.470 1. Each application for an order authorizing the interception of a wire, *electronic* or oral communication must be made in writing upon oath or affirmation to a justice of the Supreme Court or district judge and must state the applicant's authority to make such application. Each application must include the following information:

(a) The identity of the investigative or law enforcement officer making the application, and the officer authorizing the application.

(b) A full and complete statement of the facts and circumstances relied upon by the applicant to justify the applicant's belief that an order should be issued, including:

(1) Details as to the particular offense that is being, has been or is about to be committed.

(2) A particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, the facilities to be used and the means by which such interception is to be made.

(3) A particular description of the type of communications sought to be intercepted.

(4) The identity of the person, if known, who is committing, has committed or is about to commit an offense and whose communications are to be intercepted.

(c) A full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous.

(d) A statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter.

(e) A full and complete statement of the facts concerning all previous applications known to the person authorizing and making the application made to any judge for authorization to

intercept wire, *electronic* or oral communications involving any of the same persons, facilities or places specified in the application, and the action taken by the judge on each such application.

(f) Where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results.

2. The judge may require the applicant to furnish additional testimony or documentary evidence under oath or affirmation in support of the application. Oral testimony must be reduced to writing.

3. Upon such application the judge may enter an ex parte order, as requested or as modified, authorizing interception of wire, *electronic* or oral communications within the territorial jurisdiction of the court in which the judge is sitting, if the judge determines on the basis of the facts submitted by the applicant that:

(a) There is probable cause for belief that a person is committing, has committed or is about to commit an offense for which interception is authorized by NRS 179.460.

(b) There is probable cause for belief that particular communications concerning that offense will be obtained through such interception.

(c) Normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or appear to be too dangerous.

(d) There is probable cause for belief that the facilities from which, or the place where, the wire, *electronic* or oral communications are to be intercepted are being used or are about to be used by such person in connection with the commission of such offense or are leased to, listed in the name of, or commonly used by such person.

4. The judge may accept a facsimile or electronic copy of the signature of any person required to give an oath or affirmation as part of an application submitted pursuant to this section as an original signature to the application.

Sec. 21. NRS 179.475 is hereby amended to read as follows:

179.475 1. Each order authorizing the interception of any wire, *electronic* or oral communication ~~(shall)~~ must specify:

(a) The identity of the person, if known, whose communications are to be intercepted.

(b) The nature and location of the place where or communication facilities to which authority to intercept is granted, the facilities to be used and the means by which such interceptions ~~(shall)~~ will be made.

(c) A particular description of the type of communication sought to be intercepted, and a statement of the particular offense to which it relates.

(d) The identity of the agency authorized to intercept the communications, and of the person authorizing the application.

(e) The period of time during which such interception is authorized, including a statement as to whether or not the interception ~~(shall)~~ will automatically terminate when the described communication has been first obtained.

2. An order authorizing the interception of a wire, *electronic* or oral communication shall, upon request of the applicant, direct that a ~~(communications common carrier,)~~ provider of electronic communication service, landlord, custodian or other person shall furnish the applicant forthwith all information, facilities, and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such ~~(carrier,)~~ provider of electronic communication service, landlord, custodian, or person is according the person whose communications are to be intercepted. Any ~~(communications common carrier,)~~ provider of electronic communication service, landlord, custodian or other person furnishing such facilities or technical assistance ~~(shall)~~ must be compensated therefor by the applicant at the prevailing rates.

3. No order entered under this section may authorize the interception of any wire, *electronic* or oral communication for any period longer than is necessary to achieve the objective of the authorization, and in no event longer than 30 days. Extensions of an order may be granted, but only upon application for an extension made in accordance with the procedures provided in NRS 179.470. The period of extension ~~(shall)~~ must be no longer than the authorizing judge deems necessary to achieve the purposes for which it was granted and in no event for longer than 30 days. Every order and extension thereof ~~(shall)~~ must contain a provision that the authorization

to intercept ~~(shall)~~ *must* be executed as soon as practicable, ~~(shall)~~ *must* be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under this statute, and ~~(shall)~~ *will* terminate upon attainment of the authorized objective, or in any event in 30 days.

Sec. 22. NRS 179.485 is hereby amended to read as follows:

179.485 The contents of any wire ,electronic or oral communication intercepted by any means authorized by NRS 179.410 to 179.515, inclusive, ~~(shall)~~ *and sections 2 to 8, inclusive, of this act must*, if possible, be recorded on tape or wire or other comparable device. The recording of the contents of any wire ,electronic or oral communication under this section ~~(shall)~~ *must* be done in such a way as will protect the recording from editing or other alterations. Immediately upon the expiration of the period of the order, or extensions thereof, such recordings ~~(shall)~~ *must* be made available to the judge issuing such order and sealed under the judge's directions. Custody of the recordings ~~(shall)~~ *must* be placed with whomever the judge directs. They ~~(shall)~~ *must* not be destroyed except upon an order of the judge issuing such order and in any event ~~(shall)~~ *must* be kept for 10 years. Duplicate recordings may be made for use or disclosure pursuant to the provisions of subsection 1 of NRS 179.465 for investigations. The presence of the seal provided for by this section, or a satisfactory explanation for the absence thereof, is a prerequisite for the use or disclosure of the contents of any wire ,electronic or oral communication or evidence derived therefrom under subsection 2 of NRS 179.465.

Sec. 23. NRS 179.495 is hereby amended to read as follows:

179.495 1. Within a reasonable time but not later than 90 days after the termination of the period of an order or any extension thereof, the judge who issued the order shall cause to be served on the chief of the Investigation Division of the Department of Public Safety, persons named in the order and any other parties to intercepted communications, an inventory which must include notice of:

(a) The fact of the entry and a copy of the order.

(b) The fact that during the period wire ,electronic or oral communications were or were not intercepted.

➤ Except as otherwise provided in NRS 239.0115, the inventory filed pursuant to this section is confidential and must not be released for inspection unless subpoenaed by a court of competent jurisdiction.

2. The judge, upon receipt of a written request from any person who was a party to an intercepted communication or from the person's attorney, shall make available to the person or the person's counsel those portions of the intercepted communications which contain the person's conversation. On an ex parte showing of good cause to a district judge, the serving of the inventory required by this section may be postponed for such time as the judge may provide.

Sec. 24. NRS 179.500 is hereby amended to read as follows:

179.500 The contents of any intercepted wire ,electronic or oral communication or evidence derived therefrom ~~(shall)~~ *must* not be received in evidence or otherwise disclosed in any trial, hearing or other proceeding in any court of this state unless each party, not less than 10 days before the trial, hearing or proceeding, has been furnished with a copy of the court order and accompanying application under which the interception was authorized and a transcript of any communications intercepted. Such 10-day period may be waived by the judge if the judge finds that it was not possible to furnish the party with such information 10 days before the trial, hearing or proceeding and that the party will not be prejudiced by the delay in receiving such information.

Sec. 25. NRS 179.505 is hereby amended to read as follows:

179.505 1. Any aggrieved person in any trial, hearing or proceeding in or before any court, department, officer, agency or other authority of this State, or a political subdivision thereof, may move to suppress the contents of any intercepted wire, electronic or oral communication, or evidence derived therefrom, on the grounds that:

(a) The communication was unlawfully intercepted.

(b) The order of authorization under which it was intercepted is insufficient on its face.

(c) The interception was not made in conformity with the order of authorization.

(d) The period of the order and any extension had expired.

2. Such *a* motion ~~(shall)~~ *must* be made before the trial, hearing or proceeding unless there was no opportunity to make such *a* motion or the person was not aware of the grounds of the motion. If the motion is granted, the contents of the intercepted wire, *electronic* or oral communication, or evidence derived therefrom, ~~(shall)~~ *must* be treated as having been obtained in violation of NRS 179.410 to 179.515, inclusive, ~~and sections 2 to 8, inclusive, of this act.~~ The judge, upon the filing of such motion by the aggrieved person, may in the judge's discretion make available to the aggrieved person or the aggrieved person's counsel for inspection such portions of the intercepted communication or evidence derived therefrom as the judge determines to be in the interest of justice.

Sec. 26. NRS 179.515 is hereby amended to read as follows:

179.515 1. In January of each year, the Attorney General and the district attorney of each county shall report to the Administrative Office of the United States Courts the information required to be reported pursuant to 18 U.S.C. § 2519. A copy of the report must be filed with the Investigation Division of the Department of Public Safety. In the case of a joint application by the Attorney General and a district attorney both shall make the report.

2. Every justice of the Supreme Court or district judge who signs an order authorizing or denying an interception shall, within 30 days after the termination of the order or any extension thereof, file with the Investigation Division of the Department of Public Safety on forms approved by the Division a report containing the same information required to be reported pursuant to 18 U.S.C. § 2519. The report must also indicate whether a party to an intercepted wire, *electronic or oral* communication had consented to the interception.

3. The willful failure of any officer to report any information known to the officer which is required to be reported pursuant to subsection 1 or 2 constitutes malfeasance in office and, in such cases, the Secretary of State shall, when the wrong becomes known to the Secretary of State, institute legal proceedings for the removal of that officer.

4. The Investigation Division of the Department of Public Safety shall, on or before April 30 of each year, compile a report consisting of a summary and analysis of all reports submitted to the Division pursuant to this section during the previous calendar year. The report is a public record and may be inspected by any person during the regular office hours of the Division.

Sec. 27. NRS 199.540 is hereby amended to read as follows:

199.540 1. It is unlawful for an officer or employee of a court or law enforcement agency, or any employee of a ~~(communications common carrier,)~~ *provider of electronic communication service*, landlord, custodian or other person who is ordered pursuant to subsection 2 of NRS 179.475 to furnish information, facilities and technical assistance necessary to accomplish an authorized interception of a wire, *electronic* or oral communication, having knowledge that an order has been applied for or has been issued authorizing the interception of a wire, *electronic* or oral communication in accordance with NRS 179.410 to 179.515, inclusive, and sections 2 to 8, inclusive, of this act to:

(a) Give notice of the interception; or

(b) Attempt to give notice of the interception,

➤ to any person with the intent to obstruct, impede or prevent the interception of the wire, *electronic* or oral communication.

2. It is unlawful for an officer or employee of a court or law enforcement agency, or any employee of a ~~(communications common carrier,)~~ *provider of electronic communication service*, landlord, custodian or other person who is ordered pursuant to subsection 2 of NRS 179.475 to furnish information, facilities and technical assistance necessary to accomplish an authorized interception of a wire, *electronic* or oral communication, having knowledge that an order has been applied for or has been issued authorizing the use of a pen register or trap and trace device to:

(a) Give notice of the use of the pen register or device; or

(b) Attempt to give notice of the use of the pen register or device,

➤ to any person with the intent to obstruct, impede or prevent that use.

3. A person who violates any provision of subsection 1 or 2 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

~~[Sec. 2.]~~ Sec. 28. This act becomes effective upon passage and approval.

GREG BROWER
SCOTT HAMMOND
RUBEN J. KIHUEN

ERVEN T. NELSON
DAVID M. GARDNER
JAMES OHRENSCHALL

Senate Conference Committee

Assembly Conference Committee

Senator Brower moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 52.

Remarks by Senator Brower.

I want to thank all of the members of the Conference Committee, and the various stakeholders for a lot of hard work on this bill.

Motion carried by a constitutional majority.

Mr. President:

The Conference Committee concerning Senate Bill No. 376, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that Amendment No. 810 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 8, which is attached to and hereby made a part of this report.

Conference Amendment No.8.

SUMMARY—Revises provisions relating to motor carriers. (BDR 58-632)

AN ACT relating to motor carriers; revising provisions concerning an appeal of certain decisions of the Nevada Transportation Authority; revising provisions concerning an appeal of a final decision of the Taxicab Authority; revising provisions relating to the regulation of taxicabs; transferring the authority to administer and collect certain excise taxes from the Nevada Transportation Authority and the Taxicab Authority to the Department of Taxation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, any person who is aggrieved by a final decision of the Nevada Transportation Authority in an administrative hearing is entitled to judicial review. (NRS 233B.130, 706.2885, 706.771, 706.775) Section ~~HH~~ 1.1 of this bill provides that any decision or action by the Nevada Transportation Authority which has the effect of substantially impairing, restricting or rescinding the ability or authorization of a fully regulated carrier to operate in this State or which refuses an applicant the ability or authorization to operate in this State as a fully regulated carrier is a final decision, and may be appealed directly to a court of competent jurisdiction for judicial review.

The Nevada Transportation Authority has regulatory authority over taxicab motor carriers in any county whose population is less than 700,000 (currently all counties except for Clark). (NRS 706.151, 706.881) In any county whose population is 700,000 or more (currently Clark County), the Taxicab Authority has regulatory authority over taxicab motor carriers. (NRS 706.881) Any person who is aggrieved by a final decision of the Taxicab Authority must appeal to the Nevada Transportation Authority. (NRS 706.8819) Sections 3 and 8 of this bill provide that any person aggrieved by a final decision of the Taxicab Authority is entitled to judicial review, rather than requiring such a person to appeal to the Nevada Transportation Authority.

Existing law provides for the regulation of taxicabs by the Taxicab Authority in certain counties and the Nevada Transportation Authority in all other counties in this State. (Chapter 706 of NRS) Sections 1.5 and 1.7 of this bill allow, in areas regulated by the Taxicab Authority, for a person to operate a taxicab as an independent contractor in a similar manner as in areas regulated by the Nevada Transportation Authority. Sections 1.3 and 1.9 of this bill prohibit an employee of a person who holds a certificate of public convenience and necessity for the operation of a taxicab business from acting as a driver for a transportation network company during the same time the employee uses a taxicab provided by his or her employer or is paid to operate a taxicab for his or her employer. Sections 2.5, 7.7, 8.5, 8.7 and 8.9 of this bill allow a taxicab to use a device, method or system other than a taximeter to indicate and determine the

passenger fare charged. Sections 3.5 and 8.3 of this bill revise provisions relating to the color and display of information on a taxicab. Section 5.5 of this bill eliminates a provision that allows the Nevada Transportation Authority to suspend the operation of a schedule or tariff and defer the use of a rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice for 150 days while the relevant issue is being reviewed. Section 8.1 of this bill prohibits the Taxicab Authority from limiting the geographical area from which service is offered or provided by a taxicab.

Existing law provides for the collection by the Nevada Transportation Authority or the Taxicab Authority, as applicable, of an excise tax upon the connection of a passenger to a driver affiliated with a transportation network company, a common motor carrier of passengers or a taxicab in an amount of 3 percent of the fare charged to the passenger. (Sections 28, 51 and 52 of Assembly Bill No. 175 of the 2015 Session) Sections 9-38 and 40 of this bill provide for the transfer of the responsibility to administer and collect these excise taxes from the Nevada Transportation Authority and the Taxicab Authority to the Department of Taxation.

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

Section 1. Chapter 706 of NRS is hereby amended by adding thereto ~~the provisions set forth as sections 1.1 to 1.9, inclusive, of this act.~~ ~~as follows:~~ *[a new section to read as follows:]*

Sec. 1.1. Any decision or action by the Authority which:

1. Has the effect of substantially impairing, restricting or rescinding the ability or authorization of a fully regulated motor carrier to operate in this State; or

2. Refuses an applicant the ability or authorization to operate as a fully regulated motor carrier in this State,

↪ is a final decision for the purpose of chapter 233B of NRS and may be appealed directly to a court of competent jurisdiction for judicial review.

Sec. 1.3. 1. A person who drives a taxicab as an employee of a person who holds a certificate of public convenience and necessity which was issued for the operation of a taxicab business shall not act as a driver, as defined by section 18 of Assembly Bill No. 176 of this session:

(a) Using the taxicab provided by his or her employer; or

(b) During any time for which the person receives wages from his or her employer for duties which include driving a taxicab.

2. A person who holds a certificate of public convenience and necessity which was issued for the operation of a taxicab business may terminate the employment of a person who violates the provisions of subsection 1.

Sec. 1.5. 1. A certificate holder may, upon approval from the Taxicab Authority, lease a taxicab to an independent contractor who is not a certificate holder. A certificate holder may lease only one taxicab to each independent contractor with whom the person enters into a lease agreement. The taxicab may be used only in a manner authorized by the certificate holder's certificate of public convenience and necessity.

2. A certificate holder who enters into a lease agreement with an independent contractor pursuant to this section shall submit a copy of the agreement to the Taxicab Authority for its approval. The agreement is not effective until approved by the Taxicab Authority.

3. A certificate holder who leases a taxicab to an independent contractor is jointly and severally liable with the independent contractor for any violation of the provisions of this chapter or the regulations adopted pursuant thereto, and shall ensure that the independent contractor complies with such provisions and regulations.

4. The Taxicab Authority or any of its employees may intervene in a civil action involving a lease agreement entered into pursuant to this section.

Sec. 1.7. 1. The Taxicab Authority shall adopt such regulations as are necessary to:

(a) Carry out the provisions of section 1.5 of this act; and

(b) Ensure that the taxicab business remains safe, adequate and reliable.

2. Such regulations must include, without limitation:

(a) The minimum qualifications for an independent contractor;

(b) Requirements related to liability insurance;

(c) Minimum safety standards; and

(d) The procedure for approving a lease agreement and the provisions that must be included in a lease agreement concerning the grounds for the revocation of such approval.

Sec. 1.9. 1. A driver who operates a taxicab as an employee of a certificate holder shall not act as a driver, as defined by section 18 of Assembly Bill No. 176 of this session:

(a) Using the taxicab provided by his or her employer; or

(b) During any time for which the person receives wages from his or her employer for duties which include the operation of a taxicab.

2. A certificate holder may terminate the employment of a driver, as defined by NRS 706.8814, who violates the provisions of subsection 1.

Sec. 2. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, and ~~section 1.1~~ *sections 1.1 and 1.3 of this act*, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 2.5. ~~NRS 706.124 is hereby amended to read as follows:~~

706.124 "Taxicab" means a vehicle which is not operated over a fixed route, is designed or constructed to accommodate and transport not more than six passengers, including the driver, and: ~~(is)~~

1. ~~(Fitted with)~~ *Uses* a taximeter or ~~has~~ some other device, method or system to indicate and determine the passenger fare charged for the distance traveled;

2. ~~(Used)~~ *Is used* in the transportation of passengers or light express, or both, for which a charge or fee is received; or

3. ~~(Operated)~~ *Is operated* in any service which is held out to the public as being available for the transportation of passengers from place to place in the State of Nevada.

Sec. 3. NRS 706.166 is hereby amended to read as follows:

706.166 The Authority shall:

1. Subject to the limitation provided in NRS 706.168 and to the extent provided in this chapter, supervise and regulate:

(a) Every fully regulated carrier and broker of regulated services in this State in all matters directly related to those activities of the motor carrier and broker actually necessary for the transportation of persons or property, including the handling and storage of that property, over and along the highways.

(b) Every operator of a tow car concerning the rates and charges assessed for towing services performed without the prior consent of the operator of the vehicle or the person authorized by the owner to operate the vehicle and pursuant to the provisions of NRS 706.011 to 706.791, inclusive ~~1.1~~, and ~~section 1.1~~ *sections 1.1 and 1.3 of this act*.

2. Supervise and regulate the storage of household goods and effects in warehouses and the operation and maintenance of such warehouses in accordance with the provisions of this chapter and chapter 712 of NRS.

3. Enforce the standards of safety applicable to the employees, equipment, facilities and operations of those common and contract carriers subject to the Authority or the Department by:

(a) Providing training in safety;

(b) Reviewing and observing the programs or inspections of the carrier relating to safety; and

(c) Conducting inspections relating to safety at the operating terminals of the carrier.

4. To carry out the policies expressed in NRS 706.151, adopt regulations providing for agreements between two or more fully regulated carriers or two or more operators of tow cars relating to:

(a) Fares of fully regulated carriers;

(b) All rates of fully regulated carriers and rates of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle;

(c) Classifications;

(d) Divisions;

(e) Allowances; and

(f) All charges of fully regulated carriers and charges of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized

by the owner to operate the vehicle, including charges between carriers and compensation paid or received for the use of facilities and equipment.

➤ These regulations may not provide for collective agreements which restrain any party from taking free and independent action.

~~[5. Review decisions of the Taxicab Authority appealed to the Authority pursuant to NRS 706.8819.]~~

Sec. 3.5. NRS 706.281 is hereby amended to read as follows:

706.281 1. In addition to any identifying device provided for in this chapter, each motor vehicle within the provisions of NRS 706.011 to 706.791, inclusive, ~~and sections 1.1 and 1.3 of this act~~ must have the name of the ~~(person or)~~ operator operating the vehicle ~~(prominently and conspicuously)~~ displayed on ~~(both sides of)~~ the vehicle in such location, size and style as may be specified by the Authority. The display shall not be deemed advertising for the purposes of NRS 706.285 unless additional information about the operator is included.

2. This section does not apply to motor vehicles:

(a) Weighing 10,000 pounds or less operated by private carriers and not operated in combination with any other vehicle.

(b) Operated by an employer for the transportation of the employees of that employer, whether or not the employees pay for the transportation.

Sec. 4. NRS 706.2885 is hereby amended to read as follows:

706.2885 1. A certificate of public convenience and necessity, permit or license issued in accordance with this chapter is not a franchise and may be revoked.

2. The Authority may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, ~~and ~~section 1.1~~ sections 1.1 and 1.3 of this act~~ for a period not to exceed 60 days.

3. Upon receipt of a written complaint or on its own motion, the Authority may, after investigation and hearing, revoke any certificate, permit or license. If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes the grantee's interest in the certificate, permit or license by so notifying the Authority in writing, the Authority may revoke the certificate, permit or license without a hearing.

4. ~~[The]~~ Except as otherwise provided in section ~~4.1~~ 1.1 of this act, the proceedings thereafter are governed by the provisions of chapter 233B of NRS.

Sec. 5. NRS 706.321 is hereby amended to read as follows:

706.321 1. Except as otherwise provided in subsection 2, every common or contract motor carrier shall file with the Authority:

(a) Within a time to be fixed by the Authority, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates, fares and charges which the carrier has established and which are in force at the time of filing for any service performed in connection therewith by any carrier controlled and operated by it.

(b) As a part of that schedule, all regulations of the carrier that in any manner affect the rates or fares charged or to be charged for any service and all regulations of the carrier that the carrier has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[]~~, ~~and ~~section 1.1~~ sections 1.1 and 1.3 of this act.~~

2. Every operator of a tow car shall file with the Authority:

(a) Within a time to be fixed by the Authority, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates and charges for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle which the operator has established and which are in force at the time of filing.

(b) As a part of that schedule, all regulations of the operator of the tow car which in any manner affect the rates charged or to be charged for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle and all regulations of the operator of the tow car that the operator has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[]~~, ~~and ~~section 1.1~~ sections 1.1 and 1.3 of this act.~~

3. No changes may be made in any schedule, including schedules of joint rates, or in the regulations affecting any rates or charges, except upon 30 days' notice to the Authority, and all those changes must be plainly indicated on any new schedules filed in lieu thereof 30 days before the time they are to take effect. The Authority, upon application of any carrier, may prescribe a shorter time within which changes may be made. The 30 days' notice is not applicable when the carrier gives written notice to the Authority 10 days before the effective date of its participation in a tariff bureau's rates and tariffs, provided the rates and tariffs have been previously filed with and approved by the Authority.

4. The Authority may at any time, upon its own motion, investigate any of the rates, fares, charges, regulations, practices and services filed pursuant to this section and, after hearing, by order, make such changes as may be just and reasonable.

5. The Authority may dispense with the hearing on any change requested in rates, fares, charges, regulations, practices or service filed pursuant to this section.

6. All rates, fares, charges, classifications and joint rates, regulations, practices and services fixed by the Authority are in force, and are prima facie lawful, from the date of the order until changed or modified by the Authority. ~~[or pursuant to NRS 706.2883.]~~

7. All regulations, practices and service prescribed by the Authority must be enforced and are prima facie reasonable unless suspended or found otherwise in an action brought for the purpose, or until changed or modified by the Authority itself upon satisfactory showing made.

Sec. 5.5. NRS 706.326 is hereby amended to read as follows:

706.326 1. Whenever there is filed with the Authority pursuant to NRS 706.321 any schedule or tariff stating a new or revised individual or joint rate, fare or charge, or any new or revised individual or joint regulation or practice affecting any rate, fare or charge, or any schedule or tariff resulting in a discontinuance, modification or restriction of service, the Authority may commence an investigation or, upon reasonable notice, hold a hearing concerning the propriety of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice.

2. ~~[Pending the investigation or hearing and the decision thereon, the Authority, upon delivering to the common or contract motor carrier affected thereby a statement in writing of its reasons for the suspension, may suspend the operation of the schedule or tariff and defer the use of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice, but not for a longer period than 150 days beyond the time when the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice would otherwise go into effect.]~~

~~2.]~~ After full investigation or hearing, whether completed before or after the date upon which the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice is to go into effect, the Authority may make such order in reference to the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice as would be proper in a proceeding initiated after the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice has become effective.

~~[4.]~~ 3. The Authority shall determine whether it is necessary to hold a hearing to consider the proposed change in any schedule stating a new or revised individual or joint rate, fare or charge. In making that determination, the Authority shall consider all timely written protests, any presentation the staff of the Authority may desire to present, the application and any other matters deemed relevant by the Authority.

Sec. 6. NRS 706.771 is hereby amended to read as follows:

706.771 1. Any person or any agent or employee thereof, who violates any provision of this chapter, any lawful regulation of the Authority or any lawful tariff on file with the Authority or who fails, neglects or refuses to obey any lawful order of the Authority or any court order for whose violation a civil penalty is not otherwise prescribed is liable to a penalty of not more than \$10,000 for any violation. The penalty may be recovered in a civil action upon the complaint of the Authority in any court of competent jurisdiction.

2. If the Authority does not bring an action to recover the penalty prescribed by subsection 1, the Authority may impose an administrative fine of not more than \$10,000 for any violation of a provision of this chapter or any rule, regulation or order adopted or issued by the Authority or Department pursuant to the provisions of this chapter. ~~[A.]~~ Except as otherwise

provided in section ~~##~~ 1.1 of this act, a fine imposed by the Authority may be recovered by the Authority only after notice is given and a hearing is held pursuant to the provisions of chapter 233B of NRS.

3. All administrative fines imposed and collected by the Authority pursuant to subsection 2 are payable to the State Treasurer and must be credited to a separate account to be used by the Authority to enforce the provisions of this chapter.

4. A penalty or fine recovered pursuant to this section is not a cost of service for purposes of rate making.

Sec. 7. NRS 706.775 is hereby amended to read as follows:

706.775 1. In addition to any criminal penalty, any person who violates any provision of this chapter, or any lawful regulation, rule or order adopted or issued by the Department pursuant thereto is liable to the Department for an administrative fine as follows:

(a) For a first offense, a fine of \$500.

(b) For a second offense, a fine of \$1,000 or the total cost paid by the person for registration fees pursuant to NRS 482.480 and 482.482 and governmental services taxes pursuant to NRS 371.050 during the calendar year in which the offense was committed for the vehicle in which the offense was committed, whichever is greater, except that the amount of the fine must not exceed \$2,500.

(c) For a third offense, a fine of \$1,500 or the total cost paid by the person for registration fees pursuant to NRS 482.480 and 482.482 and governmental services taxes pursuant to NRS 371.050 during the calendar year in which the offense was committed for the vehicle in which the offense was committed, whichever is greater, except that the amount of the fine must not exceed \$2,500.

(d) For a fourth and any subsequent offense, a fine of \$2,500.

2. ~~The~~ Except as otherwise provided in section ~~##~~ 1.1 of this act, the Department shall afford to any person fined pursuant to subsection 1 an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

3. All administrative fines collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer to the credit of the State Highway Fund.

Sec. 7.3. NRS 706.881 is hereby amended to read as follows:

706.881 1. The provisions of NRS 706.8811 to 706.885, inclusive, and sections 1.5, 1.7 and 1.9 of this act apply to any county:

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

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

2. Upon receipt of a certified copy of such an ordinance from a county for whom regulation by the Taxicab Authority is not required, the Taxicab Authority shall exercise its regulatory authority pursuant to NRS 706.8811 to 706.885, inclusive, and sections 1.5, 1.7 and 1.9 of this act within that county.

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

Sec. 7.7. NRS 706.8816 is hereby amended to read as follows:

706.8816 1. "Taxicab" means a motor vehicle or vehicles which is designed or constructed to accommodate and transport not more than six passengers, including the driver, and: ~~has~~

(a) ~~Fitted with~~ Uses a taximeter or some other device, method or system to indicate and determine the passenger fare charged;

(b) ~~Used~~ Is used in the transportation of passengers or light express or both for which a charge or fee is received; or

(c) ~~Operated~~ Is operated in any service which is held out to the public as being available for the transportation of passengers from place to place in the State of Nevada.

2. "Taxicab" does not include a motor vehicle of:

(a) A common motor carrier.

(b) A contract motor carrier which operates along fixed routes.

(c) An employer who operates the vehicle for the transportation of the employees of that employer, whether or not the employees pay for the transportation.

Sec. 8. NRS 706.8819 is hereby amended to read as follows:

706.8819 1. The Taxicab Authority shall conduct hearings and make final decisions in the following matters:

- (a) Applications to adjust, alter or change the rates, charges or fares for taxicab service;
- (b) Applications for certificates of public convenience and necessity to operate a taxicab service;
- (c) Applications requesting authority to transfer any existing interest in a certificate of public convenience and necessity or in a corporation that holds a certificate of public convenience and necessity to operate a taxicab business;
- (d) Applications to change the total number of allocated taxicabs in a county to which NRS 706.881 to 706.885, inclusive, *and sections 1.5, 1.7 and 1.9 of this act* apply; and
- (e) Appeals from final decisions of the Administrator made pursuant to NRS 706.8822.

2. ~~[An appeal from the]~~ Any final decision of the Taxicab Authority ~~[must be made to the Nevada Transportation Authority.]~~ pursuant to this section is subject to judicial review pursuant to NRS 233B.130.

Sec. 8.1. NRS 706.8824 is hereby amended to read as follows:

706.8824 1. In determining whether circumstances require the establishment of a system of allocations or a change in existing allocations, the Taxicab Authority shall consider the interests, welfare, convenience, necessity and well-being of the customers of taxicabs.

2. Whenever circumstances require the establishment of a system of allocations, the Taxicab Authority shall allocate the number of taxicabs among the certificate holders in the county in a manner which reflects the number of taxicabs operated by each certificate holder during the 5 years immediately preceding the date of establishment of the Taxicab Authority in the county.

3. Whenever circumstances require an increase in the existing allocations, the Taxicab Authority shall allocate the additional taxicabs equally among all the certificate holders who apply from the area to be affected by the allocation.

4. Unless a certificate holder puts the additionally allocated taxicabs into service within 30 days after the effective date of the increased allocation, the increased allocation to that certificate holder is void.

5. ~~[The]~~ *Except as otherwise provided in this subsection, the* Taxicab Authority may attach to the exercise of the rights granted by the allocation any terms and conditions which in its judgment the public interest may require. The Taxicab Authority may: ~~Limit~~

(a) ~~[The]~~ *Not limit the* geographical area from which service is offered or provided.

(b) ~~[The]~~ *Limit the* hours of service ~~[—Such], but such~~ a limitation must not reduce hours of service to less than 12 consecutive hours in a 24-hour period.

↪ If a limitation is placed on an allocation, taxicabs must be marked in a distinctive manner that indicates the limitation.

6. The Taxicab Authority shall review annually:

- (a) The existing allocation of taxicabs; and
- (b) The rates, charges or fares of the certificate holders in its jurisdiction.

Sec. 8.3. NRS 706.8835 is hereby amended to read as follows:

706.8835 1. A certificate holder shall display on each of the certificate holder's taxicabs the fare schedule under which it is being operated. The schedule must be permanently affixed:

(a) On the outside of both front doors in bold block letters which are ~~[of a color which contrasts with the color of the taxicab and which are]~~ not less than three-fourths of an inch in height; and

(b) Inside the taxicab so as to be visible and easily readable by passengers.

2. A certificate holder shall have a unit number and the name of the certificate holder displayed on ~~[each side of]~~ each taxicab in bold block letters not less than 4 inches in height and in a color which contrasts with the color of the taxicab.

Sec. 8.5. NRS 706.8836 is hereby amended to read as follows:

706.8836 1. A certificate holder shall ~~equip~~, *for* each of the certificate holder's taxicabs *which is equipped* with a taximeter, ~~and shall~~ make provisions when installing the taximeter to allow sealing by the Administrator.

2. The Administrator shall approve the types of taximeters which may be used on a taxicab. All taximeters must conform to a 2-percent plus or minus tolerance on the fare recording, must be equipped with a signal device plainly visible from outside of the taxicab, must be equipped with a device which records fares and is plainly visible to the passenger and must register upon plainly visible counters the following items:

- (a) Total miles;
- (b) Paid miles;
- (c) Number of units;
- (d) Number of trips; and
- (e) Number of extra passengers or extra charges.

3. The Administrator shall inspect each taximeter before its use in a taxicab and shall, if the taximeter conforms to the standards specified in subsection 2, seal the taximeter.

4. Except as otherwise provided in subsection 5, a taximeter may be sealed by:

- (a) Affixing a physical security seal to each access point of the taximeter; or
- (b) Using an electronic security seal that is encrypted and protected by an audited authentication and authorization mechanism for each user that is accessible only by the Administrator.

5. The Administrator may require that each taximeter be sealed by an electronic security seal that is encrypted and protected by an audited authentication and authorization mechanism for each user that is accessible only by the Administrator if the Administrator:

- (a) Makes a finding that the technology for the sealing method is commercially available and will reduce the costs to the Taxicab Authority for inspecting taximeters; and
- (b) Provides notice to each certificate holder at least 12 months before requiring the use of the sealing method.

6. The Administrator may reinspect the taximeter at any reasonable time.

7. *A certificate holder shall, for each of the certificate holder's taxicabs which is equipped with a device, method or system to indicate and determine the passenger fare charged other than a taximeter, provide verification to the Administrator that the device, method or system adequately records fares and has an application or electronic means to plainly display to the passenger the rate and fare. Such a device, method or system must maintain and record:*

- (a) Total miles;*
- (b) Paid miles;*
- (c) Number of units;*
- (d) Number of trips; and*
- (e) Number of extra passengers or extra charges.*

8. For the purposes of this section, "sealing" means prohibiting access to the elements of the taximeter used to calculate the items specified in subsection 2 by anyone other than the Administrator.

Sec. 8.7. NRS 706.8844 is hereby amended to read as follows:

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

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

- (a) The driver's name and the number of the taxicab;
- (b) The time at which the driver began the period of duty by means of a time clock provided by the certificate holder;
- (c) ~~If the taxicab is equipped with a taximeter, the~~ meter readings for total miles, paid miles, trips, units, extra passengers and extra charges; and
- (d) The odometer reading of the taxicab.

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

- (a) The time, place of origin and destination of each trip; and
- (b) The number of passengers and amount of fare for each trip.

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

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

(b) ~~[(b)]~~ If the taxicab is equipped with a taximeter, the meter readings for total miles, paid miles, trips, units and extra passengers; and

(c) The odometer reading of the taxicab.

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

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

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

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

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

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

Sec. 8.9. NRS 706.8849 is hereby amended to read as follows:

706.8849 1. ~~[(1)]~~ If a taxicab is equipped with a taximeter, the taxicab driver shall:

(a) Ensure that the fare indicator on the taximeter of the taxicab reads zero before the time that the taxicab is engaged.

(b) Ensure that the taximeter of the taxicab is engaged while the taxicab is on hire.

(c) Not make any charge for the transportation of a passenger other than the charge shown on the taximeter.

(d) Not alter, manipulate, tamper with or disconnect a sealed taximeter or its attachments nor make any change in the mechanical condition of the wheels, tires or gears of a taxicab with intent to cause false registration on the taximeter of the passenger fare.

~~[(e)]~~ ~~Not remove or alter fare schedules which have been posted in the taxicab by the certificate holder.~~

~~[(f)]~~ Not permit any person or persons other than the person who has engaged the taxicab to ride therein unless the person who has engaged the taxicab requests that the other person or persons ride in the taxicab. If more than one person is loaded by the taxicab driver as set forth in this paragraph, the driver shall, when one of the persons leaves the taxicab, charge that person the fare on the meter and reset the taximeter.

~~[(g)]~~ 2. A taxicab driver shall:

(a) Not remove or alter fare schedules which have been posted in the taxicab by the certificate holder.

(b) Not drive a taxicab or go on duty while under the influence of, or impaired by, any controlled substance, dangerous drug, or intoxicating liquor or drink intoxicating liquor while on duty.

~~[(c)]~~ (c) Not use or consume controlled substances or dangerous drugs which impair a person's ability to operate a motor vehicle at any time, or use or consume any other controlled substances or dangerous drugs at any time except in accordance with a lawfully issued prescription.

~~[(d)]~~ (d) Not operate a taxicab without a valid driver's permit issued pursuant to NRS 706.8841 and a valid driver's license issued pursuant to NRS 483.325 in the driver's possession.

~~[(e)]~~ (e) Obey all provisions and restrictions of the certificate of public convenience and necessity issued to the driver's employer ~~or~~

~~2.~~ or the certificate holder with whom the driver contracts.

~~3.~~ 3. If a driver violates any provision of subsection 1 ~~or~~ 2, the Administrator may, after a hearing, impose the following sanctions:

(a) For a first offense, 1 to 5 days' suspension of a driver's permit or a fine of not more than \$100, or both suspension and fine.

(b) For a second offense, 6 to 20 days' suspension of a driver's permit or a fine of not more than \$300, or both suspension and fine.

(c) For a third offense, a fine of not more than \$500.

➔ In addition to the other penalties set forth in this subsection, the Administrator may revoke a driver's permit for any violation of a provision of paragraph ~~(c)~~ (b) of subsection ~~1~~

~~2.~~ 2.

~~4.~~ Only violations occurring in the 12 months immediately preceding the most current violation may be considered for the purposes of subsection ~~(2)~~ 3. The Administrator shall inspect the driver's record for that period to compute the number of offenses committed.

Sec. 9. Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 10 to 32, inclusive, of this act.

Sec. 10. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 11 to 18, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 11. "Certificate holder" has the meaning ascribed to it in NRS 706.8813.

Sec. 12. "Common motor carrier of passengers" has the meaning ascribed to it in NRS 706.041.

Sec. 13. "Driver" has the meaning ascribed to it in section 18 of Assembly Bill No. 176 of this session.

Sec. 14. "Operator" has the meaning ascribed to it in NRS 706.101.

Sec. 15. "Taxicab" has the meaning ascribed to it in NRS 706.8816.

Sec. 16. "Taxpayer" means a:

1. Common motor carrier of passengers;

2. Taxicab; or

3. Transportation network company.

Sec. 17. "Transportation network company" has the meaning ascribed to it in section 19 of Assembly Bill No. 176 of this session.

Sec. 18. "Transportation services" has the meaning ascribed to it in section 20 of Assembly Bill No. 176 of this session.

Sec. 19. The provisions of chapter 360 of NRS relating to the payment, collection, administration and enforcement of taxes, including, without limitation, any provisions relating to the imposition of penalties and interest, shall be deemed to apply to the payment, collection, administration and enforcement of the excise tax imposed by sections 28, 51 and 52 of Assembly Bill No. 175 of this session to the extent that those provisions do not conflict with the provisions of this chapter.

Sec. 20. The Department shall adopt all necessary regulations to carry out the provisions of this chapter.

Sec. 21. The State Treasurer shall deposit any money the State Treasurer receives from the Department pursuant to sections 28, 51 and 52 of Assembly Bill No. 175 of this session:

1. For the first \$5,000,000 of the combined amount of such money received in each biennium, for credit to the State Highway Fund.

2. For any additional amount of such money received in each fiscal year, for credit to the State General Fund.

Sec. 22. 1. Each person responsible for maintaining the records of a taxpayer shall:

(a) Keep such records as may be necessary to determine the amount of the liability of the taxpayer pursuant to the provisions of this chapter;

(b) Preserve those records for 4 years or until any litigation or prosecution pursuant to this chapter is finally determined, whichever is longer; and

(c) Make the records available for inspection by the Department upon demand at reasonable times during regular business hours.

2. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 23. To verify the accuracy of any return filed by a taxpayer or, if no return is filed, to determine the amount required to be paid, the Department, or any person authorized in writing by the Department, may examine the books, papers and records of any person who may be liable for the excise tax imposed by sections 28, 51 and 52 of Assembly Bill No. 175 of this session.

Sec. 24. If the Department determines that the excise tax imposed by sections 28, 51 and 52 of Assembly Bill No. 175 of this session or any penalty or interest has been paid more than once or has been erroneously or illegally collected or computed, the Department shall set forth that fact in the records of the Department and certify to the State Board of Examiners the amount collected in excess of the amount legally due and the person from whom it was collected or by whom it was paid. If approved by the State Board of Examiners, the excess amount collected or paid must, after being credited against any amount then due from the person in accordance with NRS 360.236, be refunded to the person or his or her successors in interest.

Sec. 25. 1. Except as otherwise provided in NRS 360.235 and 360.395:

(a) No refund of the excise tax imposed by sections 28, 51 and 52 of Assembly Bill No. 175 of this session may be allowed unless a claim for refund is filed with the Department within 3 years after the last day of the month following the month for which the overpayment was made.

(b) No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the Department within that period.

2. Each claim must be in writing and must state the specific grounds upon which the claim is founded.

3. The failure to file a claim within the time prescribed in subsection 1 constitutes a waiver of any demand against the State on account of any overpayment.

Sec. 26. 1. Except as otherwise provided in subsection 2, NRS 360.320 or any other specific statute, interest must be paid upon any overpayment of the excise tax imposed by sections 28, 51 and 52 of Assembly Bill No. 175 of this session at the rate set forth in, and in accordance with the provisions of, NRS 360.2937.

2. If the Department determines that any overpayment has been made intentionally or by reason of carelessness, the Department shall not allow any interest on the overpayment.

Sec. 27. 1. Within 30 days after rejecting a claim for refund or credit in whole or in part, the Department shall serve written notice of its action on the claimant in the manner prescribed for service of a notice of deficiency determination. Within 30 days after the date of service of the notice, a claimant who is aggrieved by the action of the Department may file an appeal with the Nevada Tax Commission.

2. If the Department fails to serve notice of its action on a claim for refund or credit within 6 months after the claim is filed, the claimant may consider the claim to be disallowed and file an appeal with the Nevada Tax Commission within 30 days after the last day of the 6-month period.

3. The final decision of the Nevada Tax Commission on an appeal is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

Sec. 28. 1. A proceeding for judicial review of a decision of the Nevada Tax Commission may not be commenced or maintained by an assignee of the claimant or by any other person other than the person who paid the amount at issue in the claim.

2. The failure of a claimant to file a timely petition for judicial review constitutes a waiver of any demand against the State on account of any overpayment.

Sec. 29. 1. If judgment is rendered for the claimant in a proceeding for judicial review, any amount found by the court to have been erroneously or illegally collected must first be credited to any tax due from the claimant. The balance of the amount must be refunded to the claimant.

2. In any such judgment, interest must be allowed at the rate of 3 percent per annum upon any amount found to have been erroneously or illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the Department.

Sec. 30. 1. No injunction, writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against this State or against any officer of the State to prevent or enjoin the collection of the excise tax imposed by sections 28, 51 and 52 of

Assembly Bill No. 175 of this session or any amount of tax, penalty or interest required to be collected.

2. No suit or proceeding, including, without limitation, a proceeding for judicial review, may be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for refund or credit has been filed within the time prescribed in section 25 of this act.

Sec. 31. 1. A person shall not, with intent to defraud the State or evade payment of the excise tax imposed by sections 28, 51 and 52 of Assembly Bill No. 175 of this session or any part of the taxes:

(a) Make, cause to be made or permit to be made any false or fraudulent return or declaration or false statement in any return or declaration.

(b) Make, cause to be made or permit to be made any false entry in books, records or accounts.

(c) Keep, cause to be kept or permit to be kept more than one set of books, records or accounts.

2. Any person who violates the provisions of subsection 1 is guilty of a gross misdemeanor.

Sec. 32. The remedies of the State provided for in this chapter are cumulative, and no action taken by the Department or the Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in those sections.

Sec. 33. NRS 360.2937 is hereby amended to read as follows:

360.2937 1. Except as otherwise provided in this section and NRS 360.320 or any other specific statute, and notwithstanding the provisions of NRS 360.2935, interest must be paid upon an overpayment of any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A or 377C of NRS, ~~or~~ or sections 10 to 32, inclusive, of this act and sections 28, 51 and 52 of Assembly Bill No. 175 of this session, any fee provided for in NRS 444A.090 or 482.313, or any assessment provided for in NRS 585.497, at the rate of 0.25 percent per month from the last day of the calendar month following the period for which the overpayment was made.

2. No refund or credit may be made of any interest imposed on the person making the overpayment with respect to the amount being refunded or credited.

3. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if the person has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or the amount against which the credit is applied.

Sec. 34. NRS 360.417 is hereby amended to read as follows:

360.417 Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A, 377C, 444A or 585 of NRS, ~~or~~ or sections 10 to 32, inclusive, of this act and sections 28, 51 and 52 of Assembly Bill No. 175 of this session, or any fee provided for in NRS 482.313, and any person or governmental entity that fails to pay any fee provided for in NRS 360.787, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 0.75 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.

Sec. 35. Section 28 of Assembly Bill No. 175 of this session is hereby amended to read as follows:

Sec. 28. 1. In addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the use of a digital network or software application service of a transportation network company to connect a passenger to a

driver for the purpose of providing transportation services at the rate of 3 percent of the total fare charged for transportation services, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The ~~[Commission]~~ Department of Taxation shall charge and collect from each transportation network company the excise tax imposed by this subsection.

2. The excise tax collected by the ~~[Commission]~~ Department of Taxation pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of section ~~[52 of this act]~~ 21 of Senate Bill No. 376 of this session.

Sec. 36. Section 51 of Assembly Bill No. 175 of this session is hereby amended to read as follows:

Sec. 51. 1. Except as otherwise provided in subsection 2 and in addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the connection, whether by dispatch or other means, made by a common motor carrier of a passenger to a person or operator willing to transport the passenger at the rate of 3 percent of the total fare charged for the transportation, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The ~~[Authority]~~ Department of Taxation shall charge and collect from each common motor carrier of passengers the excise tax imposed by this subsection.

2. The provisions of subsection 1 do not apply to an airport transfer service.

3. The excise tax collected by the ~~[Authority]~~ Department of Taxation pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of section ~~[52 of this act]~~ 21 of Senate Bill No. 376 of this session.

4. As used in this section, "airport transfer service" means the transportation of passengers and their baggage in the same vehicle, except by taxicab, for a per capita charge between airports or between an airport and points and places in this State. The term does not include charter services by bus, charter services by limousine, scenic tours or special services.

Sec. 37. Section 52 of Assembly Bill No. 175 of this session is hereby amended to read as follows:

Sec. 52. 1. Except as otherwise provided in subsection 2 and in addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the connection, whether by dispatch or other means, made by a certificate holder of a passenger to a taxicab willing to transport the passenger at the rate of 3 percent of the total fare charged for the transportation, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The ~~[Taxicab Authority]~~ Department of Taxation shall charge and collect from each certificate holder the excise tax imposed by this subsection.

2. The excise tax collected by the ~~[Taxicab Authority]~~ Department of Taxation pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of section ~~[52 of this act]~~ 21 of Senate Bill No. 376 of this session.

Sec. 38. The Legislative Counsel shall, in preparing the reprint and supplements to the Nevada Revised Statutes, make such changes as necessary to the placement within NRS of the provisions of Assembly Bill No. 175 of this session to carry out the provisions of this act which transfer the responsibility for collecting and administering the excise taxes imposed by Assembly Bill No. 175 of this session to the Department of Taxation.

~~[Sec. 9.]~~ Sec. 39. The amendatory provisions of this act do not apply to any administrative hearings before the Taxicab Authority where a final decision was issued by the Taxicab Authority on or before January 1, 2016.

Sec. 40. 1. Section 53 of Assembly Bill No. 175 of this session is hereby repealed.

2. Sections 51 and 52 of Assembly Bill No. 176 of this session are hereby repealed.

~~[Sec. 10.]~~ Sec. 41. NRS 706.2883 is hereby repealed.

~~[Sec. 11.]~~ Sec. 42. 1. This section and sections 9 to 35, inclusive, 38 and 40 of this act become effective upon passage and approval.

2. Sections 36 and 37 of this act become effective on August 28, 2015.

3. Sections 1 to 8.9, inclusive, 39 and 41 of this act ~~[becomes]~~ become effective on January 1, 2016.

TEXT OF REPEALED SECTION OF NRS AND

TEXT OF REPEALED SECTIONS OF THE STATUTES OF NEVADA

706.2883 Person aggrieved by action or inaction of Taxicab Authority entitled to judicial review; regulations of Nevada Transportation Authority regarding its review of decisions of Taxicab Authority. Any person who is aggrieved by any action or inaction of the Taxicab Authority pursuant to NRS 706.8819 is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS. The Nevada Transportation Authority may adopt such regulations as may be necessary to provide for its review of decisions of the Taxicab Authority.

Section 53 of Assembly Bill No. 175 of the 78th Session of the Nevada Legislature:

Sec. 53. *The State Treasurer shall deposit any money the State Treasurer receives from the Public Utilities Commission of Nevada pursuant to section 28 of this act, the Authority pursuant to section 51 of this act and the Taxicab Authority pursuant to section 52 of this act:*

1. *For the first \$5,000,000 of the combined amount of such money received in each biennium, for credit to the State Highway Fund.*

2. *For any additional amount of such money received in each fiscal year, for credit to the State General Fund.*

Section 51 of Assembly Bill No. 176 of the 78th Session of the Nevada Legislature:

Sec. 51. Section 28 of Assembly Bill No. 175 of this session is hereby amended to read as follows:

Sec. 28. 1. In addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the use of a digital network or software application service of a transportation network company to connect a passenger to a driver for the purpose of providing transportation services at the rate of 3 percent of the total fare charged for transportation services, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The ~~[Commission]~~ Authority shall charge and collect from each transportation network company the excise tax imposed by this subsection.

2. The excise tax collected by the ~~[Commission]~~ Authority pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of section 53 of this act.

Section 52 of Assembly Bill No. 176 of the 78th Session of the Nevada Legislature:

Sec. 52. Section 53 of Assembly Bill No. 175 of this session is hereby amended to read as follows:

Sec. 53. The State Treasurer shall deposit any money the State Treasurer receives from the ~~[Public Utilities Commission of]~~ Nevada Transportation Authority pursuant to ~~[section]~~ sections 28 ~~[of this act, the Authority pursuant to section]~~ and 51 of this act and the Taxicab Authority pursuant to section 52 of this act:

1. For the first \$5,000,000 of the combined amount of such money received in each biennium, for credit to the State Highway Fund.

2. For any additional amount of such money received in each fiscal year, for credit to the State General Fund.

SCOTT HAMMOND

JAMES A. SETTELMAYER

KELVIN ATKINSON

Senate Conference Committee

JIM WHEELER

JILL DICKMAN

EDGAR FLORES

Assembly Conference Committee

Senator Hammond moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 376.

Remarks by Senator Hammond.

The Conference Committee agreed to recommend Assembly Amendment No. 810 be concurred in and that the bill be further amended as set for in Conference Amendment No. 8. The amendment reduces certain regulations related to taxi cabs in an effort to level the playing field, so to speak, as it relates to transportation network companies. I would like to commend everybody who worked on that, especially my colleague from the north, who worked a lot on this bill.

Motion carried by a constitutional majority.

APPOINTMENT OF CONFERENCE COMMITTEES

President Hutchison appointed Senators Brower, Roberson and Ford as a Conference Committee to meet with a like Committee of the Assembly for the further consideration of Senate Bill No. 53.

President Hutchison appointed Senators Brower, Harris and Kihuen as a Conference Committee to meet with a like Committee of the Assembly for the further consideration of Senate Bill No. 444.

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

Senate in recess at 1:03 p.m.

SENATE IN SESSION

At 5:27 p.m.

President Hutchison presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which were referred Assembly Bills Nos. 399, 476, 478, 481, 485, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 125, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass as amended.

BEN KIECKHEFER, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 241, 410, 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PETE GOICOCHEA, *Chair*

WAIVERS AND EXEMPTIONS
WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Assemblyman Hambrick

For: Senate Bill No. 274.

To Waive:

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: Monday, June 01, 2015.

MICHAEL ROBERSON
Senate Majority Leader

JOHN HAMBRICK
Speaker of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that Senate Concurrent Resolution No. 6 be taken from the Resolution File and placed on the Secretary's desk.

Motion carried.

Senator Kieckhefer moved that Senate Bill No. 125 be taken from the General File and placed on the Secretary's desk.

Motion carried.

Senator Kieckhefer moved that Assembly Bills Nos. 399, 443, 476, 478, 481, 485, 489, 490, 491 be taken from the General File and placed on the General File on the fourth Agenda.

Motion carried.

Senator Goicoechea moved to re-refer Assembly Bill No. 445 to the Committee on Government Affairs.

Motion carried.

Senator Roberson moved that Assembly Bill No. 177 be taken from the General File and placed on the General File on the fifth Agenda.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 241.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 241 creates the Women Veterans Advisory Committee and sets forth its membership. The Committee shall support and assist the Department of Veterans Services in various capacities related to women veterans and submit to the Governor on or before February 15 of each year a report concerning activities of the Committee during the preceding year and any related recommendations. The Department of Veterans Services is required to provide administrative assistance to the Committee. This measure also requires the Committee to work cooperatively with the Interagency Council on Veterans Affairs and make recommendations concerning the needs of and resources available to women veterans.

Senator Manendo moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 5:34 p.m.

SENATE IN SESSION

At 5:49 p.m.

President Hutchison presiding.

Quorum present.

Roll call on Assembly Bill No. 241:

YEAS—21.

NAYS—None.

Assembly Bill No. 241 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that Assembly Bill No. 172 be taken from the Secretary's desk and be placed on the General File on the next Agenda.

Motion carried.

Senator Kieckhefer moved that the action whereby Assembly Bills Nos. 478, 481, 485 were placed on the General File on the fourth Agenda be rescinded.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 410.

Bill read third time.

Remarks by Senator Parks.

Assembly Bill No. 410 revises the requirements for the membership of the Real Estate Commission to provide approximately proportional representation based on the last decennial census of the population of Clark County, Washoe County and the remainder of the State. The measure also sets forth the requirements to appoint a board member when a vacancy occurs and requires reconsideration of the apportionment of members on the Commission after each decennial census. The measure is effective on July 1, 2015.

Roll call on Assembly Bill No. 410:

YEAS—21.

NAYS—None.

Assembly Bill No. 410 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 478.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 478 increases certain developer application and renewal fees and establishes expedited filing fees and late penalty fees. The bill also establishes timeshare exchange company registration and abbreviated conversion fees and increases the fees for sales agent association change or license location change. The bill clarifies where the developer of timeshare fees, collected by the Real Estate Division outlined in the bill, are deposited. These are fees that are being increased at the request of those being assessed.

Roll call on Assembly Bill No. 478:

YEAS—20.

NAYS—Gustavson.

Assembly Bill No. 478 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 481.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 481 temporarily establishes the Consumer Affairs Unit within the Department of Business and Industry through June 30, 2017, to perform certain duties previously assigned to the Consumer Affairs Division, including the authority to impose administrative sanctions for deceptive trade practices. The bill requires the Director of the Department of Business and Industry or his/her designee to administer the revolving account and deposit grants received by the Division in the revolving account to defray the costs of investigation and prosecution of deceptive trade practices.

Assembly Bill No. 481 authorizes the Director of Business and Industry or his/her designee to assess an administrative fine for violating the law regarding deceptive trade and requires any such fine received by the Division be deposited to the State General Fund.

Roll call on Assembly Bill No. 481:

YEAS—21.

NAYS—None.

Assembly Bill No. 481 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 485.

Bill read third time.

Remarks by Senators Kieckhefer and Woodhouse.

SENATOR KIECKHEFER:

Assembly Bill No. 485 revises the duties of the Director of the Office of Science, Innovation and Technology to include coordinating activities in the State related to broadband services, providing support to the Advisory Council on Science, Technology, Engineering, Mathematics and administering grants provided by legislative appropriation.

In addition, Assembly Bill No. 485 transfers the Advisory Council on Science, Technology, Engineering and Mathematics from the Department of Education to the Office of Science, Innovation and Technology, and eliminates the expiration date of the Council making it permanent. Assembly Bill No. 485 requires the Council to establish events in both southern and northern Nevada to recognize pupils who demonstrate exemplary achievement in the fields of Science, Technology, Engineering and Mathematics. Assembly Bill No. 485 also reduces the membership of the Council appointed by the Majority Leader of the Senate and the Speaker of the Assembly, from four members each to two members each, and increases the number of members appointed by the Minority Leaders of the Senate and Assembly, from one member each to two members each.

This act becomes effective upon passage and approval for the purposes of adopting regulations, appointing members to the Advisory Council on Science, Technology, Engineering and Mathematics, and other administrative tasks, and July 1, 2015, for all other purposes.

SENATOR WOODHOUSE:

I would like to thank the Governor and his staff for amending into Assembly Bill No. 485 the major points that were present in Senate Bill No. 236, regarding the Advisory Council on Science, Technology, Engineering and Mathematics.

Assembly Bill No. 485 addresses many of the issues brought forth in the recent Brookings Report, titled "Breaking the Code". With the STEM Advisory Council being funded for some of

their meetings, they can move forward to continue the work begun in the last Biennium. It also affords them the opportunity to showcase the STEM programs and activities in our schools across the State. A.B. No. 485 raises the level of support for STEM in our schools, thus, in the workforce going forward in our State.

Roll call on Assembly Bill No. 485:

YEAS—21.

NAYS—None.

Assembly Bill No. 485 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 338.

The following Assembly amendment was read:

Amendment No. 987.

SUMMARY—Revises provisions relating to safety in or at a public school. (BDR 34-870)

AN ACT relating to public schools; requiring the Director of the Office for a Safe and Respectful Learning Environment within the Department of Education to establish the Safe-to-Tell Program to enable the anonymous reporting of dangerous, violent or unlawful activity, or threats thereof, in or at a public school; prohibiting the release of records or information of the Program except under certain circumstances; creating and providing for the expenditure of money from the Safe-to-Tell Program Account; requiring the Director of the Office for a Safe and Respectful Learning Environment to post on the Internet website maintained by the Department a list of each gift or donation received for deposit in the Account and the name of each donor; creating and providing duties for the Safe-to-Tell Program Advisory Committee; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 4 of this bill requires the Director of the Office for a Safe and Respectful Learning Environment appointed pursuant to section 4 of Senate Bill No. 504 of this Session to establish the Safe-to-Tell Program within the Office. The Safe-to-Tell Program must enable any person to anonymously report any dangerous, violent or unlawful activity which is being conducted or threatened to be conducted on the property of a public school, at an activity sponsored by a public school or on a school bus of a public school. Section 4 provides that any information received by the Program is confidential and further provides that the Program must include methods and procedures to ensure that: (1) information reported to the Program is promptly forwarded to appropriate public safety agencies and appropriate public school administrators; and (2) the identity of a person who reports information to the Program is not known by persons operating the Program and is not disclosed to any person. Additionally, section 4 authorizes the

Director of the Office to enter into agreements with organizations to operate a hotline or call center to receive initial reports made to the Program and forward the information contained in the reports in the required manner. Section 4 provides that the identity of a person who reports information to the Program must remain unknown to persons employed by, contracting with, volunteering with or otherwise assisting such organizations in operating any such hotline or call center.

Under section 5 of this bill, a person must not be compelled to produce or disclose any record or information provided to the Program except upon the motion of a defendant in a criminal action or as authorized pursuant to section 4. Section 5 requires that the identity of any person who made a report to the Program be redacted from any record or information subsequently provided to the defendant, and provides that the court may subject the record or information to a protective order further redacting or otherwise limiting the use of the record or information.

Section 6 of this bill provides that the willful disclosure of a record or information of the Safe-to-Tell Program, or the willful neglect or refusal to obey a court order relating to the Program, is punishable as criminal contempt.

Section 6.5 of this bill creates the Safe-to-Tell Program Account in the State General Fund. The Account must be administered by the Director and money in the Account may be used only to implement and operate the Safe-to-Tell Program. Section 6.5 also requires the Director to: (1) post on the Internet website maintained by the Department of Education a list of each gift or donation received for deposit to the Account and the name of each donor; (2) update the list annually; and (3) transmit the list to the next regular session of the Legislature or the Legislative Committee on Education, as applicable.

Section 7.5 of this bill establishes the Safe-to-Tell Program Advisory Committee within the Office. The Committee is required to submit a report to the Governor and the Legislature which includes information regarding the number of reports received by the Safe-to-Tell Program and any recommendations for the improvement of the Program. Section 8 of this bill provides for the dissolution of the Committee on December 31, 2016.

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

Section 1. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 to 6.5, inclusive, of this act.

Sec. 1.3. *As used in sections 1.3 to 6.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.5 and 1.7 of this act have the meanings ascribed to them in those sections.*

Sec. 1.5. *"Director" means the Director of the Office for a Safe and Respectful Learning Environment appointed pursuant to section 4 of Senate Bill No. 504 of this Session.*

Sec. 1.7. *"Safe-to-Tell Program" or "Program" means the Safe-to-Tell Program established within the Office for a Safe and Respectful Learning Environment pursuant to section 4 of this act.*

Sec. 2. *The Legislature hereby declares that it is the intent of the Legislature in enacting sections 1.3 to 6.5, inclusive, of this act to enable the people of this State to easily and anonymously provide to appropriate state or local public safety agencies and to school administrators information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school or on a school bus of a public school.*

Sec. 3. *The Legislature hereby finds and declares that:*

1. *The ability to anonymously report information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school or on a school bus of a public school is critical in preventing, responding to and recovering from such activities.*

2. *It is in the best interest of this State to ensure the anonymity of a person who reports such an activity, or the threat of such an activity, and who wishes to remain anonymous and to ensure the confidentiality of any record or information associated with such a report.*

Sec. 4. 1. *The Director shall establish the Safe-to-Tell Program within the Office for a Safe and Respectful Learning Environment. The Program must enable any person to report anonymously to the Program any dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on school property, at an activity sponsored by a public school or on a school bus of a public school. Any information relating to any such dangerous, violent or unlawful activity, or threat thereof, received by the Program is confidential and, except as otherwise authorized pursuant to paragraph (a) of subsection 2 and section 5 of this act, must not be disclosed to any person.*

2. *The Program must include, without limitation, methods and procedures to ensure that:*

(a) *Information reported to the Program is promptly forwarded to the appropriate public safety agencies and school administrators; and*

(b) *The identity of a person who reports information to the Program:*

(1) *Is not known by any person designated by the Director to operate the Program;*

(2) *Is not known by any person employed by, contracting with, serving as a volunteer with or otherwise assisting an organization with whom the Director enters into an agreement pursuant to subsection 3; and*

(3) *Is not disclosed to any person.*

3. *On behalf of the Program, the Director may enter into agreements with any organization that the Director determines is appropriately qualified and experienced, pursuant to which the organization will operate a hotline or call center that will receive initial reports made to the Program and*

forward the information contained in the reports in the manner required by subsection 2.

4. The Director shall provide training regarding the Program to employees and volunteers of each public safety agency, public safety answering point, board of trustees of a school district, governing body of a charter school and any other entity whose employees and volunteers the Director determines should receive training regarding the Program.

5. The Director shall:

(a) Post information concerning the Program on an Internet website maintained by the Director; and

(b) Provide to each public school educational materials regarding the Program, including, without limitation, the telephone number and any other methods by which a report may be made.

6. As used in this section:

(a) "Public safety agency" has the meaning ascribed to it in NRS 239B.020.

(b) "Public safety answering point" has the meaning ascribed to it in NRS 707.500.

Sec. 5. 1. Except as otherwise provided in this section or as otherwise authorized pursuant to paragraph (a) of subsection 2 of section 4 of this act, a person must not be compelled to produce or disclose any record or information provided to the Safe-to-Tell Program.

2. A defendant in a criminal action may file a motion to compel a person to produce or disclose any record or information provided to the Program. A defendant in a criminal action who files such a motion shall serve a copy of the motion upon the prosecuting attorney and upon the Director, either or both of whom may file a response to the motion not later than a date determined by the court.

3. If the court grants a motion filed by a defendant in a criminal action pursuant to subsection 2, the court may conduct an in camera review of the record or information or make any other order which justice requires. Counsel for all parties shall be permitted to be present at every stage at which any counsel is permitted to be present. If the court determines that the record or information includes evidence that could be offered by the defendant to exculpate the defendant or to impeach the testimony of a witness, the court shall order the record or information to be provided to the defendant. The identity of any person who reported information to the Safe-to-Tell Program must be redacted from any record or information provided pursuant to this subsection, and the record or information may be subject to a protective order further redacting the record or information or otherwise limiting the use of the record or information.

4. The record of any information redacted pursuant to subsection 3 must be sealed and preserved to be made available to the appellate court in the event of an appeal. If the time for appeal expires without an appeal, the court shall provide the record to the Safe-to-Tell Program.

Sec. 6. *Except as otherwise provided in section 5 of this act or as otherwise authorized pursuant to paragraph (a) of subsection 2 of section 4 of this act, the willful disclosure of a record or information of the Safe-to-Tell Program, including, without limitation, the identity of a person who reported information to the Program, or the willful neglect or refusal to obey any court order made pursuant to section 5 of this act, is punishable as criminal contempt.*

Sec. 6.5. 1. *The Safe-to-Tell Program Account is hereby created in the State General Fund.*

2. *Except as otherwise provided in subsection 4, the money in the Account may be used only to implement and operate the Safe-to-Tell Program.*

3. *The Account must be administered by the Director, who may:*

(a) *Apply for and accept any gift, donation, bequest, grant or other source of money for deposit in the Account; and*

(b) *Expend any money received pursuant to paragraph (a) in accordance with subsection 2.*

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

5. *The money in the Account does not revert to the State General Fund at the end of any fiscal year.*

6. *The Director shall:*

(a) Post on the Internet website maintained by the Department a list of each gift, donation, bequest, grant or other source of money, if any, received pursuant to subsection 3 for deposit in the Account and the name of the donor of each gift, donation, bequest, grant or other source of money;

(b) Update the list annually; and

(c) On or before February 1 of each year, transmit the list prepared for the immediately preceding year:

(1) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(2) In even-numbered years, to the Legislative Committee on Education.

Sec. 7. 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, 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 4 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. 7.5. 1. The Safe-to-Tell Program Advisory Committee is hereby created in the Office for a Safe and Respectful Learning Environment created by section 4 of Senate Bill No. 504 of this Session within the Department of Education.

2. The Committee consists of the following members, who must be appointed as soon as practicable after the effective date of this section but not later than July 31, 2015:

(a) The following members appointed by the Governor:

(1) One member who is a representative of a law enforcement agency in a county whose population is 700,000 or more;

(2) One member who is a representative of a law enforcement agency in a county whose population is 100,000 or more but less than 700,000;

(3) One member who is a representative of a law enforcement agency in a county whose population is less than 100,000;

(4) One member who is an employee or other representative of the Office of Suicide Prevention of the Division of Public and Behavioral Health of the Department of Health and Human Services;

(5) One member who is an employee or other representative of the Department of Public Safety;

(6) One member who is a ~~licensed teacher or~~ school counselor of a public school, as defined in NRS 385.007;

(7) One member who is a psychologist employed by a school district; and

(8) One member who is a victim's advocate, as defined in NRS 49.2545, or who the Governor determines is otherwise qualified to provide expertise in the field of providing assistance to victims;

(b) One member who is a Senator, appointed by the Majority Leader of the Senate;

(c) One member who is a Senator, appointed by the Minority Leader of the Senate;

(d) One member who is an Assemblyman or Assemblywoman, appointed by the Speaker of the Assembly;

(e) One member who is an Assemblyman or Assemblywoman, appointed by the Minority Leader of the Assembly;

(f) The Superintendent of Public Instruction, or his or her designee;

(g) The Director of the State Public Charter School Authority, appointed pursuant to NRS 386.511, or his or her designee;

(h) One member who is a licensed teacher, appointed by the Nevada State Education Association, or its successor organization;

(i) Two members appointed by the Nevada Association of School Administrators, or its successor organization, who are school administrators;

~~(j)~~ (j) One member appointed by the Nevada Association of School Superintendents, or its successor organization, who is the superintendent of a county school district; and

~~(k)~~ (k) Two members appointed by the Nevada Association of School Boards, or its successor organization.

3. To the extent practicable, the persons appointing members to the Committee shall coordinate the appointments to ensure that the members represent the geographic and ethnic diversity of this State.

4. Any vacancy occurring in the membership of the Committee must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. The members of the Committee serve without compensation. If sufficient money is available, members are entitled to the travel allowances provided for state officers and employees generally while attending meetings of the Committee.

6. The Committee shall hold its first meeting as soon as practicable on or after August 1, 2015. At the first meeting of the Committee, the members of the Committee shall elect a Chair.

7. The Chair of the Committee may appoint such subcommittees of the Committee as the Chair determines necessary to carry out the duties of the Committee.

8. The Committee, or any subcommittee of the Committee, may seek the input, advice and assistance of persons and organizations with knowledge, interest or expertise relevant to the duties of the Committee.

9. The Committee shall, not later than June 30, 2016, submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature a written report that includes, without limitation:

(a) Subject to the provisions regarding confidentiality set forth in sections 1.3 to 6.5, inclusive, of this act, information regarding the number of reports received by the Safe-to-Tell Program established pursuant to section 4 of this act and the disposition of those reports; and

(b) Recommendations, including, without limitation, any proposed legislation for the improvement of the Safe-to-Tell Program.

Sec. 8. 1. This section becomes effective upon passage and approval.

2. Section 7.5 of this act:

(a) Becomes effective:

(1) Upon passage and approval for the purpose of appointing the members of the Safe-to-Tell Program Advisory Committee created pursuant to that section; and

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

(b) Expires by limitation on December 31, 2016.

3. Sections 1 to 7, inclusive, 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 Harris moved that the Senate concur in Assembly Amendment No. 987 to Senate Bill No. 338.

Remarks by Senator Harris.

The amendment requires the Director of the Office for a Safe and Respectful Learning Environment to post a list of donations received and to report the list to the Legislature. It also requires that one member of the Safe-to-Tell Advisory Committee be a licensed teacher appointed by the Nevada State Education Association and adds Assembly members Elliot Anderson, Diaz, Flores and Swank as joint sponsors.

Motion carried by a constitutional majority.

Bill ordered enrolled.

RECEDE FROM SENATE AMENDMENTS

Senator Brower moved that the Senate do not recede from its action on Assembly Bill No. 258, that a conference be requested, and that Mr. President appoint a Conference Committee consisting of three members to meet with a like Committee of the Assembly.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

President Hutchison appointed Senators Brower, Ford and Harris as a Conference Committee to meet with a like Committee of the Assembly for the further consideration of Assembly Bill No. 258.

REMARKS FROM THE FLOOR

Senator Denis requested that his remarks be entered in the Journal.

Mr. President, June is Immigrant Heritage Month. I rise today to honor the immigrants of our great Nation, a group that we are all connected to in some way or another. It is with great pride, as the son of Cuban immigrant parents, that I stand before you today. In 1952, my father was 22 and my mother 23 when they both came to America individually, looking for a better opportunity. They met on a blind date and married. They went back to Cuba then returned in 1955 with their young daughter, my older sister, looking for a better life for their new family.

Immigrants have made significant contributions to the vitality and growth of Nevada and the United States. Here in Nevada, we see our immigrants, now and in the past, in mining, agriculture, hospitality and many other areas of work. Our history includes Basque sheep herders and Chinese who built our railroads and dug irrigation ditches for the mines.

Our forefathers came here to escape famine, war, religious oppression and political turmoil in their native lands, as well as seek economic opportunity and freedom. The U.S. has offered a home to many notable immigrants who in turn made great contributions as scientists, politicians, athletes, artists and businessmen.

Let us remember, at one time or another, practically every one of our ethnic backgrounds suffered from discrimination and denigration; sometimes for more than three generations. They were ostracized. Denied work. Their homes were burnt. You did not want to be German or Japanese during or after WWII. The Polish were abused. The Irish nearly starved to death because there were no jobs for them. "Irish need not apply" was the sign seen in every business windows. What about the Chinese? African Americans? All suffered; some ethnic groups, longer than others.

Currently, Hispanics represent the largest minority in the U.S., two-thirds of whom are immigrants or children of immigrants. Many other waves of immigrants likewise have come to this Country. Today, the Asian population is the fastest growing in Nevada, increasing their numbers by 115 percent according to our last census, outpacing our largest community of color, Latinos. I urge all of you, and the residents of Nevada to take this month to reflect, to celebrate the ethnic and cultural diversity of our own families and the people of our great State, our Nation and their traditions, which have added to the State's wealth of music, art, education, science and intellect.

We all have our own welcome story—a story about how this Country opened its arms to our forefathers, and of homes, dreams and freedom. A place where you can become anyone, do anything. Who would have thought that when my parents came seeking better opportunities for their family, that they would bring my mother's sister and husband and two children, and that their, then, unborn son, my cousin Marco, would one day run for President of the United States. This truly is the land of opportunity. Please join me to celebrate America's immigrants—past, present and future. Thank you, Mr. President.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which was referred Senate Bill No. 123, 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:

You Senate Committee on Senate Parliamentary Rules and Procedures has approved the consideration of Amendment No. 1056 to Assembly Bill No. 172.

JAMES A. SETTELMAYER, *Chair*

Mr. President:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 146, 326, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SCOTT HAMMOND, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 123.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy:

Amendment No. 1059.

SUMMARY—~~[Revises provisions governing certain loans. (BDR 52-634)]~~ Authorizes certain foreign trust companies to request to engage in the solicitation of trust company business in this State. (BDR 55-634)

AN ACT relating to ~~[loans; revising provisions governing certain deferred deposit loans and high interest loans;]~~ foreign trust companies; authorizing a foreign trust company to submit a written request to the Commissioner of Financial Institutions to engage in the solicitation of trust company business in this State; prohibiting such a foreign trust company from acting as trustee of a spendthrift trust; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law establishes certain requirements that are applicable to a person who has been issued a license to operate a check cashing service, deferred deposit loan service, high interest loan service or title loan service and who makes a new deferred deposit or high interest loan to a customer to pay the balance of an outstanding loan. Existing law also provides an exemption from those requirements if the licensee, in making the new deferred deposit or high interest loan, complies with certain conditions, one of which is that the licensee does not commence any civil action or process of alternative dispute resolution (ADR) on a defaulted loan or any extension or repayment plan thereof. (NRS 604A.480) This bill removes that condition, allowing such a licensee to make a new deferred deposit or high interest loan without including in the agreement therefor a provision which sets forth that the licensee will not commence a civil action or ADR.]~~

Existing law provides that it is unlawful for any retail trust company to engage in the business of a trust company without complying with the provisions of existing law governing trust companies and having a license issued by the Commissioner of Financial Institutions. (NRS 669.090) Section 1.2 of this bill authorizes a foreign trust company licensed under the laws of another state which seeks to engage only in the solicitation of trust

company business in this State to submit a written request for authorization to solicit trust company business to the Commissioner. The written request must be accompanied by a nonrefundable fee of \$500 and certain other information concerning the foreign trust company. Section 1.2 also requires a foreign trust company whose written request is approved to renew the request annually and pay a nonrefundable renewal fee of \$250.

Section 1.2 additionally provides that a foreign trust company whose written request for authorization to solicit trust company business is approved by the Commissioner is authorized to solicit trust company business in this State and to contact existing or prospective customers, but is prohibited from: (1) accepting fiduciary appointments; (2) executing documents that create a fiduciary relationship; (3) making decisions regarding the investment or distribution of fiduciary assets; or (4) otherwise engaging in any activity as a trust company for which a license is required.

Existing law also: (1) authorizes the Commissioner to impose an administrative fine of not more than \$10,000 per violation upon a person who violates any provision of existing law governing trust companies or any regulation adopted pursuant thereto; and (2) generally provides that any person violating any such provision of existing law is guilty of a gross misdemeanor. (NRS 669.295, 669.300) A person who violates section 1.2 is therefore subject to such penalties.

Section 1.8 of this bill specifies that a foreign trust company which is only authorized to solicit trust company business in this State pursuant to section 1.2 cannot qualify as a trustee of a spendthrift trust in this State.

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

Section 1. ~~NRS 604A.480 is hereby amended to read as follows:~~

~~604A.480 1. Except as otherwise provided in subsection 2, if a customer agrees in writing to establish or extend the period for the repayment, renewal, refinancing or consolidation of an outstanding loan by using the proceeds of a new deferred deposit loan or high interest loan to pay the balance of the outstanding loan, the licensee shall not establish or extend the period beyond 60 days after the expiration of the initial loan period. The licensee shall not add any unpaid interest or other charges accrued during the original term of the outstanding loan or any extension of the outstanding loan to the principal amount of the new deferred deposit loan or high interest loan.~~

~~2. [This section does] The requirements of subsection 1 do not apply to a new deferred deposit loan or high interest loan if the licensee:~~

~~(a) Makes the new deferred deposit loan or high interest loan to a customer pursuant to a loan agreement which, under its original terms:~~

~~(1) Charges an annual percentage rate of less than 200 percent;~~

~~(2) Requires the customer to make a payment on the loan at least once every 30 days;~~

~~(3) Requires the loan to be paid in full in not less than 150 days; and~~

~~— (4) Provides that interest does not accrue on the loan at the annual percentage rate set forth in the loan agreement after the date of maturity of the loan;~~

~~— (b) Performs a credit check of the customer with a major consumer reporting agency before making the loan;~~

~~— (c) Reports information relating to the loan experience of the customer to a major consumer reporting agency;~~

~~— (d) Gives the customer the right to rescind the new deferred deposit loan or high interest loan within 5 days after the loan is made without charging the customer any fee for rescinding the loan; and~~

~~— (e) Participates in good faith with a counseling agency that is:~~

~~— (1) Accredited by the Council on Accreditation of Services for Families and Children, Inc., or its successor organization; and~~

~~— (2) A member of the National Foundation for Credit Counseling, or its successor organization [; and~~

~~— (f) Does not commence any civil action or process of alternative dispute resolution on a defaulted loan or any extension or repayment plan thereof.]]~~

~~(Deleted by amendment.)~~

Sec. 1.2. Chapter 669 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a foreign trust company seeks to engage only in the solicitation of trust company business in this State, regardless of whether the foreign trust company has a physical location in this State, the foreign trust company shall submit a written request for authorization to solicit trust company business to the Commissioner. The written request must be accompanied by:

(a) A nonrefundable fee of \$500.

(b) Evidence that the foreign trust company is qualified to do business as a foreign corporation or foreign limited-liability company pursuant to chapter 80 or 86 of NRS, as applicable.

(c) The designation of a registered agent who resides or is located in this State to receive service of legal process relating to activities conducted by the foreign trust company in this State.

(d) If the foreign trust company wishes to have a trust representative office in this State:

(1) The address of the trust representative office;

(2) The names of all persons who will be representing the foreign trust company at the trust representative office; and

(3) Evidence of compliance with all applicable requirements for state and local business licenses.

(e) Confirmation that the foreign trust company is authorized to conduct business as a trust company in its home state.

(f) Confirmation by the proper regulatory authority in the home state of the foreign trust company that the license or charter of the foreign trust company is in good standing.

(g) Evidence that the foreign trust company has pledged \$100,000 in cash or securities with the Division of Financial Institutions, issued or backed by the Federal Government, or has provided evidence of a policy of insurance covering liability for errors and omissions relating to any activity by the foreign trust company involving residents of this State.

(h) Confirmation that the laws of the home state of the foreign trust company authorize a trust company licensed pursuant to the laws of this State to conduct business in the home state of the foreign trust company on substantially the same basis.

2. If the Commissioner approves a written request for authorization to solicit trust company business pursuant to subsection 1, the foreign trust company shall annually renew the request on a date prescribed by the Commissioner. The written request for renewal must be accompanied by:

(a) A nonrefundable renewal fee of \$250.

(b) Confirmation that the information previously provided pursuant to paragraphs (b) to (g), inclusive, of subsection 1 remains accurate or, alternatively, the provision of any such information which has been updated.

3. If the Commissioner approves a written request for authorization to solicit trust company business pursuant to subsection 1, the foreign trust company:

(a) May solicit trust company business in this State and contact existing or prospective customers.

(b) Shall not accept fiduciary appointments, execute documents that create a fiduciary relationship, make decisions regarding the investment or distribution of fiduciary assets or otherwise engage in any activity for which a license is required pursuant to this chapter.

4. The Commissioner may rely on the proper regulatory authority of the home state of a foreign trust company to examine and investigate activity conducted by the foreign trust company.

5. All money received by the Commissioner:

(a) From the payment of fees pursuant to paragraph (a) of subsection 1 must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

(b) From the payment of renewal fees pursuant to paragraph (a) of subsection 2 must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

6. As used in this section:

(a) "Foreign trust company" means a trust company licensed under the laws of another state.

(b) "Home state" means the state in which a foreign trust company maintains its principal place of business.

(c) "Trust representative office" means a place of business from which a foreign trust company may solicit trust company business and contact existing or prospective customers.

Sec. 1.4. NRS 669.095 is hereby amended to read as follows:

669.095 1. Except as otherwise provided in subsection 2, no person or organization formed and doing business under the laws of this State or any other state may:

(a) Use the word "trust" or any direct derivative of that word as a part of its name.

(b) Advertise or use any sign with the word "trust" used as a part of its name.

2. The provisions of subsection 1 do not apply to a person or organization which:

(a) Is supervised by the Commissioner of Financial Institutions pursuant to this chapter or chapters 657 to 668, inclusive, 673 or 677 of NRS;

(b) Is doing business under the laws of the United States or another state relating to banks, savings banks, savings and loan associations or thrift companies;

(c) Is authorized to engage in the solicitation of trust company business in this State pursuant to section 1.2 of this act;

(d) Is acting under an appointment pursuant to NRS 662.245;

~~((d))~~ (e) Is supervised by the Commissioner of Insurance; or

~~((e))~~ (f) Is doing business solely as a community land trust.

3. As used in this section, "community land trust" has the meaning ascribed to it in NRS 82.106.

Sec. 1.6. NRS 669.150 is hereby amended to read as follows:

669.150 1. An applicant must file an application for a license to transact trust company business with the Commissioner on forms prescribed by the Commissioner, which must contain or be accompanied by such information as the Commissioner requires.

2. A nonrefundable fee of not more than \$2,000 must accompany the application. The applicant must also pay such reasonable additional expenses incurred in the process of investigation as the Commissioner deems necessary. In addition, a fee of not less than \$200 or more than \$500, prorated on the basis of the licensing year as provided by the Commissioner, must be paid at the time of making the application.

3. Except as otherwise provided in NRS 669.092, a trust company may maintain offices in this and other states. For every branch location of a trust company organized under the laws of this State, and every branch location in this State of a ~~foreign~~ trust company ~~authorized~~ organized under the laws of another state and licensed to do business in this State, a request for approval and licensing must be filed with the Commissioner on such forms as the Commissioner prescribes. A nonrefundable fee of not more than \$500 must accompany each request. In addition, a fee of not more than \$200, prorated on the basis of the licensing year as provided by the Commissioner, must be paid at the time of making the request.

4. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section. All money received by the

Commissioner pursuant to this section must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

5. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 12 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 1.8. NRS 166.015 is hereby amended to read as follows:

166.015 1. Unless the writing declares to the contrary, expressly, this chapter governs the construction, operation and enforcement, in this State, of all spendthrift trusts created in or outside this State if:

- (a) All or part of the land, rents, issues or profits affected are in this State;
- (b) All or part of the personal property, interest of money, dividends upon stock and other produce thereof, affected, are in this State;
- (c) The declared domicile of the creator of a spendthrift trust affecting personal property is in this State; or
- (d) At least one trustee qualified under subsection 2 has powers that include maintaining records and preparing income tax returns for the trust, and all or part of the administration of the trust is performed in this State.

2. If the settlor is a beneficiary of the trust, at least one trustee of a spendthrift trust must be:

- (a) A natural person who resides and has his or her domicile in this State;
- (b) A trust company that:
 - (1) Is organized under federal law or under the laws of this State or another state; and
 - (2) Maintains ~~an~~ a full-service office in this State for the transaction of business; or
- (c) A bank that:
 - (1) Is organized under federal law or under the laws of this State or another state;
 - (2) Maintains an office in this State for the transaction of business; and
 - (3) Possesses and exercises trust powers.

3. As used in this section, "trust company" does not include a foreign trust company authorized to engage only in the solicitation of trust company business in this State pursuant to section 1.2 of this act.

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

Senator Settlemeyer moved the adoption of the amendment.

Remarks by Senator Settlemeyer.

Amendment No. 1059 makes three changes to Senate Bill No. 123. The amendment authorizes a foreign trust company to submit a written request to the Commissioner of Financial Institutions to engage in the solicitation of trust company business in this State; prohibits such a

foreign trust company from acting as a trustee of a spendthrift trust and authorizes the Commissioner to impose an administrative fine to a person who violates section 1 of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 146.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 146 requires the Advisory Committee on the Control of Emissions From Motor Vehicles to study the inspection and testing of motor vehicles and emission control systems. The Committee must report to the Legislature on or before June 30, 2016.

This bill is effective on July 1, 2015

Roll call on Assembly Bill No. 146:

YEAS—21.

NAYS—None.

Assembly Bill No. 146 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 172.

Bill read third time.

The following amendment was proposed by Senator Kieckhefer:

Amendment No. 1056.

SUMMARY—Revises provisions relating to public works. (BDR 28-565)

AN ACT relating to public works; revising the manner in which the prevailing wage is determined; requiring the Labor Commissioner to determine the prevailing wage to be a certain percentage for certain public works of school districts and the Nevada System of Higher Education; raising the estimated thresholds at or above which prevailing wage requirements apply to certain public work construction projects; ~~increasing the amount of a preference in bidding on certain public works given to contractors and certain other persons who meet certain eligibility requirements;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that mechanics and workers employed on certain public works be paid at least the wage prevailing for the type of work that the mechanic or worker performs in the locale in which the public work is located. (NRS 338.020) Section 2.3 of this bill prescribes the manner in which the Labor Commissioner must determine the prevailing wage for such a public work.

Senate Bill No. 119 of this legislative session exempted public works of school districts and the Nevada System of Higher Education from the requirement to pay prevailing wage. Section 6.7 of this bill repeals those provisions of Senate Bill No. 119, thereby making school districts and the Nevada System of Higher Education subject to that requirement. Section 2.3

of this bill provides that the Labor Commissioner must set the prevailing wage on these public works at 90 percent of the rate of prevailing wage on other public works.

Under existing law, any contract for a public work whose cost is \$100,000 or more is subject to the prevailing wage requirements. (NRS 338.080) ~~{The prevailing wage requirements also apply if a redevelopment agency provides financial incentives to the developer with a value of more than \$100,000. (NRS 279.500) Sections 3 and 4}~~ of this bill ~~{raise}~~ raises the threshold for the applicability of prevailing wage requirements from \$100,000 to ~~{\$500,000, require this amount to be adjusted every 5 years for inflation, and also make a technical correction in section 4 clarifying that if the relevant work will cost exactly \$500,000, the work is subject to the prevailing wage requirements.}~~

~~Under existing law, a contractor, applicant to serve as a construction manager at risk or design build team may qualify to receive a 5 percent preference in bidding on certain contracts for public works if certain conditions, including the employment of a specified percentage of Nevada employees, are met. (NRS 338.1389, 338.147, 338.1693, 338.1725, 338.1727, 408.3886) Sections 3.3, 3.5, 3.6, 3.7, 3.8 and 4.5 increase the amount of that preference in bidding to 7.5 percent.} \$250,000. Section 3 also exempts charter schools from prevailing wage requirements.~~

Section 5 of this bill provides that the amendatory provisions of this bill do not apply to a public work awarded before the effective date of this bill.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.3. NRS 338.030 is hereby amended to read as follows:

338.030 1. The public body awarding any contract for public work, or otherwise undertaking any public work, shall ascertain from the Labor Commissioner the prevailing wage in the county in which the public work is to be performed for each craft or type of work.

2. ~~{To establish a}~~ The prevailing wage in each county, including Carson City, ~~{the}~~ must be established as follows:

(a) The Labor Commissioner shall, annually, survey contractors who have performed work in the county.

(b) Based on the survey conducted pursuant to paragraph (a), where the rate of wages is the same for more than 50 percent of the total hours worked by each craft or type of work in that county on construction similar to the proposed construction, that rate will be determined as the prevailing wage.

(c) Where no such rate can be determined, the prevailing wage for a craft or type of work will be determined as the average rate of wages paid per hour based on the number of hours worked per rate, to that craft or type of work.

(d) The Labor Commissioner shall determine the prevailing wage to be 90 percent of the rate determined pursuant to paragraphs (a), (b) and (c) for:

(1) Any contract for a public work or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a school district or the Nevada System of Higher Education is a party; and

(2) A public work of, or constructed by, a school district or the Nevada System of Higher Education, or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property of or constructed by a school district or the Nevada System of Higher Education.

3. Within 30 days after the determination is issued:

(a) A public body or person entitled under subsection ~~(5)~~ 6 to be heard may submit an objection to the Labor Commissioner with evidence to substantiate that a different wage prevails; and

(b) Any person may submit information to the Labor Commissioner that would support a change in the prevailing wage of a craft or type of work by 50 cents or more per hour in any county.

~~(2.)~~ 4. The Labor Commissioner shall hold a hearing in the locality in which the work is to be executed if the Labor Commissioner:

(a) Is in doubt as to the prevailing wage; or

(b) Receives an objection or information pursuant to subsection ~~(2.)~~ 3.

↪ The Labor Commissioner may hold only one hearing a year on the prevailing wage of any craft or type of work in any county.

~~(4.)~~ 5. Notice of the hearing must be advertised in a newspaper nearest to the locality of the work once a week for 2 weeks before the time of the hearing.

~~(5.)~~ 6. At the hearing, any public body, the crafts affiliated with the State Federation of Labor or other recognized national labor organizations, and the contractors of the locality or their representatives must be heard. From the evidence presented, the Labor Commissioner shall determine the prevailing wage.

~~(6.)~~ 7. The wages so determined must be filed by the Labor Commissioner and must be available to any public body which awards a contract for any public work.

~~(7.)~~ 8. Nothing contained in NRS 338.020 to 338.090, inclusive, may be construed to authorize the fixing of any wage below any rate which may now or hereafter be established as a minimum wage for any person employed upon any public work, or employed by any officer or agent of any public body.

Sec. 2.7. NRS 338.075 is hereby amended to read as follows:

338.075 The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds ~~(\$100,000)~~ \$250,000 even if the construction work does not qualify as a public work, as defined in subsection 17 of NRS 338.010.

Sec. 3. NRS 338.080 is hereby amended to read as follows:

338.080 ~~44~~ None of the provisions of NRS 338.020 to 338.090, inclusive, apply to:

1. ~~4(a)~~ Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.

2. ~~4(b)~~ Apprentices recorded under the provisions of chapter 610 of NRS.

3. ~~4(c)~~ Any contract for a public work whose cost is less than ~~[\$100,000-\$500,000]~~ \$250,000. A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the cost of the project below ~~[\$100,000-\$500,000]~~.

~~2. The Labor Commissioner shall, on or before January 1, 2020, and every 5 years thereafter, adjust the amount set forth in paragraph (c) of subsection 1 to reflect inflation, as measured by the average percentage of increase or decrease in the Consumer Price Index for All Urban Consumers of the United States Department of Labor, Bureau of Labor Statistics, for the preceding 5 years. The Labor Commissioner shall determine the amount of the increase or decrease required by this subsection and establish the adjusted amounts to take effect on January 1 of that year.] \$250,000.~~

4. Any contract for a public work or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a charter school is a party, notwithstanding any other provision of law.

5. A public work of, or constructed by, a charter school, or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property of or constructed by a charter school, notwithstanding any other provision of law.

Sec. 3.3. ~~[NRS 338.1389 is hereby amended to read as follows:~~

~~338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds \$250,000 to the contractor who submits the best bid.~~

~~2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:~~

~~(a) Submitted by a responsive and responsible contractor who:~~

~~(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;~~

~~(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and~~

~~(3) Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and~~

~~—(b) Not more than [5] 7.5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:~~

~~—(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or~~

~~—(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract;~~

~~— shall be deemed to be the best bid for the purposes of this section.~~

~~—3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:~~

~~—(a) Paid directly, on his or her own behalf:~~

~~—(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;~~

~~—(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or~~

~~—(3) Any combination of such sales and use taxes and governmental services tax; or~~

~~—(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:~~

~~—(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and~~

~~—(2) Certificate of eligibility to receive a preference in bidding on public works.~~

~~—4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:~~

~~— (a) Paid directly, on his or her own behalf:~~

~~— (1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12 month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;~~

~~— (2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12 month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or~~

~~— (3) Any combination of such sales and use taxes and governmental services tax; or~~

~~— (b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:~~

~~— (1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and~~

~~— (2) Certificate of eligibility to receive a preference in bidding on public works.~~

~~— 5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:~~

~~— (a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and~~

~~— (b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.~~

~~— 6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.~~

~~— 7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.~~

~~8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.~~

~~9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:~~

~~—(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or~~

~~—(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds \$5,000,000, the contractor is not eligible to receive a preference in bidding on public works.~~

~~10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.~~

~~11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.~~

~~12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.~~

~~13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:~~

~~—(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and~~

~~—(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.~~

~~14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating~~

~~evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.} (Deleted by amendment.)~~

Sec. 3.5. ~~[NRS 338.147 is hereby amended to read as follows:~~

~~338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446, a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds \$250,000 to the contractor who submits the best bid.~~

~~2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:~~

~~(a) Submitted by a contractor who:~~

~~(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;~~

~~(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and~~

~~(3) Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and~~

~~(b) Not more than [5] 7.5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:~~

~~(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or~~

~~(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract;~~

~~shall be deemed to be the best bid for the purposes of this section.~~

~~3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:~~

~~(a) Paid directly, on his or her own behalf:~~

~~(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land~~

~~within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;~~

~~— (2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or~~

~~— (3) Any combination of such sales and use taxes and governmental services tax; or~~

~~— (b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a~~

~~— (1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and~~

~~— (2) Certificate of eligibility to receive a preference in bidding on public works.~~

~~4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:~~

~~— (a) Paid directly, on his or her own behalf:~~

~~— (1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;~~

~~— (2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or~~

~~— (3) Any combination of such sales and use taxes and governmental services tax; or~~

~~— (b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a~~

~~— (1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and~~

~~—(2) Certificate of eligibility to receive a preference in bidding on public works.~~

~~—5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:~~

~~—(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and~~

~~—(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.~~

~~—6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.~~

~~—7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.~~

~~—8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.~~

~~—9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:~~

~~—(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or~~

~~—(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds \$5,000,000, the contractor is not eligible to receive a preference in bidding on public works.~~

~~—10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.~~

~~11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.~~

~~12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.~~

~~13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:~~

~~(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and~~

~~(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.~~

~~14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly. (Deleted by amendment.)~~

Sec. 3.6. [NRS 338.1693 is hereby amended to read as follows:

~~338.1693 1. The public body or its authorized representative shall appoint a panel consisting of at least three but not more than seven members, a majority of whom must have experience in the construction industry, to rank the proposals submitted to the public body by evaluating the proposals as required pursuant to subsections 2 and 3.~~

~~2. The panel appointed pursuant to subsection 1 shall rank the proposals by:~~

~~(a) Verifying that each applicant satisfies the requirements of NRS 338.1691; and~~

~~—(b) Evaluating and assigning a score to each of the proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for proposals.~~

~~—3. When ranking the proposals, the panel appointed pursuant to subsection 1 shall assign a relative weight of [5] 7.5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.~~

~~—4. After the panel appointed pursuant to subsection 1 ranks the proposals, the public body or its authorized representative shall, except as otherwise provided in subsection 8, select at least the two but not more than the five applicants whose proposals received the highest scores for interviews.~~

~~—5. The public body or its authorized representative may appoint a separate panel to interview and rank the applicants selected pursuant to subsection 4. If a separate panel is appointed pursuant to this subsection, the panel must consist of at least three but not more than seven members, a majority of whom must have experience in the construction industry.~~

~~—6. During the interview process, the panel conducting the interview may require the applicants to submit a preliminary proposed amount of compensation for managing the preconstruction and construction of the public work, but in no event shall the proposed amount of compensation exceed 20 percent of the scoring for the selection of the most qualified applicant. All presentations made at any interview conducted pursuant to this subsection or subsection 5 may be made only by key personnel employed by the applicant, as determined by the applicant, and the employees of the applicant who will be directly responsible for managing the preconstruction and construction of the public work.~~

~~—7. After conducting such interviews, the panel that conducted the interviews shall rank the applicants by using a ranking process that is separate from the process used to rank the applicants pursuant to subsection 2 and is based only on information submitted during the interview process. The score to be given for the proposed amount of compensation, if any, must be calculated by dividing the lowest of all the proposed amounts of compensation by the applicant's proposed amount of compensation multiplied by the total possible points available to each applicant. When ranking the applicants, the panel that conducted the interviews shall assign a relative weight of [5] 7.5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for~~

~~a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.~~

~~—8. If the public body did not receive at least two proposals, the public body may not contract with a construction manager at risk.~~

~~—9. Upon receipt of the final rankings of the applicants from the panel that conducted the interviews, the public body or its authorized representative shall enter into negotiations with the most qualified applicant determined pursuant to the provisions of this section for a contract for preconstruction services, unless the public body required the submission of a proposed amount of compensation, in which case the proposed amount of compensation submitted by the applicant must be the amount offered for the contract. If the public body or its authorized representative is unable to negotiate a contract with the most qualified applicant for an amount of compensation that the public body or its authorized representative and the most qualified applicant determine to be fair and reasonable, the public body or its authorized representative shall terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.~~

~~—10. The public body or its authorized representative shall make available to all applicants and the public the final rankings of the applicants, as determined by the panel that conducted the interviews, and shall provide, upon request, an explanation to any unsuccessful applicant of the reasons why the applicant was unsuccessful.] (Deleted by amendment.)~~

Sec. 3.7. [NRS 338.1725 is hereby amended to read as follows:

~~—338.1725 1. The public body shall select at least two but not more than four finalists from among the design-build teams that submitted preliminary proposals. If the public body does not receive at least two preliminary proposals from design-build teams that the public body determines to be qualified pursuant to this section and NRS 338.1721, the public body may not contract with a design-build team for the design and construction of the public work.~~

~~—2. The public body shall select finalists pursuant to subsection 1 by:~~

~~—(a) Verifying that each design-build team which submitted a preliminary proposal satisfies the requirements of NRS 338.1721;~~

~~—(b) Conducting an evaluation of the qualifications of each design-build team that submitted a preliminary proposal, including, without limitation, an evaluation of:~~

~~—(1) The professional qualifications and experience of the members of the design-build team;~~

~~—(2) The performance history of the members of the design build team concerning other recent, similar projects completed by those members, if any;~~

~~—(3) The safety programs established and the safety records accumulated by the members of the design build team; and~~

~~—(4) The proposed plan of the design build team to manage the design and construction of the public work that sets forth in detail the ability of the design build team to design and construct the public work; and~~

~~—(e) Except as otherwise provided in this paragraph, assigning, without limitation, a relative weight of [5] 7.5 percent to the possession of both a certificate of eligibility to receive a preference in bidding on public works by all contractors on the design build team and a certificate of eligibility to receive a preference when competing for public works by all design professionals on the design build team. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this paragraph relating to a preference in bidding on public works or a preference when competing for public works, those provisions of this paragraph do not apply insofar as their application would preclude or reduce federal assistance for that public work.~~

~~—3. After the selection of finalists pursuant to this section, the public body shall make available to the public the results of the evaluations of preliminary proposals conducted pursuant to paragraph (b) of subsection 2 and identify which of the finalists, if any, received an assignment of [5] 7.5 percent pursuant to paragraph (c) of subsection 2.] (Deleted by amendment.)~~

Sec. 3.8. ~~[NRS 338.1727 is hereby amended to read as follows:~~

~~—338.1727 1. After selecting the finalists pursuant to NRS 338.1725, the public body shall provide to each finalist a request for final proposals for the public work. The request for final proposals must:~~

~~—(a) Set forth the factors that the public body will use to select a design build team to design and construct the public work, including the relative weight to be assigned to each factor; and~~

~~—(b) Set forth the date by which final proposals must be submitted to the public body.~~

~~—2. If one or more of the finalists selected pursuant to NRS 338.1725 is disqualified or withdraws, the public body may select a design build team from the remaining finalist or finalists.~~

~~—3. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design build team pursuant to subsection 1, the public body shall assign, without limitation, a relative weight of [5] 7.5 percent to the possession of both a certificate of eligibility to receive a preference in bidding on public works by all contractors on the design build team if the contractors submit signed affidavits that meet the requirements of subsection 1 of NRS 338.0117, and a certificate of eligibility to receive a preference when competing for public works by all design~~

~~professionals on the design build team, and a relative weight of at least 20 percent to the proposed cost of design and construction of the public work. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to a preference in bidding on public works, or a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.~~

~~—4. A final proposal submitted by a design build team pursuant to this section must be prepared thoroughly and be responsive to the criteria that the public body will use to select a design build team to design and construct the public work described in subsection 1. A design build team that submits a final proposal which is not responsive shall not be awarded the contract and shall not be eligible for the partial reimbursement of costs provided for in subsection 7.~~

~~—5. A final proposal is exempt from the requirements of NRS 338.141.~~

~~—6. After receiving and evaluating the final proposals for the public work, the public body or its authorized representative shall enter into negotiations with the most qualified applicant, as determined pursuant to the criteria set forth pursuant to subsections 1 and 3, and award the design build contract to the design build team whose proposal is selected. If the public body or its authorized representative is unable to negotiate with the most qualified applicant a contract that is determined by the parties to be fair and reasonable, the public body may terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.~~

~~—7. If a public body selects a final proposal and awards a design build contract pursuant to subsection 6, the public body shall:~~

~~—(a) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (j) of subsection 2 of NRS 338.1723. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design build team as set forth in the design build contract.~~

~~—(b) Make available to the public the results of the evaluation of final proposals that was conducted and the ranking of the design build teams who submitted final proposals. The public body shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design build team.~~

~~—8. A contract awarded pursuant to this section:~~

~~—(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive.~~

~~—(b) Must specify:~~

~~—(1) An amount that is the maximum amount that the public body will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;~~

~~—(2) An amount that is the maximum amount that the public body will pay for the performance of the professional services required by the contract; and~~

~~—(3) A date by which performance of the work required by the contract must be completed.~~

~~—(e) May set forth the terms by which the design build team agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design build team.~~

~~—(d) Except as otherwise provided in paragraph (e), must not require the design professional to defend, indemnify or hold harmless the public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers and agents of the public body.~~

~~—(e) May require the design build team to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees, that are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design build team or the employees or agents of the design build team in the performance of the contract.~~

~~—(f) Must require that the design build team to whom a contract is awarded assume overall responsibility for ensuring that the design and construction of the public work is completed in a satisfactory manner.~~

~~—9. Upon award of the design build contract, the public body shall make available to the public copies of all preliminary and final proposals received.]~~

~~(Deleted by amendment.)~~

Sec. 4. ~~[NRS 279.500 is hereby amended to read as follows:~~

~~—279.500 1. The provisions of NRS 338.010 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction which is awarded on or after October 1, 1991, by an agency for work to be done in a project.~~

~~—2. If an agency:~~

~~—(a) Provides property for development at less than the fair market value of the property;~~

~~—(b) Provides a loan to a small business pursuant to NRS 279.700 to 279.740, inclusive; or~~

~~—(c) Provides financial incentives to a developer with a value of [more than \$100,000,] \$500,000 or more;~~

~~— regardless of whether the project is publicly or privately owned, the agency must provide in the loan agreement with the small business or the agreement with the developer, as applicable, that the development project is subject to the provisions of NRS 338.010 to 338.090, inclusive, to the same extent as if the agency had awarded the contract for the project. This subsection applies only to the project covered by the loan agreement between the agency and the small business or the agreement between the agency and the developer, as applicable. This subsection does not apply to future development of the property unless an additional loan, or additional financial incentives with a value of [more than \$100,000,] \$500,000 or more, are provided to the small business or developer, as applicable.~~

~~— 3. The Labor Commissioner shall, on or before January 1, 2020, and every 5 years thereafter, adjust the amount set forth in paragraph (c) of subsection 2 to reflect inflation, as measured by the average percentage of increase or decrease in the Consumer Price Index for All Urban Consumers of the United States Department of Labor, Bureau of Labor Statistics, for the preceding 5 years. The Labor Commissioner shall determine the amount of the increase or decrease required by this subsection and establish the adjusted amounts to take effect on January 1 of that year.] (Deleted by amendment.)~~

Sec. 4.5. ~~[NRS 408.3886 is hereby amended to read as follows:~~

~~— 408.3886 1. After selecting the finalists pursuant to NRS 408.3885, the Department shall provide to each finalist a request for final proposals for the project. The request for final proposals must:~~

~~— (a) Set forth the factors that the Department will use to select a design build team to design and construct the project, including the relative weight to be assigned to each factor; and~~

~~— (b) Set forth the date by which final proposals must be submitted to the Department.~~

~~— 2. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design build team pursuant to subsection 1, the Department shall assign, without limitation, a relative weight of [5] 7.5 percent to the design build team's possession of both a certificate of eligibility to receive a preference in bidding on public works by the prime contractor on the design build team, if the design build team submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117, and a certificate of eligibility to receive a preference when competing for public works by all persons who hold a certificate of registration to practice architecture or a license as a professional engineer on the design build team, and a relative weight of at least 30 percent for the proposed cost of design and construction of the project. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular project because of the provisions of this subsection relating to a preference in bidding on public works or a preference when competing for public works, those provisions of this~~

~~subsection do not apply insofar as their application would preclude or reduce federal assistance for that project.~~

~~3. A final proposal submitted by a design build team pursuant to this section must be prepared thoroughly, be responsive to the criteria that the Department will use to select a design build team to design and construct the project described in subsection 1 and comply with the provisions of NRS 338.141.~~

~~4. After receiving the final proposals for the project, the Department shall:~~

~~(a) Select the most cost effective and responsive final proposal, using the criteria set forth pursuant to subsections 1 and 2;~~

~~(b) Reject all the final proposals; or~~

~~(c) Request best and final offers from all finalists in accordance with subsection 5.~~

~~5. If the Department determines that no final proposal received is cost effective or responsive and the Department further determines that requesting best and final offers pursuant to this subsection will likely result in the submission of a satisfactory offer, the Department may prepare and provide to each finalist a request for best and final offers for the project. In conjunction with preparing a request for best and final offers pursuant to this subsection, the Department may alter the scope of the project, revise the estimates of the costs of designing and constructing the project, and revise the selection factors and relative weights described in paragraph (a) of subsection 1. A request for best and final offers prepared pursuant to this subsection must set forth the date by which best and final offers must be submitted to the Department. After receiving the best and final offers, the Department shall:~~

~~(a) Select the most cost effective and responsive best and final offer, using the criteria set forth in the request for best and final offers; or~~

~~(b) Reject all the best and final offers.~~

~~6. If the Department selects a final proposal pursuant to paragraph (a) of subsection 4 or selects a best and final offer pursuant to paragraph (a) of subsection 5, the Department shall hold a public meeting to:~~

~~(a) Review and ratify the selection.~~

~~(b) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (f) of subsection 3 of NRS 408.3883. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design build team as set forth in the design build contract.~~

~~(c) Make available to the public a summary setting forth the factors used by the Department to select the successful design build team and the ranking of the design build teams who submitted final proposals and, if applicable, best and final offers. The Department shall not release to a third party, or~~

~~otherwise make public, financial or proprietary information submitted by a design build team.~~

~~7. A contract awarded pursuant to this section:~~

~~(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive; and~~

~~(b) Must specify:~~

~~(1) An amount that is the maximum amount that the Department will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;~~

~~(2) An amount that is the maximum amount that the Department will pay for the performance of the professional services required by the contract; and~~

~~(3) A date by which performance of the work required by the contract must be completed.~~

~~8. A design build team to whom a contract is awarded pursuant to this section shall:~~

~~(a) Assume overall responsibility for ensuring that the design and construction of the project is completed in a satisfactory manner; and~~

~~(b) Use the workforce of the prime contractor on the design build team to construct at least 15 percent of the project. (Deleted by amendment.)~~

Sec. 5. 1. The amendatory provisions of this act do not apply to a public work or other project of construction, repair or reconstruction that is awarded before ~~[July 1, 2015.]~~ the effective date of this act.

2. As used in this section, "public work" has the meaning ascribed to it in NRS 338.010.

Sec. 6. (Deleted by amendment.)

Sec. 6.3. The Labor Commissioner shall, as soon as practicable on or after the effective date of this act, adopt regulations to carry out the provisions of this act. The Labor Commissioner shall prepare, distribute and administer the current prevailing wage survey and all subsequent surveys conducted to establish a prevailing wage in each county in strict compliance with the amendatory provisions of this act.

Sec. 6.7. Sections 1 and 3 to 6, inclusive, of Senate Bill No. 119 (Chapter 5, Statutes of Nevada 2015, at page 27) are hereby repealed.

Sec. 7. This act becomes effective ~~[on July 1, 2015.]~~ upon passage and approval.

TEXT OF REPEALED SECTIONS

Section 1 of Senate Bill No. 119 (Chapter 5, Statutes of Nevada 2015, at page 27) is hereby repealed.

Section 1. NRS 338.080 is hereby amended to read as follows:

338.080 None of the provisions of NRS 338.020 to 338.090, inclusive, apply to:

1. Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or

any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.

2. Apprentices recorded under the provisions of chapter 610 of NRS.

3. Any contract for a public work whose cost is less than \$100,000. A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the cost of the project below \$100,000.

4. *Any contract for a public work or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a school district, a charter school or the Nevada System of Higher Education is a party, notwithstanding any other provision of law.*

5. *A public work of, or constructed by, a school district, a charter school or the Nevada System of Higher Education or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property of or constructed by one of these entities, notwithstanding any other provision of law.*

Sections 3 to 6, inclusive, of Senate Bill No. 119 (Chapter 5, Statutes of Nevada 2015, at page 27) are hereby repealed.

Sec. 3. NRS 353.545 is hereby amended to read as follows:

353.545 The Legislature hereby finds and declares that:

1. The authority provided by other specific statutes for the government of this State and the political subdivisions of this State to use lease-purchase and installment-purchase agreements provides an important and valuable option for these governmental entities and, when this authority is used properly, provides great benefit to the residents of this State.

2. The statutory provisions governing the use of lease-purchase and installment-purchase agreements should be interpreted to allow the process of entering into and carrying out these agreements to be as streamlined and efficient as possible.

3. The government of this State and the political subdivisions of this State should not use lease-purchase and installment-purchase agreements to:

(a) Engage in or allow bid-shopping; or

(b) ~~["Avoid"]~~ *Except as otherwise provided in subsection 5 of NRS 353.590, avoid or circumvent any requirement regarding the payment of prevailing wages for public works.*

4. When using lease-purchase and installment-purchase agreements, the government of this State and the political subdivisions of this State should provide for the preferential hiring of Nevada residents to the extent otherwise required by law.

5. ~~[[H]]~~ *Except as otherwise provided in subsection 5 of NRS 353.590, if a lease-purchase or installment-purchase agreement involves the construction, alteration, repair or remodeling of an improvement:*

(a) The person or entity that executes one or more contracts or agreements for the actual construction, alteration, repair or remodeling of the improvement shall include in such a contract or agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive.

(b) The government of this State or a political subdivision of this State, the contractor who is awarded the contract or entered into the agreement to perform the construction, alteration, repair or remodeling of the improvement and any subcontractor on the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the government of this State or a political subdivision of this State had undertaken the project or had awarded the contract.

Sec. 4. NRS 353.590 is hereby amended to read as follows:

353.590 If an agreement pursuant to NRS 353.500 to 353.630, inclusive, involves the construction, alteration, repair or remodeling of an improvement:

1. Except as otherwise provided in this section, the construction, alteration, repair or remodeling of the improvement may be conducted as specified in the agreement without complying with the provisions of:

- (a) Any law requiring competitive bidding; or
- (b) Chapter 341 of NRS.

2. ~~[[The]]~~ *Except as otherwise provided in subsection 5, the person or entity that enters into the agreement for the actual construction, alteration, repair or remodeling of the improvement shall include in the agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive.*

3. ~~[[The]]~~ *Except as otherwise provided in subsection 5, the State or a state agency, the contractor who is awarded the contract or entered into the agreement to perform the construction, alteration, repair or remodeling of the improvement and any subcontractor on the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the State or a state agency had undertaken the project or had awarded the contract.*

4. The provisions of:

- (a) Paragraph (b) of subsection 9 of NRS 341.100; and
- (b) NRS 341.105,

↪ apply to the construction, alteration, repair or remodeling of the improvement.

5. *For projects of or for the Nevada System of Higher Education where it is anticipated that payments under the agreement will be made*

with state appropriations, the Nevada System of Higher Education, the contractor who is awarded the contract or entered into the agreement to perform the construction, alteration, repair or remodeling of the improvement and any subcontractor on the project are not required to comply with the provisions of NRS 338.013 to 338.090, inclusive.

Sec. 5. NRS 354.740 is hereby amended to read as follows:

354.740 The Legislature hereby finds and declares that:

1. The authority provided by other specific statutes for the government of this State and the political subdivisions of this State to use lease-purchase and installment-purchase agreements provides an important and valuable option for these governmental entities and, when this authority is used properly, provides great benefit to the residents of this State.

2. The statutory provisions governing the use of lease-purchase and installment-purchase agreements should be interpreted to allow the process of entering into and carrying out these agreements to be as streamlined and efficient as possible.

3. The government of this State and the political subdivisions of this State should not use lease-purchase and installment-purchase agreements to:

(a) Engage in or allow bid-shopping; or

(b) ~~[-Avoid]~~ *Except as otherwise provided in subsection 5 of NRS 353.590, avoid* or circumvent any requirement regarding the payment of prevailing wages for public works.

4. When using lease-purchase and installment-purchase agreements, the government of this State and the political subdivisions of this State should provide for the preferential hiring of Nevada residents to the extent otherwise required by law.

5. ~~[-If]~~ *Except as otherwise provided in subsection 5 of NRS 353.590, if* a lease-purchase or installment-purchase agreement pursuant to this section involves the construction, alteration, repair or remodeling of an improvement:

(a) The person or entity that executes one or more contracts or agreements for the actual construction, alteration, repair or remodeling of the improvement shall include in such a contract or agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive.

(b) The government of this State or a political subdivision of this State, the contractor who is awarded the contract or entered into the agreement to perform the construction, alteration, repair or remodeling of the improvement and any subcontractor on the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the government of this State or a political subdivision of this State had undertaken the project or had awarded the contract.

Sec. 6. NRS 338.075 is hereby repealed.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

This amendment makes several changes to the bill as it was originally presented to us. The primary components include a threshold decrease based on the original version of the bill for the trigger for prevailing wage projects to \$250,000 in a uniform threshold. It strikes the increase in the bidders preference to 7.5 percent that was included in the original bill. It establishes a new tier for prevailing wage rates in our state for education projects that are done by school districts and the Higher Education System to 90 percent of the otherwise published prevailing wage rate. The amendment also puts into statute the method by which the Labor Commissioner calculates the existing prevailing wage rate that is outlined in regulation, and puts that in statute at a point where if more than 50 percent of all wages come in at the exact same rate then that is deemed to be the prevailing wage rate for that trade.

Amendment adopted.

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

Assembly Bill No. 326.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 326 revises certain requirements for the issuance of a special license plate inscribed with the words "Old Timer," "Classic Rod," or "Classic Vehicle" providing that only vehicles made before 1996 are eligible for such plates.

The bill also prohibits the Department of Motor Vehicles from issuing these license plates, as well as the "Street Rod" license plate, for a period of two years, beginning July 1, 2015.

Roll call on Assembly Bill No. 326:

YEAS—21.

NAYS—None.

Assembly Bill No. 326 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senator Roberson moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 6:12 p.m.

SENATE IN SESSION

At 6:13 p.m.

President Hutchison presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that all necessary rules be suspended, that the reprinting of Assembly Bill No. 172 be dispensed with, that the Secretary be authorized to insert Amendment No. 1056 adopted by the Senate, and that the bill be placed on the General File.

Motion carried.

Senator Kieckhefer moved that all necessary rules be suspended, that reading had considered second reading, rules further suspended, that Senate Bill No. 123 be declared an emergency measure under the Constitution, that the reprinting of the bill be dispensed with, that the Secretary be authorized to insert Amendment No. 1059 adopted by the Senate, and that the bill be placed on the General File and considered next.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 123.

Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 123 authorizes a foreign trust company licensed under the laws of another state, which seeks to engage only in the solicitation of trust company business in Nevada, to submit a written request to the Commissioner of Financial Institutions for authorization to solicit trust company business in Nevada. The written request must be accompanied by a \$500 nonrefundable fee and certain other information concerning the foreign trust company.

A foreign trust company whose written request is approved must renew the request annually and pay a \$250 nonrefundable fee. A foreign trust company that is authorized to solicit trust company business in Nevada and to contact existing or prospective customers is prohibited from performing certain fiduciary duties. The bill prohibits a foreign trust company from acting as a trustee of a spendthrift trust. In addition, the Commissioner may impose an administrative fine upon a person who violates these provisions. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 123:

YEAS—21.

NAYS—None.

Senate Bill No. 123 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 172.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 172 revises provisions relating to prevailing wage on public works. It sets in statute the method by which the Labor Commissioner shall calculate the prevailing wage based on the survey that is conducted annually. It requires that if more than 50 percent of the wages in a single trade come in at the same rate, that wage would be determined to be the prevailing wage in that category. If less than 50 percent of the total reported wages come in at the same wage, it would be averaged amongst all reported wages.

Additionally, it sets the prevailing wage rate for projects by school districts and the Nevada System of Higher Education at 90 percent of the otherwise determined rate. It also increases the threshold that triggers the necessity of prevailing wage from \$100,000 in current law to \$250,000 for all jobs, and it spells out that construction of charter schools is not included.

Roll call on Assembly Bill No. 172:

YEAS—17.

NAYS—Goicoechea, Gustavson, Lipparelli, Settelmeyer—4.

Assembly Bill No. 172 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senator Roberson moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 6:18 p.m.

SENATE IN SESSION

At 8:45 p.m.

President Hutchison presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 332, 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 Senate Committee on Senate Parliamentary Rules and Procedures has approved the consideration of Amendment No. 1068 to Assembly Bill No. 177.

JAMES A. SETTELMAYER, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 1, 2015

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 79, 92, 111, 214, 230, 412, 416, 460, 467, 502, 506, 508, 511, 513, 515; Assembly Bills Nos. 493, 495, 496, 497, 498.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 147, 218, 436.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Hansen, Jones and Bustamante Adams as a Conference Committee concerning Assembly Bill No. 258.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 147.

Senator Kieckhefer moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

Assembly Bill No. 218.

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

Motion carried.

Assembly Bill No. 436.

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

Motion carried.

Assembly Bill No. 493.

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

Motion carried.

Assembly Bill No. 495.

Senator Kieckhefer moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 496.

Senator Kieckhefer moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 497.

Senator Kieckhefer moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

Assembly Bill No. 498.

Senator Kieckhefer moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 332.

Bill read second time.

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

Amendment No. 1063.

SUMMARY—Makes various changes concerning government purchasing and bidding. (BDR 28-256)

AN ACT relating to public works; prohibiting a public body from entering into certain contracts for public works which allow for purchase by the public body of the construction materials or goods to be used in the public work; providing that the Attorney General shall enforce the prohibition against such a contract for a public work; directing the Department of Taxation to withhold certain money payable to a public body which violates such a prohibition in a contract for a public work; revising provisions relating to certain construction projects of the Nevada System of Higher Education; revising the minimum qualifications for the Administrator of the State Public

Works Division of the Department of Administration; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the sale of any tangible personal property to a governmental entity including the State, its unincorporated agencies and instrumentalities or a county, city, district or other political subdivision of this State, is exempted from the imposition of sales and use taxes. (NRS 372.325, 372.345) A contractor who buys tangible personal property or stores, uses or otherwise consumes tangible personal property for such a governmental entity must pay such taxes unless the contractor is a constituent part of that entity. (NRS 372.340) Section 1 of this bill prohibits any public body including the State, its local governments, school districts, and any public agency thereof which sponsors or finances a public work from entering into an express or implied contract for a public work which provides that any construction materials or goods to be used on the public work be purchased or otherwise supplied by: (1) the public body; (2) a contractor who is a constituent part of the public body; or (3) a contractor who is not a constituent part of the public body acting on behalf of the public body. A public body may, however, enter into such a contract for a public work provided that the contract requires the payment of any state or local taxes that would otherwise have been due for the purchase and use of such construction materials or goods if they had been purchased and used by an entity not exempted from the payment of such taxes. Section 1 also provides that: (1) an express or implied contract entered into in violation of this prohibition is void; (2) a person who enters into such a contract is guilty of a gross misdemeanor; and (3) the right to enforce the provisions of this prohibition vests exclusively in the Attorney General. Section 1 further provides that, if a contract is entered into in violation of this prohibition, the Attorney General must forward to the Department of Taxation a list of the construction materials or goods purchased under the contract. The Department is then required to calculate the amount of applicable state and local taxes that should have been collected on the construction materials or goods, and deduct from the money otherwise payable from the proceeds of any tax distribution due to the public body ~~either~~ twice the amount of the applicable taxes ~~for the sum of \$250,000, whichever is greater.~~ In addition, section 1 exempts from the new prohibition express or implied contracts for public works that use certain construction materials or goods that are: (1) purchased pursuant to governmental procurement rules, needed on a recurring basis and used to protect the health, safety or welfare of the public; or (2) specialized, project-specific components.

Under existing law, the laws of this State pertaining to public works apply to any project which is financed in whole or in part from public money for the new construction, repair or reconstruction of publicly owned works and properties, except that such laws only apply to a building for the Nevada System of Higher Education if 25 percent or more of the costs of the building

as a whole are paid from money appropriated by this State or from federal money. (NRS 338.010) Section 2 of this bill removes that exemption from the application of public works laws for a building of the System if less than 25 percent of the costs of the building are paid from money appropriated by this State or federal money, but section 2.5 of this bill exempts such a building from certain provisions requiring that a public body use the services of the State Public Works Division of the Department of Administration for certain services relating to planning, maintenance and construction of state buildings. (NRS 341.141-341.148) Section 2.5 also specifically requires the System to use the services of the Division as building official for the construction of any building for the System. Section 4 of this bill repeals certain sections for conformity with the amendments made in section 2.

Under existing law, the Administrator and Deputy Administrator of the State Public Works Division are required to be licensed professional engineers or registered architects. (NRS 341.100) Section 2.6 of this bill revises those qualifications to require that the Administrator have: (1) a master's degree or doctoral degree in civil or environmental engineering, architecture, public administration or a related field; and (2) have experience in management, public administration or public policy. Section 2.6 provides that if the Administrator is not a licensed professional engineer or a registered architect, the Deputy Administrator is required to be a licensed professional engineer or a registered architect.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a public body shall not enter into an express or implied contract for a public work which provides that any construction materials or goods to be used on the public work will be purchased or otherwise supplied by:

(a) The public body or a contractor who is a constituent part of the public body; or

(b) A contractor who is not a constituent part of the public body but is acting on behalf of the public body.

2. A public body may enter into an express or implied contract for a public work which provides that any construction materials or goods to be used in the public work will be purchased or supplied by the public body, a contractor who is a constituent part of the public body or a contractor who is not a constituent part of the public body but is acting on behalf of the public body if:

(a) The contract requires the payment of any state or local taxes that would otherwise have been due for the purchase and use of the construction materials or goods if the construction materials or goods had been purchased and used by a contractor who was not a constituent part of the

public body and who was not otherwise exempt from the taxes pursuant to state or local law; and

(b) The public body sends an itemized list of the construction materials or goods to be purchased or otherwise provided by the public body or a contractor who is a constituent part of the public body, to the Department of Taxation. The itemized list must include the amount paid for each item.

3. An express or implied contract entered into in violation of subsection 1 is void.

4. A person who enters into an express or implied contract that violates the provisions of subsection 1 is guilty of a gross misdemeanor.

5. The right to enforce the provisions of this section vests exclusively in the Attorney General, who shall institute and prosecute the appropriate proceedings to enforce the provisions of this section.

6. If an express or implied contract for a public work is entered into in violation of subsection 1, the Attorney General shall forward to the Department of Taxation a list of construction materials or goods purchased in violation of this section by the public body or the contractor who is a constituent part of the public body. The Department shall calculate the applicable state and local taxes on the purchase and use of the construction materials or goods which would have been due but for the tax exemption of the public body or the contractor who is a constituent part of the public body, and shall deduct ~~that amount~~ from the money otherwise payable from the proceeds of any tax distribution to the public body ~~for~~

~~—(a) Twice~~ twice the amount of the applicable taxes ~~for~~ ~~or~~

~~—(b) The sum of \$250,000,~~

~~—whichever is greater.]~~

7. The provisions of this section do not apply to an express or implied contract for a public work for which the construction materials or goods purchased by the public body are:

(a) Devices, equipment or hardware purchased in compliance with chapter 332 or 333 of NRS which are needed on a recurring basis and used to protect the health, safety or welfare of the public, including, without limitation, official traffic control devices; or

(b) Specialized components purchased in compliance with chapter 332 or 333 of NRS which are specific to a particular project and are not commonly used in public works projects.

➡ If a public body enters into such a contract, the public body must provide annually to the Department of Taxation an itemized list of the construction materials or goods purchased pursuant to the contract and the amount paid for each item.

8. If a public body is going to perform the public work itself in accordance with NRS 338.13864, the public body is not required to:

(a) Pay any state or local taxes for the purchase and use of construction materials or goods.

(b) Send to the Department of Taxation an itemized list of construction materials or goods to be purchased by the public body for the public work.

9. As used in this section, "construction materials or goods" means all materials, equipment or supplies which are intended to be used in a public work. ~~[and includes, without limitation, the following, as well as related components or other materials intended for similar use:~~

~~— (a) Structural or reinforcing steel.~~

~~— (b) Aggregates, including, without limitation, base, barrow, concrete, asphalt, treated base, fill, topsoil and decorative aggregate.~~

~~— (c) Interior finishing materials, including, without limitation, drywall, metal studs, acoustical ceiling material, paint, sealants, compounds and wall coverings.~~

~~— (d) Flooring, including, without limitation, carpet, tile, wood, vinyl and laminates.~~

~~— (e) Wood and wood products, including, without limitation, plywood, lumber, form systems, sheeting and decking.~~

~~— (f) Utility materials, including, without limitation, piping, conduit, fiber optics, cables and cabling, power generators and pumps.~~

~~— (g) Electrical materials, including, without limitation, conduit, wire, cables and cabling, electrical panels, lighting fixtures, outlets and switches.~~

~~— (h) Plumbing materials, including, without limitation, pipes and piping, fixtures, drains, pumps, toilets, sinks, tubs and water heaters.~~

~~— (i) Heating, ventilation and air conditioning materials, including, without limitation, ducts, vents, sheet metal, air conditioning units, furnaces and fans.~~

~~— (j) Equipment and devices, whether purchased or rented, including, without limitation, heavy construction equipment, forklifts, scissor lifts, boom lifts, cranes and traffic control devices.~~

~~— (k) Miscellaneous materials, including, without limitation, materials used for fencing, irrigation, masonry, cabinetry, doors, windows, traffic signals and signs, landscaping, roofing and elevators.]~~

Sec. 2. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker

or workers employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. "Division" means the State Public Works Division of the Department of Administration.

9. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

10. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

11. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

12. "Horizontal construction" means the construction of any fixed work, including any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.

13. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

14. "Offense" means failing to:

- (a) Pay the prevailing wage required pursuant to this chapter;
- (b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;
- (c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or
- (d) Comply with subsection 5 or 6 of NRS 338.070.

15. "Prime contractor" means a contractor who:

- (a) Contracts to construct an entire project;
- (b) Coordinates all work performed on the entire project;
- (c) Uses his or her own workforce to perform all or a part of the public work; and
- (d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➡ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

16. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

17. "Public work" means any project for the new construction, repair or reconstruction of f;

—~~(a) A~~ a project financed in whole or in part from public money for:

- ~~{{(1)}} (a)~~ Public buildings;
- ~~{{(2)}} (b)~~ Jails and prisons;
- ~~{{(3)}} (c)~~ Public roads;
- ~~{{(4)}} (d)~~ Public highways;
- ~~{{(5)}} (e)~~ Public streets and alleys;
- ~~{{(6)}} (f)~~ Public utilities;
- ~~{{(7)}} (g)~~ Publicly owned water mains and sewers;
- ~~{{(8)}} (h)~~ Public parks and playgrounds;
- ~~{{(9)}} (i)~~ Public convention facilities which are financed at least in part with public money; and
- ~~{{(10)}} (j)~~ All other publicly owned works and property.

~~{{(b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.}}~~

18. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

19. "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➡ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

20. "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➡ for the provision of labor, materials, equipment or supplies for a construction project.

21. "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

22. "Supplier" means a person who provides materials, equipment or supplies for a construction project.

23. "Vertical construction" means the construction or remodeling of any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any improvement appurtenant thereto.

24. "Wages" means:

- (a) The basic hourly rate of pay; and
- (b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

25. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 2.5. Chapter 341 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 2, the provisions of NRS 341.141 to 341.148, inclusive, apply to a contract for the construction of a building for the Nevada System of Higher Education only if 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.*

2. *The provisions of subsection 2 of NRS 341.145 apply to the construction of any building for the Nevada System of Higher Education.*

Sec. 2.6. NRS 341.100 is hereby amended to read as follows:

341.100 1. The Administrator and the Deputy Administrator of the Public Works - Compliance and Code Enforcement Section serve at the pleasure of the Director of the Department.

2. The Administrator shall appoint:

(a) A Deputy Administrator of the Public Works - Professional Services Section; and

(b) A Deputy Administrator of the Buildings and Grounds Section.

↪ Each deputy administrator appointed pursuant to this subsection serves at the pleasure of the Administrator.

3. The Administrator shall recommend and the Director shall appoint a Deputy Administrator of the Public Works - Compliance and Code Enforcement Section. The Deputy Administrator appointed pursuant to this subsection has the final authority in the interpretation and enforcement of any applicable building codes.

4. The Administrator may appoint such other technical and clerical assistants as may be necessary to carry into effect the provisions of this chapter.

5. The Administrator and each deputy administrator are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, the Administrator and each deputy administrator shall devote his or her entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

6. The Administrator ~~and~~ must have a master's degree or doctoral degree in civil or environmental engineering, architecture, public administration or a related field and must have experience in management.

public administration or public policy. If the Administrator is not a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS, the Deputy Administrator of the Public Works - Professional Services Section must ~~each~~ be a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS.

7. The Deputy Administrator of the Public Works - Compliance and Code Enforcement Section must have a comprehensive knowledge of building codes and a working knowledge of the principles of engineering or architecture as determined by the Administrator.

8. The Administrator shall:

- (a) Serve as the Secretary of the Board.
- (b) Manage the daily affairs of the Division.
- (c) Represent the Board and the Division before the Legislature.
- (d) Prepare and submit to the Board, for its approval, the recommended priority for proposed capital improvement projects and provide the Board with an estimate of the cost of each project.
- (e) Select architects, engineers and contractors.
- (f) Accept completed projects.
- (g) Submit in writing to the Director of the Department, the Governor and the Interim Finance Committee a monthly report regarding all public works projects which are a part of the approved capital improvement program. For each such project, the monthly report must include, without limitation, a detailed description of the progress of the project which highlights any specific events, circumstances or factors that may result in:

(1) Changes in the scope of the design or construction of the project or any substantial component of the project which increase or decrease the total square footage or cost of the project by 10 percent or more;

(2) Increased or unexpected costs in the design or construction of the project or any substantial component of the project which materially affect the project;

(3) Delays in the completion of the design or construction of the project or any substantial component of the project; or

(4) Any other problems which may adversely affect the design or construction of the project or any substantial component of the project.

(h) Have final authority to approve the architecture of all buildings, plans, designs, types of construction, major repairs and designs of landscaping.

9. The Deputy Administrator of the Public Works - Compliance and Code Enforcement Section shall:

(a) Serve as the building official for all buildings and structures on property of the State or held in trust for any division of the State Government; and

(b) Consult with an agency or official that is considering adoption of a regulation described in NRS 446.942, 449.345, 455C.115, 461.173, 472.105

or 477.0325 and provide recommendations regarding how the regulation, as it applies to buildings and structures on property of this State or held in trust for any division of the State Government, may be made consistent with other regulations which apply to such buildings or structures.

Sec. 2.7. NRS 341.141 is hereby amended to read as follows:

341.141 1. The Division shall furnish engineering and architectural services to the Nevada System of Higher Education and all other state departments, boards or commissions charged with the construction of any building constructed on state property or for which the money is appropriated by the Legislature, except:

(a) Buildings used in maintaining highways;
(b) Improvements, other than nonresidential buildings with more than 1,000 square feet in floor area, made:

(1) In state parks by the State Department of Conservation and Natural Resources; or

(2) By the Department of Wildlife; ~~and~~

(c) *Buildings of the Nevada System of Higher Education:*

(1) *That are exempted pursuant to subsection 1 of section 2.5 of this act; or*

(2) *To which subsection 1 of section 2.5 of this act applies if the Administrator has delegated his or her authority in accordance with NRS 341.119; and*

(d) Buildings on property controlled by other state agencies if the Administrator has delegated his or her authority in accordance with NRS 341.119.

↪ The Board of Regents of the University of Nevada and all other state departments, boards or commissions shall use those services.

2. The services must consist of:

(a) Preliminary planning;
(b) Designing;
(c) Estimating of costs; and
(d) Preparation of detailed plans and specifications.

Sec. 3. NRS 338.018 and 338.075 are hereby repealed.

Sec. 4. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTIONS

338.018 Applicability to certain contracts for construction work of Nevada System of Higher Education. The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds \$100,000 even if the construction work does not qualify as a public work, as defined in subsection 17 of NRS 338.010.

338.075 Applicability to certain contracts for construction work of Nevada System of Higher Education. The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds \$100,000

even if the construction work does not qualify as a public work, as defined in subsection 17 of NRS 338.010.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

The amendment deletes the \$250,000 fine for a violation of certain provisions of the bill; deletes the requirement for a public body that is self-performing a public work to submit a list of all materials, equipment or supplies which are intended to be used in a public work, and sets forth certain minimum qualifications for the Administrator of the State Public Works Division.

Amendment adopted.

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

GENERAL FILE AND THIRD READING

Assembly Bill No. 399.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 399 requires the Office of Economic Development, in consultation with the College of Southern Nevada, the University of Nevada, Las Vegas, and other parties, to develop, create and oversee the NV Grow Program as a pilot program designed to stimulate Nevada's economy. The program is to be designed to provide assistance to businesses that are already located and operating in Nevada.

Senator Ford moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 8:52 p.m.

SENATE IN SESSION

At 8:53 p.m.

President Hutchison presiding.

Quorum present.

Remarks by Senator Kieckhefer.

Assembly Bill No. 399 also requires the appropriation of \$150,000 from the State General Fund to the College of Southern Nevada to allow for the purchases of software for a geographic information system, to hire a person to operate the system and to provide other services as are necessary to carry out the pilot program in Clark County.

Roll call on Assembly Bill No. 399:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 399 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 177.

Bill read third time.

The following amendment was proposed by Senator Farley:

Amendment No. 1068.

SUMMARY—Revises provisions governing elections. (BDR 24-627)

AN ACT relating to elections; prohibiting the name of an ineligible candidate from appearing on the ballot unless the period for changing the ballot has elapsed; providing certain remedies and penalties in pre-election challenges to the qualifications of a candidate; prohibiting the filling of a vacancy in a nomination for office under certain circumstances; amending certain residency requirements for candidates; revising provisions governing the filing of a declaration or acceptance of candidacy; prescribing the penalty for a candidate who files certain documents containing a false statement; requiring certain proofs of identity and residency when filing for candidacy; clarifying the deadline for an elector to file certain preelection challenges to the qualifications of a candidate; providing that a vote cast for an ineligible candidate is a nullity and void for the purposes of determining the outcome of an election; prohibiting an ineligible candidate from demanding a recount, filing a contest of election or receiving a certificate of election; making conforming changes to the definition of "actual residence" for purposes of candidacy; revising requirements for disclosures on certain electioneering communications; making various other changes relating to elections; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under certain circumstances, existing law sets forth procedures for filling a vacancy in a nomination for a nonpartisan or partisan office, except that no changes may be made to the ballot after a statutorily-prescribed date preceding any general election. If, after that date, a vacancy occurs in a nomination, the nominee's name must remain on the ballot for the general election and, if that person is elected, a vacancy in the office exists. (NRS 293.165, 293.166, 293.368, 293C.190, 293C.370) Further, under existing law, if a candidate whose name appears on a ballot is disqualified from entering upon the duties of an office or dies after the deadline for making changes to the ballot has passed, the Secretary of State and local election officials are required to post a sign at each polling place where the person's name will appear on the ballot notifying voters of the candidate's disqualification or death. (NRS 293.184, 293.302, 293C.1865, 293C.291)

This bill revises the legal rules, standards and procedures that apply to a person who is or becomes an ineligible candidate during an election. Section 1.5 of this bill defines the term "ineligible candidate" to mean a person who is a candidate for any office and who: (1) dies; (2) is adjudicated insane or mentally incompetent; (3) fails to meet any qualification required for the office; or (4) is found by a court to be disqualified from entering upon the duties of the office.

In the absence of a statute prescribing a different rule, the general rule under the common law is that the votes cast for a deceased, disqualified or ineligible candidate are not treated as void but are counted in determining the outcome of the election with regard to the other candidates, which renders the election nugatory and prevents the election of the candidate who receives the next highest number of votes. (*Ingersoll v. Lamb*, 75 Nev. 1, 4 (1959))

Sections 1.7, 15, 18.3 and 26 of this bill abrogate the common-law rule and provide that any vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of the election. Sections 1.8 and 17.4-17.9 of this bill also provide that an ineligible candidate may not demand or receive a recount of the vote at the election or contest the results of the election.

Sections 2 and 18.5 of this bill provide that the name of an ineligible candidate must not appear on the ballot at any election unless the period for making changes on the ballot has elapsed. If the period has elapsed, local election officials must provide notice to the voters at each affected polling place, on or near each mechanical voting device and on or with each paper ballot and absent ballot that the ineligible candidate is not eligible to take office and that any vote cast for the ineligible candidate will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.

Under existing law, there are several different types of preelection court actions that may be brought to challenge a candidate on grounds that the candidate fails to meet any qualification required for the office, including actions for a declaratory judgment or a writ of mandamus. (NRS 281.050, 293.182, 293C.186; *DeStefano v. Berkus*, 121 Nev. 627, 628-31 (2005); *Child v. Lomax*, 124 Nev. 600, 604-05 (2008)) Section 2.5 of this bill provides that in any preelection action where the court finds that a candidate fails to meet any qualification required for the office: (1) the candidate becomes an ineligible candidate and local election officials must take appropriate action to remove the candidate's name from the ballot or provide the required notice to voters; (2) the candidate is disqualified from taking office; and (3) the court may order the candidate to pay the attorney's fees and costs of the party who brought the action, including the Attorney General or a district attorney or city attorney.

Under existing law, certain state and local officials must issue a certificate of election to the candidate receiving the highest number of votes for an office as official recognition of the candidate's election to the office. (NRS 4.020, 218A.210, 245.010, 258.010, 267.050, 283.130, 293.034, 293.393-293.397, 293.435, 293C.387, 293C.395, 386.260, 539.157; Caliente City Charter § 5.100; Carlin City Charter § 5.090; Carson City Charter § 5.100; Elko City Charter § 5.090; Henderson City Charter § 5.100; Las Vegas City Charter § 5.100; North Las Vegas City Charter § 5.080; Reno City Charter § 5.100; Sparks City Charter § 5.100; Wells City Charter § 5.090; Yerington City Charter § 5.090) Sections 3.7, 17.1-17.3, 17.9, 28-28.4, 29.1, 29.5, 29.6, 29.8, 31, 36, 40, 46, 49, 52, 54, 58, 62, 66, 69, 72, 75 and 78 of this bill provide that if the name of an ineligible candidate could not be removed from the ballot, a certificate of election must not be issued to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

Existing law sets forth procedures for filling certain vacancies in a nomination for a nonpartisan or partisan office that occur before a statutorily-prescribed date preceding any general election. (NRS 293.165, 293.166, 293C.190) Section 3 of this bill prohibits a vacancy in a nomination for a partisan office from being filled if the vacancy occurs because the candidate fails to meet any qualification required for the office or is found by a court to be disqualified from taking office, except that the prohibition does not apply to such a vacancy occurring before certain special elections. If a vacancy in a nomination for a nonpartisan or partisan office occurs for certain other reasons, sections 4, 4.5 and 22.5 of this bill allow such a vacancy to be filled in the manner provided by existing law before the statutorily-prescribed date preceding the general election.

Under existing law, the Legislature may enact statutory qualifications to be a candidate for an elective office which are in addition to any constitutional qualifications required for the office. (*Mengelkamp v. List*, 88 Nev. 542, 544-45 (1972); *Riter v. Douglass*, 32 Nev. 400, 435-36 (1910)) Such additional statutory qualifications may include residency requirements, and both the United States Supreme Court and the Nevada Supreme Court have upheld residency requirements that require a candidate to be a state resident for 2 or more years. (*Clements v. Fashing*, 457 U.S. 957, 967-68 (1982) (explaining that the Court upheld New Hampshire's 7-year state residency requirement for gubernatorial candidates when it summarily affirmed the lower court's decision in *Chimento v. Stark*, 353 F. Supp. 1211 (D.N.H. 1973), *summarily aff'd*, 414 U.S. 802 (1973)); *Schaefer v. Eighth Jud. Dist. Ct.*, No. 65361 (Nev. Apr. 14, 2014) (upholding Nevada's 2-year state residency requirement for State Controller candidates in NRS 227.010))

Existing law sets forth certain residency requirements for candidates. In particular, a candidate must actually, as opposed to constructively, reside in the district to which the office pertains for at least 30 days preceding the date of the close of filing for candidacy. (NRS 293.1755, 293C.200) Additionally, a candidate for election or appointment to the Legislature must be an actual, as opposed to constructive, resident of this State for 1 year preceding the person's election or appointment. (NRS 218A.200) Sections 6 and 23 of this bill provide that all candidates must be an actual resident of the district to which the office pertains for at least ~~180~~ 90 days preceding the date of the close of filing for candidacy. Section 29 of this bill provides that a candidate for election or appointment to the Legislature must be an actual resident of: (1) this State for 1 year immediately preceding the person's election or appointment; and (2) the legislative district prescribed by law for the office for at least ~~180~~ 90 days immediately preceding the date of the close of filing of, as applicable, declarations or acceptances of candidacy for the office or applications for appointment to the office.

Existing law: (1) requires a candidate to file a declaration or acceptance of candidacy before his or her name may appear on a ballot; and (2) provides that a candidate who knowingly and willfully files a declaration or

acceptance of candidacy which contains a false statement regarding residency is guilty of a gross misdemeanor. (NRS 293.1755, 293.177, 293C.185, 293C.200) Sections 6, 7, 20 and 23 of this bill provide that a candidate who knowingly and willfully files a declaration or acceptance of candidacy which contains a false statement is guilty of a gross misdemeanor.

Existing law requires a candidate for election or appointment to the Legislature to meet certain qualifications for the office. (NRS 218A.200) A candidate for election to the Legislature must also file a declaration of residency with his or her declaration or acceptance of candidacy. (NRS 293.181) Sections 8 and 29 of this bill provide that any such candidate who knowingly and willfully files a declaration or acceptance of candidacy, a declaration of residency or an application for appointment which contains a false statement is guilty of a gross misdemeanor.

Under existing law, a person who receives a certificate of election or appointment to office as a Legislator must take and subscribe to the official oath before taking office. (NRS 218A.220) Section 29.2 of this bill prohibits a person from taking and subscribing to the official oath as a Legislator if, after the person files a declaration or acceptance of candidacy and on or before the date of the general election, a court finds that the person is an ineligible candidate because the person fails to meet any qualification required for the office.

Before the Assembly meets for each regular session, existing law requires the Secretary of State to make out a roll from the election returns of the persons who received the highest number of votes to be elected as members of the Assembly, and the members whose names appear upon the roll must be allowed to participate in the organization of the Assembly. (NRS 218A.400) Section 29.4 of this bill provides that if the name of an ineligible candidate for office as a member of the Assembly could not be removed from the ballot, the Secretary of State shall not include the ineligible candidate upon the roll of the persons elected as members of the Assembly and the name of the ineligible candidate must not appear upon the roll regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

The Nevada Supreme Court has interpreted existing law to authorize an elector to file a written challenge to a candidate's qualifications not later than 5 working days after the last day for the candidate to formally withdraw his or her candidacy. Depending on the state or local office being sought by the candidate, the Attorney General or the appropriate district attorney or city attorney must review the challenge and, if he or she determines that probable cause exists to support the challenge, must bring a preelection court action challenging the candidate's qualifications within a statutorily-prescribed period. (NRS 293.182, 293C.186; *Williams v. Clark County Dist. Att'y*, 118 Nev. 473, 477-79 (2002) (interpreting NRS 293.182 to permit an elector to file a written challenge not later than 5 working days after the last day for the candidate to formally withdraw his or her candidacy)) Sections 9 and

21 of this bill codify the Nevada Supreme Court's interpretation so that the period for an elector to file such a written challenge and the period for the Attorney General or the appropriate district attorney or city attorney to review such a challenge and bring a preelection court action are calculated using working days instead of calendar days.

Existing law requires printed electioneering communications, such as campaign signs or political advertising distributed by mail, to contain disclosures providing certain information about the person or organization that paid for the communications. (NRS 294A.347, 294A.348) Sections 28.21 and 28.22 of this bill specify minimum font sizes and certain typeface requirements for such disclosures appearing on printed electioneering communications.

Existing law defines the term "actual residence" to mean the place where a candidate is legally domiciled and maintains a permanent habitation, and when a candidate maintains more than one place of permanent habitation, the place designated by the candidate as his or her principal permanent habitation is deemed to be the candidate's actual residence. (NRS 281.050) The Nevada Supreme Court has held that the place designated by the candidate as his or her principal permanent habitation must be the place where the candidate actually resides and is legally domiciled in order for the candidate to be eligible to the office. (*Williams v. Clark County Dist. Att'y*, 118 Nev. 473, 484-86 (2002); *Chachas v. Miller*, 120 Nev. 51, 53-56 (2004)) Section 30 of this bill amends existing law to reflect the Supreme Court's holding.

The remaining sections of this bill make conforming changes to carry out the revisions to existing law.

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 1.5 to 3, inclusive, of this act.

Sec. 1.5. *"Ineligible candidate" means a person who is a candidate for any office and who:*

1. *Dies;*
2. *Is adjudicated insane or mentally incompetent;*
3. *Fails to meet any qualification required for the office pursuant to the Constitution or laws of this State; or*
4. *Is found by a court of competent jurisdiction to be disqualified from entering upon the duties of the office pursuant to the Constitution or laws of this State.*

Sec. 1.7. 1. *Notwithstanding any other provision of law, any vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of a primary election, general election or special election or any other election.*

2. *The provisions of this section are intended to abrogate any principle or rule of the common law to the contrary.*

Sec. 1.8. *A person who is or becomes an ineligible candidate may not:*

1. Demand or receive a recount of the vote for the office for which he or she is an ineligible candidate pursuant to NRS 293.400 to 293.405, inclusive; or

2. Contest the election for the office for which he or she is an ineligible candidate pursuant to NRS 293.407 to 293.435, inclusive.

Sec. 2. 1. Except as otherwise provided in this section, the name of a person who is or becomes an ineligible candidate must not appear on the ballot at a primary election, general election or special election or any other election.

2. If a person is or becomes an ineligible candidate, the county clerk shall remove the name of the person from the ballot, except that no changes may be made on the ballot pursuant to this section for:

(a) A primary election after 5 p.m. on the first Monday in April of the year in which the primary election is held.

(b) A general election after 5 p.m. on the last Friday in July of the year in which the general election is held.

(c) A special election or any other election after 5 p.m. on the last day prescribed by the Secretary of State or the county clerk, as applicable, for making changes on the ballot for that election.

3. If the period for making changes on the ballot has elapsed pursuant to this section and, for that reason, the county clerk cannot remove the name of the person who is or becomes an ineligible candidate from the ballot, the county clerk shall:

(a) At each polling place where the person's name will appear on the ballot, including, without limitation, a polling place for early voting:

(1) Post a sign informing voters that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election;

(2) Place a notice on or near each mechanical recording device informing a voter who uses the device that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election; and

(3) If paper ballots are used, include a notice on or with each paper ballot informing a voter who uses the paper ballot that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election; and

(b) If the absent ballots have not been distributed by the county clerk, include a notice on or with each absent ballot informing a voter who uses the absent ballot that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.

Sec. 2.5. 1. *In addition to any other remedy or penalty provided by law, if a court of competent jurisdiction finds in any preelection action that a person who is a candidate for any office fails to meet any qualification required for the office pursuant to the Constitution or laws of this State:*

(a) The person is an ineligible candidate, and the county clerk or city clerk, as applicable, shall take appropriate action regarding the ineligible candidate pursuant to section 2 or 18.5 of this act;

(b) The person is disqualified from entering upon the duties of the office for which he or she filed a declaration of candidacy or acceptance of candidacy; and

(c) The court may order the person to pay the reasonable attorney's fees and costs of the party who brought the action, including, without limitation, the Attorney General or a district attorney or city attorney.

2. *The provisions of this section apply to any preelection action brought to challenge a person who is a candidate for any office on the grounds that the person is an ineligible candidate because the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State, including, without limitation, any action brought pursuant to NRS 281.050, 293.182 or 293C.186 or any action brought for:*

(a) Declaratory or injunctive relief pursuant to chapter 30 or 33 of NRS;

(b) Writ relief pursuant to chapter 34 of NRS; or

(c) Any other legal or equitable relief.

Sec. 3. 1. *Except as otherwise provided in this section, a vacancy occurring in a major or minor political party nomination for a partisan office may not be filled by the party if the vacancy occurs because the candidate who is the party's nominee:*

(a) Fails to meet any qualification required for the office pursuant to the Constitution or laws of this State; or

(b) Is found by a court of competent jurisdiction to be disqualified from entering upon the duties of the office pursuant to the Constitution or laws of this State.

2. *The provisions of this section do not apply to a vacancy occurring in a major or minor political party nomination for a partisan office at a special election if no primary election is held to choose the candidate who is the party's nominee before the special election.*

Sec. 3.5. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, and section 1.5 of this act have the meanings ascribed to them in those sections.

Sec. 3.7. NRS 293.034 is hereby amended to read as follows:

293.034 "Certificate of election" means a certificate prepared by the county or city clerk or Governor, as the case may be, for the person having the highest number of votes for any district, county, township, city, state or statewide office as official recognition of the person's election to office ~~[-]~~, except that if the name of an ineligible candidate could not be removed from

the ballot pursuant to section 2 or 18.5 of this act, such a certificate must not be prepared for the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

Sec. 3.8. NRS 293.042 is hereby amended to read as follows:

293.042 "Contest" means an adversary proceeding between a candidate for a public office who has received the greatest number of votes and any other candidate for that office or, in certain cases, any registered voter of the appropriate political subdivision, for the purpose of determining the validity of an election ~~[-]~~, *except that a person who is or becomes an ineligible candidate may not contest the election for the office for which he or she is an ineligible candidate pursuant to section 1.8 of this act.*

Sec. 4. NRS 293.165 is hereby amended to read as follows:

293.165 1. ~~{Except as otherwise provided in NRS 293.166, a vacancy occurring in a major or minor political party nomination for a partisan office 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 and 5.~~

~~—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 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.

~~{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 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 by a candidate designated by the party central committee of the county or State, as the case may be, of the major 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. No}~~

2. *Except as otherwise provided in section 2 of this act, no change in a nomination for a nonpartisan office may be made on the ballot for the general election after 5 p.m. on the fourth Friday in June of the year in which*

the general election is held ~~[—If,]~~ , and no vacancy in a nomination for a nonpartisan office may be filled 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. All designations provided for in this section must be filed on or before 5 p.m. on the fourth Friday in June 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. 4.5. NRS 293.166 is hereby amended to read as follows:

293.166 1. *Except as otherwise provided in this section and sections 2 and 3 of this act:*

(a) A vacancy occurring in a major or minor political party nomination for a partisan office, other than an office described in paragraph (b), may be filled by a candidate who is designated by:

(1) The party central committee of the county or State, as the case may be, of the major political party; or

(2) The executive committee of the minor political party.

(b) A vacancy occurring in a major political party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county 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 major political party nomination for ~~the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county]~~ 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 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 vacancy may not be filled pursuant to the provisions of subsection 1, and the nominee's name must ~~remain on~~ be removed from the ballot for the general election . ~~[and, if elected, a vacancy exists.]~~*

3. ~~[No]~~ *Except as otherwise provided in sections 2 and 3 of this act, no change in a major or minor political party nomination for a partisan office may be made on the ballot for the general election after 5 p.m. on the fourth Friday in June of the year in which the general election is held ~~[If]~~, and no vacancy in a major or minor political party nomination for a partisan office may be filled 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]~~ *candidate to fill a vacancy pursuant to this section must be filed ~~[with the Secretary of State]~~ on or before 5 p.m. on the fourth Friday in June of the year in which the general election is held, and the statutory filing fee must be paid ~~[with]~~ and an acceptance of the designation ~~[-]~~ must be filed on or before 5 p.m. on the date the designation is filed.*

Sec. 5. 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]~~ *Except as otherwise provided in sections 2 and 3 of this act, the names of the candidates for partisan office of a minor political party 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 of its candidates for partisan office pursuant to the provisions of NRS 293.1725 with the Secretary of State 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 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. A minor political party must file a copy of the petition required by paragraph (c) of subsection 2 with the Secretary of State before the petition may be circulated for signatures.

Sec. 6. NRS 293.1755 is hereby amended to read as follows:

293.1755 1. In addition to any other requirement provided by law, no person may be a candidate for any office unless, for at least the ~~{30-180}~~ 90 days immediately preceding the date of the close of filing of declarations of candidacy or acceptances of candidacy for the office which the person seeks, the person has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the State, district, county, township or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or will represent.

2. Any person who knowingly and willfully files ~~{an acceptance of candidacy or}~~ a declaration of candidacy *or acceptance of candidacy* which contains a false statement ~~{in this respect}~~ *regarding the person's residency in violation of this section* is guilty of a gross misdemeanor.

~~{3. The provisions of this section do not apply to candidates for the office of district attorney.}~~

Sec. 7. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, *293.166 and section 2 of this act*, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held ~~{on}~~ *and not* 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 ~~{on}~~ *and not* 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:

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 accordance with NRS 281.050*, in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least ~~30-4807~~ 90 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 nonpartisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to

constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence, *in accordance with NRS 281.050*, in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least ~~30-180~~ 90 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 ~~[]~~ *the candidate fails to comply with the following:*

(a) The *candidate shall not list 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]~~ *and*

(b) The candidate ~~[does not]~~ *shall* 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]~~ *and*

(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 *or account 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~~ *Secretary of State* 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,~~ *does not meet any qualification required for the office pursuant to the Constitution or laws of this State,* the ~~filing officer~~ *Secretary of State* shall:

(a) ~~May conduct~~ *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;~~ *is eligible to hold the office;* and

(b) ~~Shall transmit~~ *Transmit* the credible evidence and the findings from such investigation to ~~the~~ :

(1) *The Attorney General* ~~if~~ if the filing officer *for the candidate* is the Secretary of State ~~or to the~~ ; *or*

(2) *The appropriate district attorney* ~~if~~ if the filing officer *for the candidate* 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.~~

8. *Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.*

Sec. 8. NRS 293.181 is hereby amended to read as follows:

293.181 1. A candidate for the office of State Senator, Assemblyman or Assemblywoman must execute and file with his or her declaration of candidacy or acceptance of candidacy a declaration of residency which must be in substantially the following form:

I, the undersigned, do swear or affirm under penalty of perjury that , ~~I have been a citizen resident of this State~~ as required by NRS 218A.200 ~~and~~ , I will have actually, as opposed to constructively, *been a citizen resident of this State and* resided at the following residence or residences ~~since November 1 of the preceding year~~ , in accordance with NRS 281.050, for the period of 1 year immediately preceding the date of the general election:

..... Street Address	 Street Address
..... City or Town	 City or Town
..... State	 State
From..... To	From..... To
Dates of Residency	Dates of Residency
..... Street Address	 Street Address
..... City or Town	 City or Town
..... State	 State
From..... To	From..... To
Dates of Residency	Dates of Residency

(Attach additional sheet or sheets of residences as necessary)

2. Each address of a candidate which must be included in the declaration of residency pursuant to subsection 1 must be the street address of the residence where the candidate actually, as opposed to constructively, resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of residency must not be accepted for filing if any of the candidate's addresses are listed as a post office box unless a street address has not been assigned to the residence.

3. *Any person who knowingly and willfully files a declaration of residency which contains a false statement in violation of this section is guilty of a gross misdemeanor.*

Sec. 9. NRS 293.182 is hereby amended to read as follows:

293.182 1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than 5 *working* days after the last day the person may withdraw his or her candidacy pursuant to NRS 293.202, an elector may file with the filing officer for the office a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or ~~{a statute}~~ laws of this State . ~~{including, without limitation, a requirement concerning age or residency.}~~ Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and ~~{court}~~ costs of the ~~{challenged person.}~~ *person who is being challenged.*

2. A challenge filed pursuant to subsection 1 must:

- (a) Indicate each qualification the person fails to meet;
- (b) Have attached all documentation and evidence supporting the challenge; and
- (c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1:

- (a) The Secretary of State shall immediately transmit the challenge to the Attorney General.
- (b) A filing officer other than the Secretary of State shall immediately transmit the challenge to the district attorney.

4. If the Attorney General or district attorney determines that probable cause exists to support the challenge, the Attorney General or district attorney shall, not later than 5 working days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the Constitution or ~~{a statute}~~ laws of this State, or if the person fails to appear at the hearing ~~{:~~

~~—(a) The name of the person must not appear on any ballot for the election for the office for which the person filed the declaration of candidacy or acceptance of candidacy; and~~

~~—(b) The , the person is {disqualified from entering upon the duties of the office for which he or she filed the declaration of candidacy or acceptance of candidacy.} an ineligible candidate and is subject to the provisions of section 2.5 of this act.~~

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and ~~{court}~~ costs of the ~~{challenged person}~~ *person who was challenged*.

Sec. 10. NRS 293.184 is hereby amended to read as follows:

293.184 ~~{1.}~~ In addition to any other *remedy or* penalty provided by law, if a person *knowingly and* willfully files a declaration of candidacy or acceptance of candidacy ~~{knowing that the declaration of candidacy or acceptance of candidacy}~~ which contains a false statement:

~~{(a) Except as otherwise provided in NRS 293.165 and 293.166, the name of the person must not appear on any ballot for the election for which the person filed the declaration of candidacy or acceptance of candidacy; and~~

~~—(b)}~~ 1. *The person is an ineligible candidate, and the county clerk shall take appropriate action regarding the ineligible candidate pursuant to section 2 of this act; and*

2. *The person is disqualified from entering upon the duties of the office for which he or she ~~{was a candidate}~~.*

~~—2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election is disqualified because the deadline set forth in NRS 293.165 and 293.166 for making changes to the ballot has passed, the Secretary of State and county clerk must post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of office.} filed the declaration of candidacy or acceptance of candidacy.~~

Sec. 10.3. 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 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 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 Friday after the first Monday in March.

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]~~ *Except as otherwise provided in section 2 of this act, 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 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 in March. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Monday in March.

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. 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 ~~not~~ and not later than 5 p.m. on the second Friday after the first Monday in March.

Sec. 10.5. NRS 293.203 is hereby amended to read as follows:

293.203 Immediately upon receipt by the county clerk of the certified list of candidates from the Secretary of State, the county clerk shall publish a notice of primary election or general election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.
4. The names of the candidates ~~[-]~~ *and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, a statement that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.*

5. A list of the offices to which the candidates seek nomination or election.

➡ The notice required for a general election pursuant to this section may be published in conjunction with the notice required for a proposed constitution, constitutional amendment or statewide measure pursuant to NRS 293.253. If the notices are combined in this manner, they must be published three times in accordance with subsection 3 of NRS 293.253.

Sec. 11. 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 at his or her polling place 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 be informed:*

(a) *If a candidate is or becomes an ineligible candidate; and*

(b) *That any vote cast for an ineligible candidate will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.*

11. To have a uniform, statewide standard for counting and recounting all votes accurately.

~~{11.}~~ 12. To have complaints about elections and election contests resolved fairly, accurately and efficiently.

Sec. 11.5. 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}~~ *Except as otherwise provided in section 2 of this act, 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 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.

Sec. 12. NRS 293.260 is hereby amended to read as follows:

293.260 *Except as otherwise provided in sections 1.7 and 2 of this act:*

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} 1 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 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. 12.2. 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 must appear at the top of the ballot. Except as otherwise provided in NRS 293.2565, *and section 2 of this act*, 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.

Sec. 12.3. NRS 293.265 is hereby amended to read as follows:

293.265 On nonpartisan primary ballots, there must appear at the top of the ballot the designation "Nonpartisan Offices." Except as otherwise

provided in NRS 293.2565, *and section 2 of this act*, following this designation must appear the names of candidates grouped alphabetically under the title and length of term of the nonpartisan office for which those candidates filed.

Sec. 12.4. NRS 293.267 is hereby amended to read as follows:

293.267 1. ~~[Ballots]~~ *Except as otherwise provided in section 2 of this act*, 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, *and section 2 of this act*, 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.

Sec. 12.6. NRS 293.268 is hereby amended to read as follows:

293.268 ~~[The]~~ *Except as otherwise provided in section 2 of this act*, the offices for which there are candidates, the names of the candidates therefor, and the questions to be voted upon must be printed on ballots in the following order:

1. President and Vice President of the United States.
2. United States Senator and Representative in Congress, in that sequence.
3. Governor, Lieutenant Governor, Secretary of State, Treasurer, Controller and Attorney General, in that sequence.
4. State Senators and members of the Assembly.
5. County and township partisan offices.
6. Statewide nonpartisan offices.

7. District nonpartisan offices.
8. County nonpartisan offices.
9. City offices:
 - (a) Mayor;
 - (b) Council members according to ward in numerical order, if no wards, in alphabetical order; and
 - (c) Municipal judges.
10. Township nonpartisan offices.
11. Questions presented to the voters of the State with advisory questions listed in consecutive order after any other questions presented to the voters of the State.

12. Questions presented only to the voters of a special district or political subdivision of the State with advisory questions listed in consecutive order after any other questions presented only to the voters of a special district or political subdivision of the State.

Sec. 12.7. NRS 293.269 is hereby amended to read as follows:

293.269 1. Every ballot upon which appears the names of candidates for any statewide office or for President and Vice President of the United States shall contain for each office an additional line equivalent to the lines on which the candidates' names appear and placed at the end of the group of lines containing the names of the candidates for that office. Each additional line shall contain a square in which the voter may express a choice of that line in the same manner as the voter would express a choice of a candidate, and the line shall read "None of these candidates."

2. ~~Only~~ Except as otherwise provided in section 1.7 of this act, only votes cast for the named candidates shall be counted in determining nomination or election to any statewide office or presidential nominations or the selection of presidential electors, but for each office the number of ballots on which the additional line was chosen shall be listed following the names of the candidates and the number of their votes in every posting, abstract and proclamation of the results of the election.

3. Every sample ballot or other instruction to voters prescribed or approved by the Secretary of State shall clearly explain that the voter may mark the choice of the line "None of these candidates" only if the voter has not voted for any candidate for the office.

Sec. 13. (Deleted by amendment.)

Sec. 14. NRS 293.367 is hereby amended to read as follows:

293.367 1. The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.

2. The regulations for counting ballots must include provisions that:

(a) *A vote cast for an ineligible candidate does not invalidate any other votes properly marked on that ballot.*

(b) An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.

~~[(b)]~~ (c) A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

~~[(c)]~~ (d) Only devices provided for in this chapter or chapter 293B of NRS may be used in marking ballots.

~~[(d)]~~ (e) It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

~~[(e)]~~ (f) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

Sec. 15. NRS 293.3677 is hereby amended to read as follows:

293.3677 1. When counting a vote in an election ~~[-if-]~~ :

(a) *If more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.*

(b) *A vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of the election.*

2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

3. The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 16. NRS 293.370 is hereby amended to read as follows:

293.370 1. When all the votes have been counted ~~[-]~~ *in the manner provided in NRS 293.3677*, the counting board officers shall enter on the tally lists by the name of each candidate the number of votes the candidate received ~~[-]~~ *and, if the name of an ineligible candidate could not be removed*

from the ballot pursuant to section 2 of this act, the number of votes the ineligible candidate received that are a nullity and void. The vote for and against any question submitted to the electors must be entered in the same manner.

2. The tally lists must show the number of votes, other than absentee votes and votes in a mailing precinct, which each candidate received in each precinct at:

- (a) A primary election held in an even-numbered year; or
- (b) A general election.

Sec. 17. NRS 293.387 is hereby amended to read as follows:

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

2. In making its canvass, the board shall:

- (a) Note separately any clerical errors discovered; and
- (b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate ~~[-]~~ *and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the number of votes cast for the ineligible candidate that are a nullity and void.* The board, after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

- (a) A copy of the certified abstract; and
 - (b) A mechanized report of the abstract in compliance with regulations adopted by the Secretary of State,
- ➡ and transmit them to the Secretary of State not more than 7 working days after the election.

4. The Secretary of State shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. The Secretary of State shall make out and file in his or her office an abstract thereof, *which must contain the number of votes cast for each candidate and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the number of votes cast for the ineligible candidate that are a nullity and void,* 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.

Sec. 17.1. NRS 293.393 is hereby amended to read as follows:

293.393 1. On or before the sixth 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 ~~to~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the county clerk shall not make out a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

4. Each certificate must be delivered to the person elected upon application at the office of the county clerk.

Sec. 17.2. NRS 293.395 is hereby amended to read as follows:

293.395 1. The board of county commissioners, after making the abstract of votes as provided in NRS 293.393, 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 that abstract in compliance with regulations adopted by the Secretary of State,
➡ and forthwith transmit them to the Secretary of State.

2. On the fourth Tuesday of November after each general election, the justices of the Supreme Court, or a majority thereof, shall meet with the Secretary of State, and shall open and canvass the vote for the number of presidential electors to which this State may be entitled, United States Senator, Representative in Congress, members of the Legislature, state officers who are elected statewide or by district, district judges, or district officers whose districts include area in more than one county and for and against any question submitted.

3. The Governor shall issue certificates of election to and commission the persons having the highest number of votes and shall issue proclamations declaring the election of those persons ~~to~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the Governor shall not issue a certificate of election to, commission or issue a proclamation declaring the election of the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 17.3. NRS 293.397 is hereby amended to read as follows:

293.397 ~~[A]~~

1. *Except as otherwise provided in this section, a certificate of election or commission must not be withheld from the person having the highest number of votes for the office because of any contest of election filed in the election or any defect or informality in the returns of any election, if it can be*

ascertained with reasonable certainty from the returns what office is intended and who is entitled to the certificate or commission.

2. *If the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, a certificate of election or commission must not be issued or given to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 17.4. NRS 293.400 is hereby amended to read as follows:

293.400 1. ~~1. If~~ *Except as otherwise provided in section 1.7 of this act, if, after the completion of the canvass of the returns of any election, two or more persons receive an equal number of votes, which is sufficient for the election of one or more but fewer than all of them to the office, the person or persons elected must be determined as follows:*

(a) In a general election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Legislature shall, by joint vote of both houses, elect one of those persons to fill the office.

(b) In a primary election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Secretary of State shall summon the candidates who have received the tie votes to appear before the Secretary of State at a time and place designated by the Secretary of State and the Secretary of State shall determine the tie by lot. If the tie vote is for the office of Secretary of State, the Governor shall perform these duties.

(c) For any office of a county, township, incorporated city, city organized under a special charter where the charter is silent as to determination of a tie vote, or district which is wholly located within one county, the county clerk shall summon the candidates who have received the tie votes to appear before the county clerk at a time and place designated by the county clerk and determine the tie by lot. If the tie vote is for the office of county clerk, the board of county commissioners shall perform these duties.

2. The summons mentioned in this section must be mailed to the address of the candidate as it appears upon the candidate's declaration of candidacy at least 5 days before the day fixed for the determination of the tie vote and must contain the time and place where the determination will take place.

3. The right to a recount extends to all candidates in case of a tie ~~if~~, *except for ineligible candidates.*

Sec. 17.5. NRS 293.403 is hereby amended to read as follows:

293.403 1. ~~1. A~~ *Except as otherwise provided in section 1.8 of this act, a candidate defeated at any election may demand and receive a recount of the vote for the office for which he or she is a candidate to determine the number of votes received for the candidate and the number of votes received for the person who won the election if within 3 working days after the canvass of the*

vote and the certification by the county clerk or city clerk of the abstract of votes the candidate who demands the recount:

(a) Files in writing a demand with the officer with whom the candidate filed his or her declaration of candidacy or acceptance of candidacy; and

(b) Deposits in advance the estimated costs of the recount with that officer.

2. Any voter at an election may demand and receive a recount of the vote for a ballot question if within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the voter:

(a) Files in writing a demand with:

(1) The Secretary of State, if the demand is for a recount of a ballot question affecting more than one county; or

(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one county or city; and

(b) Deposits in advance the estimated costs of the recount with the person to whom the demand was made.

3. The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the Secretary of State defining the term "costs."

4. As used in this section, "canvass" means:

(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate or ballot question voted for in more than one county.

(b) In any primary city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

(c) In any general election:

(1) The canvass by the Supreme Court of the returns for a candidate for a statewide office or a statewide ballot question; or

(2) The canvass of the board of county commissioners of the returns for any other candidate or ballot question, as provided in paragraph (a).

(d) In any general city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

Sec. 17.6. NRS 293.407 is hereby amended to read as follows:

293.407 1. ~~{A}~~ Except as otherwise provided in section 1.8 of this act, a candidate at any election, or any registered voter of the appropriate political subdivision, may contest the election of any candidate, except for the office of United States Senator or Representative in Congress.

2. Except where the contest involves the general election for the office of Governor, Lieutenant Governor, Assemblyman, Assemblywoman, State Senator, justice of the Supreme Court or judge of the Court of Appeals, a candidate or voter who wishes to contest an election, including election to the office of presidential elector, must, within the time prescribed in

NRS 293.413, file with the clerk of the district court a written statement of contest, setting forth:

(a) The name of the contestant and that the contestant is a registered voter of the political subdivision in which the election to be contested or part of it was held;

(b) The name of the defendant;

(c) The office to which the defendant was declared elected;

(d) The particular grounds of contest and the section of Nevada Revised Statutes pursuant to which the statement is filed; and

(e) The date of the declaration of the result of the election and the body or board which canvassed the returns thereof.

3. The contestant shall verify the statement of contest in the manner provided for the verification of pleadings in civil actions.

4. All material regarding a contest filed by a contestant with the clerk of the district court must be filed in triplicate.

Sec. 17.7. NRS 293.427 is hereby amended to read as follows:

293.427 1. The Secretary of State shall deliver the statement of contest filed pursuant to NRS 293.425 and all other documents, including any amendments to the statement, to the presiding officer of the appropriate house of the Legislature on the day of the organization of the Legislature.

2. Until the contest has been decided, the candidate who received the highest number of votes for the office in the contested election must be seated as a member of the appropriate house ~~[-]~~, *except that if the name of an ineligible candidate for the office could not be removed from the ballot pursuant to section 2 of this act, the ineligible candidate must not be seated as a member of the appropriate house regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

3. If, before the contest has been decided, a contestant gives written notice to the Secretary of State that the contestant wishes to withdraw his or her statement of contest, the Secretary of State shall dismiss the contest.

4. The contest, if not dismissed, must be heard and decided as prescribed by the standing or special rules of the house in which the contest is to be tried. If, after hearing the contest, the house decides to declare the contestant elected, the Governor shall execute a certificate of election and deliver it to the contestant. The certificate of election issued to the other candidate is thereafter void.

5. In a contest of a general election for the office of Assemblyman, Assemblywoman or Senator, the house in which a contest was tried or was to be tried shall determine the remedy, if any, to be awarded to a party to such a contest. The remedy may include, without limitation, any costs incurred by a party in connection with the contest.

Sec. 17.8. NRS 293.430 is hereby amended to read as follows:

293.430 1. If the contest is of the general election for the office of Governor, Lieutenant Governor, justice of the Supreme Court or judge of the Court of Appeals, the statement of contest and all depositions, ballots and

other documents relating to the contest must be filed with the Secretary of State within the time provided for filing statements of contests with the clerk of the district court.

2. Until the contest is decided, the candidate who received the highest number of votes for the office in the contested election must be seated and commence the duties of the office ~~[-]~~, *except that if the name of an ineligible candidate for the office could not be removed from the ballot pursuant to section 2 of this act, the ineligible candidate must not be seated or commence the duties of the office regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

3. The Secretary of State shall deliver the statement of contest and all other papers and documents to the speaker of the assembly on the day of the organization of the Legislature.

4. A joint session of both houses must be convened as soon thereafter as the business of both houses permits, but not later than 10 days after receipt of statement of contest.

5. If, before the contest has been decided, a contestant gives written notice to the Secretary of State that the contestant wishes to withdraw his or her statement of contest, the Secretary of State shall dismiss the contest.

Sec. 17.9. NRS 293.435 is hereby amended to read as follows:

293.435 1. After both houses sitting in joint session have decided an election contest, the Secretary of State shall execute and deliver a certificate of election to the person declared elected, unless such a certificate was already issued to that person ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the Secretary of State shall not execute and deliver a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

2. If a certificate of election to the same office has been issued to any person other than the one declared to have been elected, that certificate is void.

Sec. 18. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 18.3 and 18.5 of this act.

Sec. 18.3. 1. *Notwithstanding any other provision of law, any vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of a primary city election, general city election or special election or any other city election.*

2. *The provisions of this section are intended to abrogate any principle or rule of the common law to the contrary.*

Sec. 18.5. 1. *Except as otherwise provided in this section, the name of a person who is or becomes an ineligible candidate must not appear on the ballot at a primary city election, general city election or special election or any other city election.*

2. *If a person is or becomes an ineligible candidate, the city clerk shall remove the name of the person from the ballot, except that no changes may be made on the ballot pursuant to this section for:*

(a) A primary city election after 5 p.m. on the last Friday in February of the year in which the primary city election is held.

(b) A general city election after 5 p.m. on the second Friday in April of the year in which the general city election is held.

(c) A special election or any other city election after 5 p.m. on the last day prescribed by the governing body of the city or the city clerk, as applicable, for making changes on the ballot for that election.

3. *If the period for making changes on the ballot has elapsed pursuant to this section and, for that reason, the city clerk cannot remove the name of the person who is or becomes an ineligible candidate from the ballot, the city clerk shall:*

(a) At each polling place where the person's name will appear on the ballot, including, without limitation, a polling place for early voting:

(1) Post a sign informing voters that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election;

(2) Place a notice on or near each mechanical recording device informing a voter who uses the device that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election; and

(3) If paper ballots are used, include a notice on or with each paper ballot informing a voter who uses the paper ballot that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election; and

(b) If the absent ballots have not been distributed by the city clerk, include a notice on or with each absent ballot informing a voter who uses the absent ballot that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.

Sec. 19. 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, inclusive, of NRS~~ 293.165, ~~and in NRS~~ 293.166, 293.175, 293.177 ~~and~~ 293.345 and ~~293.368~~ *section 2 of this act* 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.

Sec. 19.3. 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. *Except as otherwise provided in sections 18.3 and 18.5 of this act:*

(a) 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.

(b) 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. 19.5. NRS 293C.180 is hereby amended to read as follows:

293C.180 *Except as otherwise provided in sections 18.3 and 18.5 of this act:*

1. If at 5 p.m. on the last day for filing a declaration of candidacy, there is only one candidate who has filed for nomination for an office, that candidate must be declared elected and no election may be held for that office.

2. Except as otherwise provided in subsection 1, if not more than twice the number of candidates to be elected have filed for nomination for an office, the names of those candidates must be omitted from all ballots for a primary city election and placed on all ballots for a general city election.

3. If more than twice the number of candidates to be elected have filed for nomination for an office, the names of the candidates must appear on the ballot for a primary city election. Except as otherwise provided in subsection 4 of NRS 293C.175, 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. 20. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, *and section 18.5 of this act*, a name may not be printed on a ballot to be used at a primary city election unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

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

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, ..., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence, *in accordance with NRS 281.050*, in the city, township or other area prescribed by law to which the office pertains began on a date at least ~~30-40~~ 90 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 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 that must be included in the declaration 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 ~~{-}~~ *the candidate fails to comply with the following:*

(a) The *candidate shall not list the* candidate's address ~~{is listed}~~ as a post office box unless a street address has not been assigned to the residence; ~~{or}~~ *and*

(b) The candidate ~~{does not}~~ *shall* 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}~~ *and*

(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 *or account number* of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. 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 city

clerk duplicate copies of the process. The city clerk 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 city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

6. If the ~~{city clerk}~~ *Secretary of State* 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,]~~ *does not meet any qualification required for the office pursuant to the Constitution or laws of this State, the {city clerk}*:

—(a) ~~May conduct~~ *Secretary of State shall*:

(a) *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,]~~ *is eligible to hold the office*; and

(b) ~~{Shall transmit}~~ *Transmit* the credible evidence and the findings from such investigation to the *appropriate* city attorney.

7. The receipt of information by the city attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186. ~~[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 city clerk 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.]~~

8. *Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.*

Sec. 21. NRS 293C.186 is hereby amended to read as follows:

293C.186 1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than 5 working days after the last day the person may withdraw his or her candidacy pursuant to NRS 293C.195, an elector may file with the city clerk a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the constitution or ~~{a statute}~~ *laws of this State . [including, without limitation, a requirement concerning age or residency.]* Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and ~~{court}~~ costs of the ~~{challenged person.}~~ *person who is being challenged.*

2. A challenge filed pursuant to subsection 1 must:

(a) Indicate each qualification the person fails to meet;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1, the city clerk shall immediately transmit the challenge to the city attorney.

4. If the city attorney determines that probable cause exists to support the challenge, the city attorney shall, not later than 5 *working* days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the constitution or ~~the~~ *statute* laws of this State, or if the person fails to appear at the hearing ~~the~~:

~~—(a) The name of the person must not appear on any ballot for the election for the office for which the person filed the declaration of candidacy or acceptance of candidacy; and~~

~~—(b) The~~ *, the person is disqualified from entering upon the duties of the office for which he or she filed the declaration of candidacy or acceptance of candidacy.* ~~an ineligible candidate and is subject to the provisions of section 2.5 of this act.~~

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and ~~the~~ costs of the ~~challenged person.~~ *person who was challenged.*

Sec. 22. NRS 293C.1865 is hereby amended to read as follows:

293C.1865 ~~1.~~ In addition to any other *remedy or* penalty provided by law, if a person *knowingly and* willfully files a declaration of candidacy or acceptance of candidacy ~~knowing that the declaration of candidacy or acceptance of candidacy~~ *which* contains a false statement:

~~[(a) Except as otherwise provided in NRS 293.165 or 293.166, the name of the person must not appear on any ballot for the election for which the person filed the declaration of candidacy or acceptance of candidacy; and~~

~~—(b) 1. The person is an ineligible candidate, and the city clerk shall take appropriate action regarding the ineligible candidate pursuant to section 18.5 of this act; and~~

2. The person is disqualified from entering upon the duties of the office for which he or she ~~was a candidate.~~

~~2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election is disqualified because the deadline set forth in NRS 293.165 and 293.166 for making changes to the ballot has passed, the Secretary of State and city clerk must post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of office.]~~ *filed the declaration of candidacy or acceptance of candidacy.*

Sec. 22.3. NRS 293C.187 is hereby amended to read as follows:

293C.187 Not later than 30 days before the primary city election and the general city election, the city clerk shall cause to be published a notice of the election in a newspaper of general circulation in the city once a week for 2 successive weeks. If a newspaper of general circulation is not published in the city, the publication may be made in a newspaper of general circulation published within the county in which the city is located. If a newspaper of general circulation is not published in that county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.
4. The names of the candidates [-] *and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, a statement that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.*
5. A list of the offices to which the candidates seek nomination or election.

Sec. 22.5. NRS 293C.190 is hereby amended to read as follows:

293C.190 1. Except as otherwise provided in NRS 293C.115, a vacancy occurring in a nomination for a city office after the close of filing and on or before 5 p.m. of the first Tuesday after the first Monday in March in a year in which a general city election is held must be filled by filing a nominating petition that is signed by at least 1 percent of the persons who are registered to vote and who voted for that office at the last preceding general city election. Except as otherwise provided in NRS 293C.115, the petition must be filed not earlier than the third Tuesday in February and not later than the third Tuesday after the third Monday in March. A candidate nominated pursuant to the provisions of this subsection may be elected only at a general city election, and the candidate's name must not appear on the ballot for a primary city election.

2. Except as otherwise provided in NRS 293C.115, a vacancy occurring in a nomination for a city office after 5 p.m. of the first Tuesday after the first Monday in March and on or before 5 p.m. of the second Tuesday after the

second Monday in April must be filled by the person who received the next highest vote for the nomination in the primary city election.

3. Except to place a candidate nominated pursuant to subsection 1 on the ballot and except as otherwise provided in NRS 293C.115, *and section 18.5 of this act*, no change may be made on the ballot for the general city election after 5 p.m. of the second Tuesday after the second Monday in April of the year in which the general city election is held ~~[If a nominee dies]~~, *and no vacancy in a nomination for a city office may be filled* after that time and date ~~[the nominee's name must remain on the ballot for the general city election and, if elected, a vacancy exists.]~~

4. Except as otherwise provided in NRS 293C.115, all designations provided for in this section must be filed on or before 5 p.m. on the second Tuesday after the second Monday in April of the year in which the general city election is held. The filing fee must be paid and an acceptance of the designation must be filed on or before 5 p.m. on ~~[that date]~~ *the date the designation is filed*.

Sec. 23. NRS 293C.200 is hereby amended to read as follows:

293C.200 1. In addition to any other requirement provided by law, no person may be a candidate for a city office unless, for at least the ~~[30-180]~~ 90 days immediately preceding the date of the close of filing of declarations or acceptances of candidacy for the office that the person seeks, the person has in accordance with NRS 281.050, actually, as opposed to constructively, resided in the city or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or which he or she will represent.

2. Any person who knowingly and willfully files a declaration of candidacy or ~~[an]~~ acceptance of candidacy ~~[that]~~ *which* contains a false statement ~~[in this respect]~~ *regarding the person's residency in violation of this section* is guilty of a gross misdemeanor.

Sec. 23.4. NRS 293C.257 is hereby amended to read as follows:

293C.257 For a primary city election, there must appear at the top of each ballot the designation "Candidates for city offices." Except as otherwise provided in NRS 293.2565, *and section 18.5 of this act*, following this designation must appear the names of candidates grouped alphabetically under the title and length of term of the office for which those candidates filed.

Sec. 23.5. NRS 293C.260 is hereby amended to read as follows:

293C.260 1. Except as otherwise provided in NRS 293C.140, *and section 18.5 of this act*, ballots for a general city election must contain the names of candidates who were nominated at the primary city election.

2. Except as otherwise provided in NRS 293.2565, *and section 18.5 of this act*, the names of candidates must be grouped alphabetically under the title and length of term of the office for which those candidates filed.

Sec. 23.7. NRS 293C.262 is hereby amended to read as follows:

293C.262 1. ~~[The]~~ *Except as otherwise provided in section 18.5 of this act, the offices for which there are candidates, the names of the candidates therefor and the questions to be voted upon must be printed on ballots for a city election in the following order:*

(a) City offices:

(1) Mayor;

(2) Council members according to ward in numerical order, if no wards, in alphabetical order; and

(3) Municipal judges.

(b) Questions presented to the voters of a city or a portion of a city with advisory questions listed in consecutive order after any other questions presented to the voters of the city.

2. The city clerk:

(a) May divide paper ballots into two sheets in a manner that provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 24. (Deleted by amendment.)

Sec. 25. NRS 293C.367 is hereby amended to read as follows:

293C.367 1. The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.

2. Regulations for counting ballots must include provisions that:

(a) *A vote cast for an ineligible candidate does not invalidate any other votes properly marked on that ballot.*

(b) An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.

~~[(b)]~~ (c) A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

~~[(e)]~~ (d) Only devices provided for in this chapter or chapter 293 or 293B of NRS may be used in marking ballots.

~~[(d)]~~ (e) It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

~~[(e)]~~ (f) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

Sec. 26. NRS 293C.369 is hereby amended to read as follows:

293C.369 1. When counting a vote in an election ~~[, if]~~ :

(a) If more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

(b) A vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of the election.

2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

3. The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 27. NRS 293C.372 is hereby amended to read as follows:

293C.372 When all the votes have been counted ~~in~~ *in the manner provided in NRS 293C.369*, the counting board officers shall enter on the tally lists by the name of each candidate the number of votes the candidate received ~~in~~ *and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the number of votes the ineligible candidate received that are a nullity and void*. The vote for and against any question submitted to the electors must be entered in the same manner.

Sec. 28. 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 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 ~~and~~ *and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the number of votes cast for the ineligible candidate that are a nullity and void.*

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 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 ~~and~~,

except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the city clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

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.

Sec. 28.2. NRS 293C.395 is hereby amended to read as follows:

293C.395 ~~[A]~~

1. *Except as otherwise provided in this section, a certificate of election or commission must not be withheld from the person having the highest number of votes for the city office because of any contest of election filed in the city election or any defect or informality in the returns of any city election, if it can be ascertained with reasonable certainty from the returns what city office is intended and who is entitled to the certificate or commission.*

2. *If the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, a certificate of election or commission must not be issued or given to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 28.21. NRS 294A.347 is hereby amended to read as follows:

294A.347 1. A statement which:

(a) Is published within 60 days before a general election or special election or 30 days before a primary election;

(b) Expressly advocates the election or defeat of a clearly identified candidate for a state or local office; and

(c) Is published by a person who receives compensation from the candidate, an opponent of the candidate or a person, political party or committee for political action,

↪ must contain a disclosure of the fact that the person receives compensation pursuant to paragraph (c) and the name of the person, political party or committee for political action providing that compensation.

2. *If the disclosure required by subsection 1 appears on a printed communication:*

(a) *The disclosure must be printed in the same typeface that is used as the primary or predominant typeface for the main text of the printed communication; and*

(b) *Except as otherwise provided by regulation of the Secretary of State adopted pursuant to subsection 3, the disclosure must be printed in:*

(1) *At least 12-point font if the disclosure appears on a printed communication which is not larger than 24 inches by 36 inches;*

(2) *At least 24-point font if the disclosure appears on a printed communication which is larger than 24 inches by 36 inches and not larger than 48 inches by 72 inches; and*

(3) *At least 48-point font if the disclosure appears on a printed communication which is larger than 48 inches by 72 inches.*

3. *The Secretary of State may require by regulation the use of font sizes larger than those otherwise required by subsection 2.*

4. A statement which:

(a) Is published by a candidate within 60 days before a general election or special election or 30 days before a primary election; and

(b) Contains the name of the candidate,

➔ shall be deemed to comply with the provisions of this section.

~~{3-}~~ 5. As used in this section, "publish" means the act of:

(a) Printing, posting, broadcasting, mailing or otherwise disseminating; or

(b) Causing to be printed, posted, broadcasted, mailed or otherwise disseminated.

Sec. 28.22. NRS 294A.348 is hereby amended to read as follows:

294A.348 1. A person, committee for political action, political party or committee sponsored by a political party that expends more than \$100 for the purpose of financing a communication through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising that:

(a) Advocates expressly the election or defeat of a clearly identified candidate or group of candidates; or

(b) Solicits a contribution through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising,

➔ shall disclose on the communication the name of the person, committee for political action, political party or committee sponsored by a political party that paid for the communication.

2. If a communication described in subsection 1 is approved by a candidate, in addition to the requirements of subsection 1, the communication must state that the candidate approved the communication and disclose the street address, telephone number and Internet address, if any, of the person, committee for political action, political party or committee sponsored by a political party that paid for the communication.

3. A person, committee for political action, political party or committee sponsored by a political party that has an Internet website available for viewing by the general public or that sends out an electronic mailing to more than 500 people that:

(a) Advocates expressly the election or defeat of a clearly identified candidate or group of candidates; or

(b) Solicits a contribution through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising,

➔ shall disclose on the Internet website or electronic mailing, as applicable, the name of the person, committee for political action, political party or committee sponsored by a political party.

4. The disclosures and statements required ~~[pursuant to]~~ by this section must be clear and conspicuous, and easy to read or hear, as applicable. *If the disclosures and statements required by this section appear on a printed communication:*

(a) The disclosures and statements must be printed in the same typeface that is used as the primary or predominant typeface for the main text of the printed communication; and

(b) Except as otherwise provided by regulation of the Secretary of State adopted pursuant to subsection 5, the disclosures and statements must be printed in:

(1) At least 12-point font if the disclosures and statements appear on a printed communication which is not larger than 24 inches by 36 inches;

(2) At least 24-point font if the disclosures and statements appear on a printed communication which is larger than 24 inches by 36 inches and not larger than 48 inches by 72 inches; and

(3) At least 48-point font if the disclosures and statements appear on a printed communication which is larger than 48 inches by 72 inches.

5. The Secretary of State may require by regulation the use of font sizes larger than those otherwise required by subsection 4.

Sec. 28.4. NRS 4.020 is hereby amended to read as follows:

4.020 1. There must be one justice court in each of the townships of the State, for which there must be elected by the qualified electors of the township at least one justice of the peace. Except as otherwise provided in subsection 3, the number of justices of the peace in a township must be increased according to the population of the township, as certified by the Governor in even-numbered years pursuant to NRS 360.285, in accordance with and not to exceed the following schedule:

(a) In a county whose population is 700,000 or more:

(1) In a township whose population is less than 1,100,000, one justice of the peace for each 100,000 population of the township, or fraction thereof, until the township has four justices of the peace, and thereafter, one justice of the peace for each 125,000 population of the township, or fraction thereof, over a population of 300,000; and

(2) In a township whose population is 1,100,000 or more, one justice of the peace for each 100,000 population of the township, or fraction thereof, up to a population of 1,100,000, and thereafter, one justice of the peace for each 125,000 population of the township, or fraction thereof, over a population of 1,100,000.

(b) In a county whose population is 100,000 or more and less than 700,000, one justice of the peace for each 50,000 population of the township, or fraction thereof.

(c) In a county whose population is less than 100,000, one justice of the peace for each 34,000 population of the township, or fraction thereof.

(d) If a township includes a city created by the consolidation of a city and county into one municipal government, one justice of the peace for each 30,000 population of the township, or fraction thereof.

2. Except as otherwise provided in subsection 3, if the schedule set forth in subsection 1 provides for an increase in the number of justices of the peace

in a township, the new justice or justices of the peace must be elected at the next ensuing biennial election.

3. If the schedule set forth in subsection 1 provides for an increase in the number of justices of the peace in a township and, in the opinion of a majority of the justices of the peace in that township, the caseload does not warrant an additional justice of the peace, the justices of the peace shall notify the Director of the Legislative Counsel Bureau and the board of county commissioners of their opinion on or before March 15 of the even-numbered year in which the population of the township provides for such an increase. The Director of the Legislative Counsel Bureau shall submit the opinion to the next regular session of the Legislature for its consideration. If the justices of the peace transmit such a notice to the Director of the Legislative Counsel Bureau and the board of county commissioners, the number of justices must not be increased during that period unless the Legislature, by resolution, expressly approves the increase.

4. Justices of the peace shall receive certificates of election from the boards of county commissioners of their respective counties ~~[1-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the board of county commissioners shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

5. The clerk of the board of county commissioners shall, within 10 days after the election or appointment and qualification of any justice of the peace, certify under seal to the Secretary of State the election or appointment and qualification of the justice of the peace. The certificate must be filed in the Office of the Secretary of State as evidence of the official character of that officer.

Sec. 29. NRS 218A.200 is hereby amended to read as follows:

218A.200 1. A person is not eligible to be elected or appointed to office as a Legislator unless the person:

~~[1-]~~ (a) Is a qualified elector;

~~[2-]~~ (b) Has been an actual, as opposed to constructive, citizen resident , *in accordance with NRS 281.050, of ~~this~~ :*

(1) *This State for the period of 1 year ~~[next]~~ immediately preceding the person's election or appointment; and*

(2) *The district prescribed by law for the office for at least ~~180~~ 90 days immediately preceding the date of the close of filing of, as applicable:*

(I) *Declarations of candidacy or acceptances of candidacy for the office pursuant to chapter 293 of NRS; or*

(II) *Applications for appointment to the office; ~~and~~*

~~—3-]~~ (c) At the time of election or appointment, has attained the age of 21 years ~~[1-]~~; *and*

(d) *Meets all other qualifications for the office as required by the Constitution and laws of this State.*

2. *Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy pursuant to chapter 293 of NRS or an application for appointment to office as a Legislator which contains a false statement regarding the person's qualifications for the office in violation of this section is guilty of a gross misdemeanor.*

Sec. 29.1. NRS 218A.210 is hereby amended to read as follows:

218A.210 A person who is elected to office as a Legislator is entitled to receive a certificate of election from the Governor ~~[]~~, *except that if the name of an ineligible candidate for office as a Legislator could not be removed from the ballot pursuant to section 2 of this act, the Governor shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 29.2. NRS 218A.220 is hereby amended to read as follows:

218A.220 1. A person who receives a certificate of election or appointment to office as a Legislator must take and subscribe to the official oath before the person takes office as a Legislator, and an entry thereof must be made on the journal of the proper House.

2. *A person shall not take and subscribe to the official oath to take office as a Legislator if, at any time after the person most recently filed a declaration of candidacy or acceptance of candidacy for the office pursuant to chapter 293 of NRS and on or before the date of the most recent general election held for the office, a court of competent jurisdiction has found in any preelection action that the person is an ineligible candidate because the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State.*

Sec. 29.3. NRS 218A.260 is hereby amended to read as follows:

218A.260 1. If a vacancy occurs in the office of a Legislator during a regular or special session or at a time when no biennial election or regular election at which county officers are to be elected will take place between the occurrence of the vacancy and the next regular or special session, the vacancy must be filled in the manner provided in this section.

2. If the former Legislator was elected or appointed from a district wholly within one county, the board of county commissioners of the county in which the district is located shall fill the vacancy by appointing a person who is a member of the same political party as the former Legislator and who ~~[actually, as opposed to constructively, resides in the district.]~~ *meets all qualifications for the office as required by NRS 218A.200.*

3. If the former Legislator was elected or appointed from a district comprising more than one county, the county commissioners of each county within or partly within the district shall fill the vacancy by appointing a person who is a member of the same political party as the former Legislator and who ~~[actually, as opposed to constructively, resides in the district.]~~ *meets all qualifications for the office as required by NRS 218A.200.* To fill the vacancy:

(a) Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy.

(b) The boards shall then meet jointly. The joint meeting must be chaired by the person who is the chair of the board of county commissioners of the county with the largest population in the district. At the joint meeting:

(1) The chair of each board, on behalf of that board, shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of that board's 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.

(2) 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 select a candidate, and the appointee must be chosen by drawing lots among the candidates so selected.

4. The board of county commissioners or the board of the county with the largest population in the district shall issue a certificate of appointment naming the appointee. The county clerk or the clerk of the county with the largest population in the district shall give the certificate to the appointee and send a copy of the certificate to the Secretary of State.

Sec. 29.4. NRS 218A.400 is hereby amended to read as follows:

218A.400 1. Before the Assembly meets for each regular session, the Secretary of State shall make out a roll from the returns on file in the Secretary of State's office of the persons who received the highest number of votes to be elected to office as members of the Assembly in each district in the general election ~~[]~~, *except that if the name of an ineligible candidate for office as a member of the Assembly could not be removed from the ballot pursuant to section 2 of this act, the Secretary of State shall not include the ineligible candidate upon the roll of the persons elected to office as members of the Assembly and the name of the ineligible candidate must not appear upon the roll regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The members whose names appear upon the roll must be allowed to participate in the organization of the Assembly.

2. On the first day of each regular session at a time that is appropriate for that regular session, the Secretary of State shall call the Assembly to order and shall preside over the Assembly until a presiding officer is elected.

3. If a special session is convened between the date of the general election and the date of the next regular session, the Assembly must be organized for the special session according to the procedure set forth in this section, except that on the first day of the special session, the Secretary of State shall call the Assembly to order at a time that is appropriate for that special session.

Sec. 29.5. NRS 245.010 is hereby amended to read as follows:

245.010 All county officers elected by the people shall receive certificates of election from the boards of county commissioners of their respective counties ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the board of county commissioners shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 29.6. NRS 258.010 is hereby amended to read as follows:

258.010 1. Except as otherwise provided in subsections 2 and 3:

(a) Constables must be elected by the qualified electors of their respective townships.

(b) The constables of the several townships of the State must be chosen at the general election of 1966, and shall enter upon the duties of their offices on the first Monday of January next succeeding their election, and hold their offices for the term of 4 years thereafter, until their successors are elected and qualified.

(c) Constables must receive certificates of election from the boards of county commissioners of their respective counties ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the board of county commissioners shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

2. In a county which includes only one township, the board of county commissioners may, by resolution, appoint the sheriff ex officio constable to serve without additional compensation. The resolution must not become effective until the completion of the term of office for which a constable may have been elected.

3. In a county whose population:

(a) Is less than 700,000, if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may, by ordinance, abolish the office of constable in those townships.

(b) Is 700,000 or more, if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may, by ordinance, abolish the office in those townships, but the abolition does not become effective as to a particular township until the constable incumbent on May 28, 1979, does not seek, or is defeated for, reelection.

➡ For a township in which the office of constable has been abolished, the board of county commissioners may, by resolution, appoint the sheriff ex officio constable to serve without additional compensation.

Sec. 29.7. NRS 267.040 is hereby amended to read as follows:

267.040 1. Nominations of the electors must be made by petition of one-fifth of the qualified voters of the incorporated city.

2. The petition must be filed with the governing body of the city at least 30 days before the day of the election, as provided for in NRS 267.030. ~~[The]~~

3. *Except as otherwise provided in section 18.5 of this act, the names of all candidates so filed must be placed upon the official ballots to be voted at the election.*

Sec. 29.8. NRS 267.050 is hereby amended to read as follows:

267.050 Within 6 working days after the date of the election, the legislative authority of the incorporated city shall:

1. Meet and canvass the returns of the election.

2. Declare the result thereof.

3. Issue certificates of election to the 15 qualified electors having the highest vote therefor ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the legislative authority of the incorporated city shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 30. NRS 281.050 is hereby amended to read as follows:

281.050 1. The residence of a person with reference to *his or her* eligibility to *any* office is the person's actual residence within the State, ~~for~~ county, ~~for~~ district, ward, subdistrict or any other unit prescribed by law, as the case may be, during all the period for which residence is claimed by the person. If any person absents himself or herself from the jurisdiction of that person's residence with the intention in good faith to return without delay and continue such residence, the period of absence must not be considered in determining the question of residence.

2. If a person who has filed ~~[as a candidate]~~ *a declaration of candidacy or acceptance of candidacy for any elective office* moves the person's residence out of the State, county, district, ward, subdistrict or any other unit prescribed by law ~~[for which the person is a candidate and]~~, *as the case may be, in which the person is required actually, as opposed to constructively, to reside [a vacancy is created thereby] in order for the person to be eligible to the office, the person is an ineligible candidate and the county clerk or city clerk, as applicable, shall take appropriate action [for filling the vacancy must be taken.] regarding the ineligible candidate pursuant to section 2 or 18.5 of this act.* A person shall be deemed to have moved the person's residence for the purposes of this section if:

(a) The person has acted affirmatively to remove himself or herself from one place; and

(b) The person has an intention to remain in another place.

3. The district court has jurisdiction to determine the question of residence in an action for declaratory judgment.

4. *If, in any preelection action for declaratory judgment, the district court finds that a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office fails to meet any qualification concerning residence required for the office pursuant to the Constitution or*

laws of this State, the person is an ineligible candidate and is subject to the provisions of section 2.5 of this act.

5. As used in this section ~~[-"actual"]~~ :

(a) "Actual residence" means the place of permanent habitation where a person *actually resides* and is legally domiciled . ~~[and maintains a permanent habitation.]~~ If the person maintains more than one ~~[such]~~ place of permanent habitation, the place the person declares to be the person's principal permanent habitation when filing a declaration of candidacy or ~~[affidavit pursuant to NRS 293.177 or 293C.185 shall be deemed to]~~ acceptance of candidacy for any elective office must be the ~~[person's actual residence.]~~ place where the person actually resides and is legally domiciled in order for the person to be eligible to the office.

(b) "Declaration of candidacy or acceptance of candidacy" means a declaration of candidacy or acceptance of candidacy filed pursuant to chapter 293 or 293C of NRS.

Sec. 31. NRS 283.130 is hereby amended to read as follows:

283.130 Any officer elected or appointed to fill any vacancy shall be commissioned, or shall receive a certificate of election or appointment to such office ~~[-]~~ , *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 or 18.5 of this act, a certificate of election or commission must not be issued or given to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 32. NRS 306.070 is hereby amended to read as follows:

306.070 1. If there are no other candidates nominated to be voted for at the special election, there must be printed on the ballot the name of the officer sought to be recalled, the office which he or she holds, and the words "For Recall" and "Against Recall."

2. ~~[-]~~ *Except as otherwise provided in sections 2 and 18.5 of this act, if there are other candidates nominated for the office to be voted for at the special election, there must be printed upon the ballot the name of the officer sought to be recalled, and the office which he or she holds, and the name or names of such other candidates as may be nominated to be voted for at the special election, and the words "For Recall" and "Against Recall" must be omitted.*

3. In other respects the ballot must conform with the requirements of this title.

Sec. 33. NRS 309.060 is hereby amended to read as follows:

309.060 1. The board of county commissioners shall meet on or before the sixth working day succeeding the election provided for in NRS 309.050 and proceed to canvass the votes . ~~[and, if]~~

2. *If, upon the canvass , it appears that a majority of votes cast were for "Local Improvement District—Yes," the board, by an order entered upon its minutes, shall ~~[declare]~~ :*

(a) *Declare* the territory organized as an improvement district under the name and style theretofore designated ~~[, and]~~ ;

(b) *Except as otherwise provided in section 1.7 of this act*, declare the persons receiving respectively the highest number of votes for directors to be elected ~~[, and cause]~~ ; and

(c) *Cause* a copy of the order and a plat of the district, each certified by the clerk of the board of county commissioners, to be recorded immediately in the office of the county recorder of each county in which any portion of the district is situated . ~~[, and certified]~~ *Certified* copies thereof must also be recorded with the county clerks of those counties.

3. Thereafter , the organization of the district is complete.

Sec. 34. NRS 318.095 is hereby amended to read as follows:

318.095 Except as otherwise provided in NRS 318.0953:

1. There must be held simultaneously with the first general election in the county after the creation of the district and simultaneously with every general election thereafter an election to be known as the biennial election of the district. The election must be conducted under the supervision of the county clerk or registrar of voters. A district shall reimburse the county clerk or registrar of voters for the costs he or she incurred in conducting the election for the district.

2. The office of trustee is a nonpartisan office. The general election laws of this State govern the candidacy, nominations and election of a member of the board. ~~[The]~~ *Except as otherwise provided in section 2 of this act*, the names of the candidates for trustee of a district may be placed on the ballot for the primary or general election.

3. Except as otherwise provided in NRS 318.083, at the first biennial election in any district organized or reorganized and operating under this chapter and each fourth year thereafter, there must be elected by the qualified electors of the district two qualified electors as members of the board to serve for terms of 4 years. At the second biennial election and each fourth year thereafter, there must be so elected three qualified electors as members of the board to serve for terms of 4 years.

4. The secretary of the district shall give notice of election by publication and shall arrange such other details in connection therewith as the county clerk or registrar of voters may direct.

5. Any new member of the board must qualify in the same manner as members of the first board qualify.

Sec. 35. NRS 318.0951 is hereby amended to read as follows:

318.0951 Except as otherwise provided in NRS 318.0952 or 318.0953 ~~[,]~~ *and sections 1.7 and 2 of this act*:

1. Each trustee elected at any biennial election must be chosen by a plurality of the qualified electors of the district voting on the candidates for the vacancies to be filled.

2. Except as otherwise provided in NRS 318.083, if there are two regular terms which end on the first Monday in January next following the biennial

election, the two qualified electors receiving the highest and next highest number of votes must be elected. If there are three regular terms so ending, the three qualified electors receiving the highest, next highest and third highest number of votes must be elected.

3. If there is a vacancy in an unexpired regular term to be filled at the biennial election, as provided in subsection 5 of NRS 318.090, the candidate who receives the highest number of votes, after there are chosen the successful candidates to fill the vacancies in expired regular terms as provided in subsection 2, must be elected.

Sec. 36. NRS 386.260 is hereby amended to read as follows:

386.260 1. Trustees shall be elected as provided in the election laws of this state.

2. After the close of any election, and in accordance with law, the board of county commissioners shall make abstracts of the votes cast for trustees and shall order the county clerk to issue ~~{election}~~ certificates of election to the candidates elected ~~{-}~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the board of county commissioners shall not order the county clerk to issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

3. Immediately, the county clerk shall transmit a copy of each ~~{election}~~ certificate of election to the Superintendent of Public Instruction.

Sec. 37. 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 ~~{-}~~ and *except as otherwise provided in sections 1.7 and 2 of this act:*

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.

Sec. 38. NRS 474.110 is hereby amended to read as follows:

474.110 1. The election having been held, the board of county commissioners shall, on the first Monday succeeding the election, if then in session, or at its next succeeding general or special session, proceed to canvass the votes cast at the election.

2. If upon such canvass it appears that a majority of all votes cast in the district, and in each portion of the counties included in the district if lands in more than one county are included therein, are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare:

(a) Such territory organized as a county fire protection district under the name theretofore designated; and

(b) ~~[The]~~ *Except as otherwise provided in section 1.7 of this act, the persons receiving, respectively, the highest number of votes for the directors to be elected to those offices.*

Sec. 39. NRS 539.055 is hereby amended to read as follows:

539.055 1. The board of county commissioners shall meet on or before the sixth working day succeeding such election and proceed to canvass the votes. ~~[cast thereat.]~~

2. If, upon such canvass, it appears that a majority of the electors voted "Irrigation District—Yes," the board, by an order entered upon its minutes, shall:

(a) Declare such territory duly organized as an irrigation district under the name and style theretofore designated.

(b) ~~[Declare]~~ *Except as otherwise provided in section 1.7 of this act, declare the persons receiving respectively the highest number of votes for directors to be duly elected.*

(c) Cause a copy of such order and a plat of the district, each duly certified by the clerk of the board of county commissioners, to be immediately filed for record in the office of the county recorder of each county in which any portion of such lands is situated. Certified copies thereof ~~[shall]~~ *must* also be filed with the county clerks of such counties.

3. Thereafter, the organization of the district ~~[shall be]~~ *is* complete.

Sec. 40. NRS 539.157 is hereby amended to read as follows:

539.157 1. ~~[The]~~ *Except as otherwise provided in section 1.7 of this act, the board of directors must declare elected the person or persons having the highest number of votes given for each office.*

2. The secretary shall immediately make out and deliver to such person or persons a certificate of election ~~[]~~ signed by the secretary and authenticated with the seal of the board ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the secretary shall not make out and deliver a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 41. NRS 539.180 is hereby amended to read as follows:

539.180 1. Upon the ballot for the election there shall be printed verbatim, as set forth in the recall petition, the reason for demanding the recall of the director, and in not more than 200 words, if furnished by the director, the director's justification of his or her course in office.

2. If there are no other candidates nominated to be voted for at the special election, there shall be printed on the ballot the name of the director sought to be recalled, the office which he or she holds, and the words "For Recall" and "Against Recall."

3. ~~[If]~~ *Except as otherwise provided in section 2 of this act, if there are other candidates nominated for the office to be voted for at the special election, there shall be printed upon the ballot the name of the director sought to be recalled, and the office which he or she holds, and the name or names*

of such other candidates as may be nominated to be voted for at the special election, and the words "For Recall" and "Against Recall" shall be omitted.

4. In other respects the ballot shall conform with the requirements of the general election laws of this state.

Sec. 42. NRS 539.183 is hereby amended to read as follows:

539.183 1. ~~HH~~ *Except as otherwise provided in section 1.7 of this act, if there are other candidates nominated to be voted for at the special election, the candidate who receives the highest number of votes at the special election shall be deemed elected for the remainder of the term, whether it is the person against whom the recall petition was filed or another.*

2. If any director is recalled upon a special election and the other candidates are not nominated to be voted for at the special election, the vacancy thereby created shall be filled in the manner provided by law.

Sec. 43. Section 96 of the Charter of Boulder City is hereby amended to read as follows:

Section 96. Conduct of municipal elections.

1. All municipal elections must be nonpartisan in character and must be conducted in accordance with the provisions of the general election laws of the State of Nevada and any ordinance regulations as adopted by the City Council which are consistent with law and this Charter. (1959 Charter)

2. All full terms of office in the City Council are 4 years, and Council Members must be elected at large without regard to precinct residency. Except as otherwise provided in subsection 8, two full-term Council Members and the Mayor are to be elected in each year immediately preceding a federal presidential election, and two full-term Council Members are to be elected in each year immediately following a federal presidential election. In each election, the candidates receiving the greatest number of votes must be declared elected to the vacant full-term positions ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the ineligible candidate must not be declared elected regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* (Add. 17; Amd. 1; 11-5-1996)

3. In the event one or more 2-year term positions on the Council will be available at the time of a municipal election as provided in section 12, candidates must file specifically for such position(s). Candidates receiving the greatest respective number of votes must be declared elected to the respective available 2-year positions ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the ineligible candidate must not be declared elected regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* (Add. 15; Amd. 2; 6-4-1991)

4. Except as otherwise provided in subsection 8, a primary municipal election must be held on the first Tuesday after the first Monday in April of each odd-numbered year and a general municipal election must be held on the first Tuesday after the first Monday in June of each odd-numbered year.

5. A primary municipal election must not be held if no more than double the number of Council Members to be elected file as candidates. A primary municipal election must not be held for the office of Mayor if no more than two candidates file for that position. The primary municipal election must be held for the purpose of eliminating candidates in excess of a figure double the number of Council Members to be elected. (Add. 17; Amd. 1; 11-5-1996)

6. If, in the primary municipal election, a candidate receives votes equal to a majority of voters casting ballots in that election, ~~he or she~~ *the candidate* shall be considered elected to one of the vacancies and his or her name shall not be placed on the ballot for the general municipal election ~~[-]~~ , *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the ineligible candidate must not be considered elected regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* (Add. 10; Amd. 7; 6-2-1981)

7. In each primary and general municipal election, voters are entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the municipal elections. (Add. 11; Amd. 5; 6-7-1983)

8. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

9. If the City Council adopts an ordinance pursuant to subsection 8, the dates set forth in NRS 293.12755, ~~in subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~and in NRS~~ , 293.166, 293.175, 293.177 ~~[-]~~ and 293.345 and ~~293.368~~ *section 2 of this act* apply for the purposes of conducting the primary municipal elections and general municipal elections.

10. If the City Council adopts an ordinance pursuant to subsection 8, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

11. The conduct of all municipal elections must be under the control of the City Council, which shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter. Nothing in this Charter shall be construed as to deny or

abridge the power of the City Council to provide for supplemental regulations for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud. (Add. 24; Amd. 1; 6-3-2003)

Sec. 44. Section 5.010 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as last amended by chapter 263, Statutes of Nevada 2013, at page 1182, is hereby amended to read as follows:

Sec. 5.010 Municipal elections.

1. Except as otherwise provided in subsection 2:

(a) On the first Tuesday after the first Monday in June 1973, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and one Council Member who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(b) On the first Tuesday after the first Monday in June 1975, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(c) On the first Tuesday after the first Monday in June 1975, there shall be elected by the qualified voters of the City at a general municipal election to be held for that purpose one Council Member who shall hold office for a period of 2 years and until his or her successor has been elected and qualified.

(d) On the first Tuesday after the first Monday in June 1977, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, ~~in subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~[and in NRS]~~ , 293.166, 293.175, 293.177 ~~[,]~~ and 293.345 and ~~[293.368]~~ *section 2 of this act* apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

Sec. 45. Section 5.050 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1728, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~{The full names of all candidates, except those}~~ *Except for candidates who have withdrawn ~~{died}~~ pursuant to the election laws of this State or who are or become ineligible ~~{}~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 46. Section 5.100 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 185, Statutes of Nevada 2007, at page 627, 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 municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the City Council.

2. The City Council shall meet within 6 working days after any election and canvass the returns and declare the result. The election returns shall then be sealed and kept by the City Clerk for 6 months, and no person shall 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 ~~{}~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers ~~{so}~~ who are elected shall qualify and enter upon the discharge of their respective duties on the first Monday in July next following their election.

4. If any election should result 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 ~~{}~~, *except that if the name of an ineligible candidate could*

not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

Sec. 47. Section 5.015 of the Charter of the City of Carlin, being chapter 493, Statutes of Nevada 2009, as amended by chapter 501, Statutes of Nevada 2011, at page 3310, is hereby amended to read as follows:

Sec. 5.015 Filing of declarations of candidacy.

~~{1.}~~ A candidate to be voted for at the general election must file a declaration of candidacy with the City Clerk as provided by the election laws of this State. 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 City Council by ordinance or resolution.

~~{2. If, due to the death or ineligibility of or withdrawal by a candidate, a vacancy occurs in a nomination after the close of filing and any applicable period for withdrawal of candidacy, the candidate's name must remain on the ballot for the general election and, if elected, a vacancy exists.}~~

Sec. 48. Section 5.040 of the Charter of the City of Carlin, being chapter 493, Statutes of Nevada 2009, at page 2937, is hereby amended to read as follows:

Sec. 5.040 Names on ballots.

1. ~~{The full names of all candidates, except those}~~ *Except for candidates who have withdrawn ~~{, died}~~ pursuant to the election laws of this State or who are or become ineligible ~~{before the close of filing and any applicable period for withdrawal of candidacy,}~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 49. Section 5.090 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as last amended by chapter 185, Statutes of Nevada 2007, at page 628, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person is permitted to handle, inspect or in any

manner interfere with such returns until canvassed by the Board of Council Members.

2. The Board of Council Members shall meet on or before the sixth working day 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 shall have access thereto except on order of a court of competent jurisdiction or by order of the Board of Council Members.

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 ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers ~~[so]~~ who are elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:

(a) July next following their election for those officers elected in June 2007.

(b) January next following their election for those officers elected in November 2008 and November of every even-numbered year thereafter.

4. If any election should result in a tie, the Board of Council Members 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 ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 50. 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. *Except as otherwise provided in sections 1.7 and 2 of this act:*

(a) 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.}~~ (b) 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.

(c) 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. 51. Section 5.050 of the charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~{The full names of all candidates, except those}~~ *Except for candidates who have withdrawn ~~{died}~~ pursuant to the election laws of this State or who are or become ineligible ~~{}~~ candidates whose names must be removed from the ballot pursuant to section 2 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 52. Section 5.100 of the charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 189, Statutes of Nevada 1977, at page 354, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties.

1. The election returns from any special, primary or general municipal election shall be filed with the Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board.

2. The Board shall meet within 10 days after any election and canvass the returns and declare the result. The election returns shall then be sealed and kept by the Clerk for 6 months and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board.

3. The Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers ~~[so]~~ who are elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday in January next following their election.

Sec. 53. Section 5.040 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:

Sec. 5.040 Names on ballots.

1. ~~[The full names of all candidates, except those]~~ *Except for candidates who have withdrawn ~~[died]~~ pursuant to the election laws of this State or who are or become ineligible ~~[]~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 54. Section 5.090 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 231, Statutes of Nevada 2011, at page 1003, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from a municipal 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 the returns are canvassed by the City Council.

2. The City Council shall meet within 6 working days after an election and canvass the returns and declare the result. The election returns must be sealed and kept by the City Clerk for 2 years, 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 ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible*

candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void. The officers ~~to~~ who are elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:

(a) If the officer is elected pursuant to subsection 1 or 2 of section 5.010, July next following his or her election.

(b) If the officer is elected pursuant to subsection 3 or 4 of section 5.010, January next following his or her election.

4. If any election should result 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 ~~to~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 55. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1214, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. Except as otherwise provided in section 5.020, a primary municipal election must be held on the Tuesday after the first Monday in April of each odd-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office must be voted upon by the registered voters of the City at large.

4. *Except as otherwise provided in sections 18.3 and 18.5 of this act:*

(a) If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election.

(b) If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at the second regular meeting of the City Council held in June of the year of the general municipal election.

Sec. 56. Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1215, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection 2:

(a) A general municipal election must be held in the City on the first Tuesday after the first Monday in June of each odd-numbered year, at which time the registered voters of the City shall elect city officers to fill the available elective positions.

(b) All candidates for the office of Mayor, Council Member and Municipal Judge must be voted upon by the registered voters of the City at large. The term of office for members of the City Council and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015, the term of office for a Municipal Judge is 6 years.

(c) On the Tuesday after the first Monday in June 2001, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 1 who will hold office until his or her successor has been elected and qualified.

(d) On the Tuesday after the first Monday in June 2003 and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who will hold office until his or her successor has been elected and qualified.

(e) On the Tuesday after the first Monday in June 2005, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his or her successor has been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, ~~in subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~and in NRS~~ , 293.166, 293.175, 293.177 ~~and~~ and 293.345 and ~~293.368~~ *section 2 of this act* apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

Sec. 57. Section 5.050 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~{The full names of all candidates, except those}~~ *Except for candidates who have withdrawn ~~{died}~~ pursuant to the election laws of this State or who are or become ineligible ~~{}~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 58. Section 5.100 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1216, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet at any time within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months. No person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person elected a certificate of election ~~{}~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* Except as otherwise provided in section 1.070, the officers ~~{so}~~ *who are* elected shall qualify and enter upon the discharge of their respective duties at the second regular meeting of the City Council held in June of the year of the general municipal election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election

~~It~~, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

Sec. 59. Section 5.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 218, Statutes of Nevada 2011, at page 959, is hereby amended to read as follows:

Sec. 5.010 Primary municipal elections. Except as otherwise provided in section 5.020:

1. On the Tuesday after the first Monday in April 2001, and at each successive interval of 4 years, a primary municipal election must be held in the City at which time candidates for half of the offices of Council Member and for Municipal Judge, Department 2, must be nominated.

2. On the Tuesday after the first Monday in April 2003, and at each successive interval of 4 years, a primary municipal election must be held in the City at which time candidates for Mayor, for the other half of the offices of Council Member and for Municipal Judge, Department 1, must be nominated.

3. The candidates for Council Member who are to be nominated as provided in subsections 1 and 2 must be nominated and voted for separately according to the respective wards. The candidates from each even-numbered ward must be nominated as provided in subsection 1, and the candidates from each odd-numbered ward must be nominated as provided in subsection 2.

4. If the City Council has established an additional department or departments of the Municipal Court pursuant to section 4.010 and, as a result, more than one office of Municipal Judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

5. Each candidate for the municipal offices which are provided for in subsections 1, 2 and 4 must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be paid into the City Treasury.

6. *Except as otherwise provided in sections 18.3 and 18.5 of this act:*

(a) If, in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, he or she must be declared elected for the term which commences on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made, and no general municipal election need be held for that office.

(b) If, in the primary municipal election, no candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.

Sec. 60. Section 5.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 263, Statutes of Nevada 2013, at page 1183, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection 2, a general municipal election must be held in the City on the Tuesday after the first Monday in June of each odd-numbered year and on the same day every 2 years thereafter, at which time there must be elected those officers whose offices are required to be filled by election in that year.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, ~~in subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~and in NRS~~, 293.166, 293.175, 293.177 ~~[,] and 293.345 and {293.368}~~ *section 2 of this act* apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

5. All candidates for elective office, except the office of Council Member, must be voted upon by the registered voters of the City at large.

Sec. 61. Section 5.050 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~{The full names of all of the candidates, except those}~~ *Except for candidates who have withdrawn ~~[, died]~~ pursuant to the election laws of this State or who are or become ineligible ~~[,]~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same name or names which are so similar as likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballots; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 62. Section 5.100 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 193, Statutes of Nevada 1991, at page 364, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; declaration of results; certificates of election; entry of officers upon duties; procedure for tied vote.

1. The returns of any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may be permitted to handle, inspect or in any manner interfere with those returns until they have been canvassed by the City Council.

2. The City Council shall meet within 10 days after any election, 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 to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person who is declared to be elected a certificate of election ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers who ~~have been~~ are elected shall qualify and enter upon the discharge of their respective duties on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made.

4. If the election for any office results in a tie, the City Council shall summon the candidates who received the equal number of votes and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 63. Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 963, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Council Members must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Council Members will seek to represent. A candidate for the office of City Council Member shall include in his or her declaration of candidacy the number of the ward which he or she seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he or she seeks to represent.

2. Except as otherwise provided in section 5.025, a primary municipal election must be held on the Tuesday following the first Monday in April preceding the general municipal election, at which time there must be nominated candidates for offices to be voted for at the next general municipal election. In the primary municipal election:

(a) A candidate for the office of City Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.

3. Except as otherwise provided in ~~{subsection 4,}~~ *sections 18.3 and 18.5 of this act*, after the primary municipal election, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election ~~{-~~

~~—4. If,}~~ *but*, regardless of the number of candidates for an office, if one candidate receives a majority of the total votes cast for that office in the primary municipal election, he or she must be declared elected to that office and no general municipal election ~~{need}~~ *must* be held for that office.

Sec. 64. Section 5.025 of the Charter of the City of North Las Vegas, being chapter 218, Statutes of Nevada 2011, as amended by chapter 263, Statutes of Nevada 2013, at page 1184, is hereby amended to read as follows:

Sec. 5.025 City Council authorized to provide for primary and general municipal elections in even-numbered years.

1. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

2. If the City Council adopts an ordinance pursuant to subsection 1, the dates set forth in NRS 293.12755, ~~{in subsections 2 to 5, inclusive, of NRS}~~ 293.165 ~~{and in NRS}~~, 293.166, 293.175, 293.177 ~~{,}~~ and 293.345 and ~~{293.368}~~ *section 2 of this act* apply for the purposes of conducting the primary municipal elections and general municipal elections.

3. If the City Council adopts an ordinance pursuant to subsection 1, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

Sec. 65. Section 5.050 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~{The full names of all candidates, except those}~~ *Except for candidates who have withdrawn ~~{died}~~ pursuant to the election laws of this State or who are or become ineligible ~~{}~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

3. In any election regulated by this Charter, the names of candidates as printed on the ballot shall not include any title, designation or other reference which will indicate the profession or occupation of such candidates.

Sec. 66. Section 5.080 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 465, Statutes of Nevada 1985, at page 1440, is hereby amended to read as follows:

Sec. 5.080 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election shall be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may be permitted to handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet at any time within 16 days after any election and shall 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 ~~{}~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City*

Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void. The officers ~~to~~ who are elected shall qualify and enter upon the discharge of their respective duties on the 1st day of July next following their election.

4. If any election should result 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 ~~to~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 67. 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. *Except as otherwise provided in sections 18.3 and 18.5 of this act:*

(a) 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.}~~ (b) In the primary election:

~~{(a)}~~ (1) 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)}~~ (2) Candidates for Council Member who represent a specific ward must be voted upon only by the registered voters of that ward.

~~{(c)}~~ (3) Candidates for Mayor and Council Member at large must be voted upon by all registered voters of the City.

~~{4.}~~ 3. The Mayor and all Council Members must be voted upon by all registered voters of the City at the general election.

Sec. 68. Section 5.050 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~[The full names of all candidates, except those]~~ *Except for candidates who have withdrawn ~~[died]~~ pursuant to the election laws of this State or who are or become ineligible ~~[]~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 69. 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 ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers *who are* 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 ~~{ }~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 70. 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 sections 18.3 and 18.5 of this act, 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.*

Sec. 71. Section 5.050 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as amended by chapter 312, Statutes of Nevada 2003, at page 1731, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~{The full names of all candidates, except those}~~ *Except for candidates who have withdrawn ~~{died}~~ pursuant to the election laws of this State or who are or become ineligible ~~{ }~~ candidates whose*

names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 72. 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 ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers who are 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 ~~[-]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 73. Section 5.015 of the Charter of the City of Wells, being chapter 493, Statutes of Nevada 2009, as amended by chapter 501, Statutes of Nevada 2011, at page 3310, is hereby amended to read as follows:

Sec. 5.015 Filing of declarations of candidacy.

~~{1-}~~ A candidate to be voted for at the general election must file a declaration of candidacy with the City Clerk as provided by the election laws of this State. 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 City Council by ordinance or resolution.

~~{2- If, due to the death or ineligibility of or withdrawal by a candidate, a vacancy occurs in a nomination after the close of filing and any applicable period for withdrawal of candidacy, the candidate's name must remain on the ballot for the general election and, if elected, a vacancy exists.}~~

Sec. 74. Section 5.040 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 493, Statutes of Nevada 2009, at page 2938, is hereby amended to read as follows:

Sec. 5.040 Names on ballots.

1. ~~{The full names of all candidates, except those}~~ *Except for candidates who have withdrawn ~~{, died}~~ pursuant to the election laws of this State or who are or become ineligible ~~{before the close of filing and any applicable period for withdrawal of candidacy,}~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 75. Section 5.090 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 185, Statutes of Nevada 2007, at page 629, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election must be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person is permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board of Council Members.

2. The Board of Council Members shall meet on or before the sixth working day 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 shall have access thereto

except on order of a court of competent jurisdiction or by order of the Board of Council Members.

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 ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers ~~[so]~~ who are elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:

(a) July next following their election for those officers elected in June 2007 or 2009.

(b) January next following their election for those officers elected in November 2010 and every even-numbered year thereafter.

4. If any election should result in a tie, the Board of Council Members 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 ~~[]~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 76. Section 5.010 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as last amended by chapter 263, Statutes of Nevada 2013, at page 1184, is hereby amended to read as follows:

Sec. 5.010 Municipal elections.

1. Except as otherwise provided in subsection 2:

(a) On the first Tuesday after the first Monday in June 1975, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(b) On the first Tuesday after the first Monday in June 1977, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, ~~in subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~[and in NRS]~~ , 293.166, 293.175, 293.177 ~~[,]~~ and 293.345 and ~~[293.368]~~ section 2 of this act apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

Sec. 77. Section 5.040 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1731, is hereby amended to read as follows:

Sec. 5.040 Names on ballots.

1. ~~[The full names of all candidates, except those]~~ *Except for candidates who have withdrawn ~~[, died]~~ pursuant to the election laws of this State or who are or become ineligible ~~[,]~~ candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 78. Section 5.090 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 913, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such 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 results. The election returns shall then be sealed and kept by the City Clerk for 6 months, and no person shall 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 ~~[,]~~ , *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City*

Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void. The officers ~~who~~ who are elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday in July next following their election.

4. If any election should result 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 ~~to~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 79. Section 7 of the Moapa Valley Water District Act, being chapter 477, Statutes of Nevada 1983, as last amended by chapter 28, Statutes of Nevada 2011, at page 93, is hereby amended to read as follows:

Sec. 7. 1. Unless otherwise required for purposes of an election to incur an indebtedness, the Registrar of Voters of Clark County shall conduct, supervise and, by ordinance, regulate all district elections in accordance, as nearly as practicable, with the general election laws of the State, including, but not limited to, laws relating to the time of opening and closing of polls, the manner of conducting the election, the canvassing, announcement and certification of results, and the preparation and disposition of ballots.

2. A candidate for election to the Board shall file a declaration of candidacy with the Registrar of Voters of Clark County. The declaration of candidacy must be filed not earlier than the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March of that year. Timely filing of such a declaration is a prerequisite to election.

3. Each member of the Board must be elected by a plurality of the registered voters voting in the election area which the member represents. ~~But~~ *Except as otherwise provided in section 1.7 of this act, if there are two seats upon the Board to be filled at the same election, each of which represents the same election area, the two candidates therefor receiving the highest number of votes, respectively, are elected.*

4. If a member of the Board is unopposed in seeking reelection, the Board may declare that member elected without a formal election, but that member must not participate in the declaration.

5. If no person files candidacy for election to a particular seat upon the Board, the seat must be filled in the manner of filling a vacancy.

Sec. 80. Section 8 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, as last amended by chapter 353, Statutes of Nevada 2013, at page 1850, is hereby amended to read as follows:

Sec. 8. 1. Unless otherwise required for purposes of an election to incur an indebtedness, the Registrar of Voters of Clark County shall conduct, supervise and, by ordinance, regulate all district elections in accordance, as nearly as practicable, with the general election laws of this state, including, but not limited to, laws relating to the time of opening and closing of polls, the manner of conducting the election, the canvassing, announcement and certification of results and the preparation and disposition of ballots.

2. Each candidate for election to the Board must file a declaration of candidacy with the Registrar of Voters not earlier than the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March. Timely filing of such declaration is a prerequisite to election.

3. ~~[[4]]~~ *Except as otherwise provided in section 1.7 of this act, if* the Board establishes various election areas within the District and there are two or more seats upon the Board to be filled at the same election, each of which represents the same election area, the two candidates therefor receiving the highest number of votes, respectively, are elected.

4. If a member of the Board is unopposed in seeking reelection, the Board may declare that member elected without a formal election, but that member may not participate in the declaration.

5. If no person files candidacy for election to a particular seat upon the Board, the seat must be filled in the manner provided in subsection 3 of section 7 of this act for filling a vacancy.

Sec. 81. 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. 82. NRS 293.302, 293.368, 293C.291 and 293C.370 are hereby repealed.

Sec. 83. 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.

LEADLINES OF REPEALED SECTIONS

293.302 Posting of notice of death of candidate at polling place.

293.368 Counting of votes cast for deceased candidate.

293C.291 Posting of notice of death of candidate at polling place.

293C.370 Counting of votes cast for deceased candidate.

Senator Farley moved the adoption of the amendment.

Remarks by Senator Farley.

Assembly Bill No. 177 makes various changes relating to candidates for public office. The measure defines an ineligible candidate as one who dies, is adjudicated insane or mentally incompetent, fails to meet any constitutional or statutory qualification required for office or is disqualified by a court from performing the duties of office.

Amendment adopted.

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

Assembly Bill No. 443.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 443 appropriates from the General Fund to the Legislative Counsel Bureau the sum of \$2,004,232, of which \$776,460 would be allocated for dues and registration expenditures and \$1,227,772 would be allocated for one-time building maintenance and IT projects.

Roll call on Assembly Bill No. 443:

YEAS—18.

NAYS—Gustavson, Settelmeyer—2.

EXCUSED—Smith.

Assembly Bill No. 443 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 476

Bill read third time.

Senator Kieckhefer moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 8:57 p.m.

SENATE IN SESSION

At 8:58 p.m.

President Hutchison presiding.

Quorum present.

Senator Kieckhefer moved that Assembly Bill No. 476 be taken from the General File and placed on the General File on the next Agenda.

Motion carried.

Assembly Bill No. 489.

Bill read third time.

Remarks by Senators Kieckhefer and Denis.

SENATOR KIECKHEFER:

Assembly Bill No. 489 establishes the maximum allowable salaries for employees in unclassified and classified service. The bill makes appropriations from the General Fund and Highway Fund to fund salary increases for various groups of employees including nonclassified, classified, unclassified, classified-medical and Nevada System of Higher Education professional

and classified employees. A 1-percent increase is effective for FY 2016 and takes effect July 1, 2015. A 2-percent increase is effective for FY 2017 and takes effect July 1, 2016.

The bill authorizes the Department of Health and Human Services and the Department of Corrections to provide callback pay for unclassified medical positions and pharmacists to perform on-call responsibilities to ensure 24-hour coverage in psychiatric and medical facilities. The bill also authorizes the Gaming Control Board to continue the credential pay plan, which provides up to \$5,000 annual for unclassified Gaming employees who possess a current Nevada certified public accountant certificate, a license to practice law or are in a qualifying position as electronic laboratory engineer and possess a Bachelor of Science or higher degree in engineering, electronic engineering or computer science.

Mr. President, the bill also retains certain positions within the Enterprise Information Technology Services Division in the classified services. The bill is effective July 1, 2015.

This bill is a long time coming for our State employees who have worked so hard for us throughout the recession.

SENATOR DENIS:

I just want to stand in support of this bill. We have some of the best State employees in the Country who have sacrificed for several years. As was just mentioned by my colleague, this has been a long time coming. Even though this will not make up for everything, it is at least a start to help them understand how much we really appreciate the great work that they do that make our State a great State.

Roll call on Assembly Bill No. 489:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 489 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 490.

Bill read third time.

Remarks by Senator Kieckhefer.

The bill before us is the Authorizations Act which is one of the five major budgetary bills that we are processing. Assembly Bill No. 490 represents authority for agencies to collect and expend monies including federal funds, gifts, grants, interagency transfers, service fees and other funds, which total \$11.7 billion over the 2015-17 Biennium.

Additionally, due to specific statutory language for these agencies, Assembly Bill No. 490 includes authority for the Gaming Control Board and the Nevada Gaming Commission to expend \$61.4 million from the General Fund over the 2015-17 Biennium. Similarly, the bill includes authority for Nevada Department of Transportation to expend \$644.4 million from the Highway Fund over the 2015-17 Biennium. Mr. President, I have a lengthy floor statement that I could read that outlines all the individual points for the authority in this bill, but in the end, this is the companion to the Appropriations Act which appropriates the State General Funds. This is the authorization for those agencies to expend federal and other funds. It is a critical piece of the budget.

Roll call on Assembly Bill No. 490:

YEAS—19.

NAYS—Gustavson.

EXCUSED—Smith.

Assembly Bill No. 490 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 491.

Bill read third time.

Remarks by Senators Kieckhefer, Manendo, Segerblom, Ford and Atkinson.

SENATOR KIECKHEFER:

This is the final bill coming before the Body as one of the primary budgetary bills. This is the Capital Improvement Program (CIP) for the upcoming Biennium. The bill includes funding in the amount of \$215.3 million for capital improvements and the following major funding sources to support the program: \$121.5 million in general obligation bonds; \$43.6 million in federal funds for the projects of the Office of the Military and the Department of Veterans Services; \$28.2 million in agency and donor funds for the Nevada System of Higher Education (NSHE), Department of Veterans Services and the Department of Administration projects and \$6.4 million in General Fund appropriations. It also includes \$5.6 million dollars in excess funding reallocated from projects approved in prior Biennia; \$5.2 million in Highway Fund revenues for the Department of Motor Vehicles and for Department of Public Safety projects and \$5 million for the Special Higher Education Capital Construction funding.

The bill provides \$134.2 million to support 9 CIP construction projects in 2015. Notable construction projects include project 15-CO4 which is \$23 million to construct a new 38,500 square foot DMV building at the East Sahara in Las Vegas; project 15-C77 which includes \$48.2 million to construct a new 102,000 square foot Northern Nevada State Veterans Home in Sparks to provide long-term nursing care to veterans and their spouses; and project 15-C78 which provides \$48.8 million to construct a new 93,500 square foot hotel college academic building on the UNLV campus. The also bill provides \$67.2 million for various maintenance projects for existing State facilities; \$1.5 million for advanced planning and design, and \$12.5 million for statewide projects. The maintenance projects include approximately \$26.5 million for the Department of Corrections to replace various systems and \$15 million to address deferred maintenance projects on NSHE institutions. The bill includes \$15.45 property tax levy for debt service in each year of the Biennium for general obligation bonds, and an additional \$1.55 levy that must be used exclusively for the repayment of bonded indebtedness issued as a result of the Question No. 1 Program (Q1). The approval of Q1 by the voters authorized the issuance of bonds not to exceed \$200 million to protect, preserve and obtain the benefits of the property and natural resources of the State. The total property tax levy of 17 cents remains unchanged from the levy's approved for the current Biennium.

SENATOR MANENDO:

I rise in support of the bill and all those funds that create jobs for Nevada. I want to point out that back in the 1990s, when we first had the vision to construct a southern Nevada Veterans Home, it was the first one in the State of Nevada. At that time, Nevada was one of only four states that did not have a veterans home. It just warms my heart that we are finally going to put another veterans home in northern Nevada this time. Kudos and good job to all our folks on the money committees. We appreciate your work in support of veterans.

SENATOR SEGERBLOM:

I plan to vote for this bill, however, I do want to raise a point about the bill that I think is really inappropriate. The bill contains approximately \$1 million for a new death chamber. There is no purpose in creating the death chamber. We have not killed anybody in this State for over ten years. The last time we had an execution it was because somebody asked to be executed. The Legislature in Nebraska just voted to abolish the death penalty. We know that it costs millions and millions of dollars more to try to put somebody to death, just based on the legal costs, than it does to give them life in prison without the possibility of parole. The fact that, in this time of

urgency, we would waste \$1 million to build something that is never going to be used, put it out in Ely where no one could even watch it, is to me unacceptable. I will vote for the bill, and I apologize for raising this issue, but I have to say, in my opinion, it is totally inappropriate to be spending and wasting \$1 million to build something we are never going to use.

SENATOR FORD:

I rise to echo the sentiments of my colleague from District 3. I too have opposed adding money for this death chamber which, as he has indicated, has not been used in a decade. According to testimony in the Assembly committee, it will not be used for the next two years either. Ultimately, I am looking at why we are spending nearly \$1 million on a death chamber when we can be using that money for education. In fact, I am looking at a website here from a 2010 study that says 16 states in our Nation have more prison beds than college beds. Guess where we fall? We have more prison beds in our State than college beds. This money could be better spent to educate people than to kill people. I will support the bill, but I do not like the fact that we have \$1 million for a death chamber in it.

SENATOR ATKINSON:

I have a question and maybe the Chair of Finance can answer. Obviously, there is a death chamber schedule. As my colleague from District 3 illustrated, we have not used the chamber in quite some time. I hate to say it, is there someone on the schedule now? Is there a reason why we have to do it now?

SENATOR KIECKHEFER:

There are a couple of scenarios that could play out at any time based on the appellate process pending before the courts. A court could, at any time, order an execution at which point I believe the State has 90 days to carry out that execution. I would have to check on that number so I apologize for not being certain. The other option, which was pointed out by our colleague from Senate District 3 as you referenced, it was that people who have been sentenced to death have volunteered to fulfill that, and it could happen at any time; at which point, we would need that chamber.

Senators Brower, Hardy and Roberson moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 491.

Roll call on Assembly Bill No. 491:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 491 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senator Roberson moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 9:12 p.m.

SENATE IN SESSION

At 10:45 p.m.

President Hutchison presiding.

Quorum present.

UNFINISHED BUSINESS
REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Senate Bill No. 444, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that Amendment No. 861 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 11, which is attached to and hereby made a part of this report.

Conference Amendment No. 11.

SUMMARY—Revises provisions governing civil actions. (BDR 3-1137)

AN ACT relating to civil actions; revising provisions relating to special motions to dismiss certain claims based upon the right to petition and the right to free speech under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain provisions to deter frivolous or vexatious lawsuits (Strategic Lawsuits Against Public Participation, commonly known as "SLAPP lawsuits"). (Chapter 387, Statutes of Nevada 1997, p. 1363; NRS 41.635-41.670) A SLAPP lawsuit is characterized as a meritless suit filed primarily to discourage the named defendant's exercise of First Amendment rights. "The hallmark of a SLAPP lawsuit is that it is filed to obtain a financial advantage over one's adversary by increasing litigation costs until the adversary's case is weakened or abandoned." (*Metabolic Research, Inc. v. Ferrel*, 693 F.3d 795, 796 n.1 (9th Cir. 2012))

Existing law provides that a person who engages in good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern is immune from civil liability for claims based upon that communication. (NRS 41.650) Existing law also provides that if an action is brought against a person based upon such good faith communication, the person may file a special motion to dismiss the claim. If a special motion to dismiss is filed, the court must first determine whether the moving party has established, by a preponderance of the evidence, that the claim is based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern. If the court determines that the moving party has met this burden, the court must then determine whether the person who brought the claim has established by clear and convincing evidence a probability of prevailing on the claim. While the court's ruling on the special motion to dismiss is pending and while the disposition of any appeal from that ruling is pending, the court must stay discovery. (NRS 41.660)

Section 13 of this bill revises provisions governing a special motion to dismiss a claim that is based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern. Section 13 increases from 7 days to 20 judicial days the time within which a court must rule on a special motion to dismiss. Section 13 replaces the determination of whether a person who brought the claim has established by clear and convincing evidence a probability of prevailing on the claim and instead requires a court to determine whether the person has demonstrated with prima facie evidence a probability of prevailing on the claim. Section 13 also authorizes limited discovery for the purposes of allowing a party to obtain certain information necessary to meet or oppose the burden of the party who brought the claim to ~~establish by clear and convincing~~ demonstrate with prima facie evidence a probability of prevailing on the claim. Finally, section 13 ~~authorizes~~ requires the court to modify certain deadlines upon a finding that such a modification would serve the interests of justice.

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

- Section 1. (Deleted by amendment.)
- Sec. 2. (Deleted by amendment.)
- Sec. 3. (Deleted by amendment.)
- Sec. 3.5. (Deleted by amendment.)
- Sec. 4. (Deleted by amendment.)
- Sec. 4.5. (Deleted by amendment.)
- Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 9.5. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 12.5. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

The Legislature finds and declares that:

1. NRS 41.660 provides certain protections to a person against whom an action is brought, if the action is based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern.

2. When a plaintiff must demonstrate a probability of success of prevailing on a claim pursuant to NRS 41.660, the Legislature intends that in determining whether the plaintiff "has demonstrated with prima facie evidence a probability of prevailing on the claim" the plaintiff must meet the same burden of proof that a plaintiff has been required to meet pursuant to California's anti-Strategic Lawsuits Against Public Participation law as of the effective date of this act.

Sec. 13. NRS 41.660 is hereby amended to read as follows:

41.660 1. If an action is brought against a person based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern:

(a) The person against whom the action is brought may file a special motion to dismiss; and

(b) The Attorney General or the chief legal officer or attorney of a political subdivision of this State may defend or otherwise support the person against whom the action is brought. If the Attorney General or the chief legal officer or attorney of a political subdivision has a conflict of interest in, or is otherwise disqualified from, defending or otherwise supporting the person, the Attorney General or the chief legal officer or attorney of a political subdivision may employ special counsel to defend or otherwise support the person.

2. A special motion to dismiss must be filed within 60 days after service of the complaint, which period may be extended by the court for good cause shown.

3. If a special motion to dismiss is filed pursuant to subsection 2, the court shall:

(a) Determine whether the moving party has established, by a preponderance of the evidence, that the claim is based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern;

(b) If the court determines that the moving party has met the burden pursuant to paragraph (a), determine whether the plaintiff has ~~established by clear and convincing~~ demonstrated with prima facie evidence a probability of prevailing on the claim;

(c) If the court determines that the plaintiff has established a probability of prevailing on the claim pursuant to paragraph (b), ensure that such determination will not:

(1) Be admitted into evidence at any later stage of the underlying action or subsequent proceeding; or

(2) Affect the burden of proof that is applied in the underlying action or subsequent proceeding;

(d) Consider such evidence, written or oral, by witnesses or affidavits, as may be material in making a determination pursuant to paragraphs (a) and (b);

(e) ~~Stay~~ Except as otherwise provided in subsection 4, stay discovery pending:

(1) A ruling by the court on the motion; and

(2) The disposition of any appeal from the ruling on the motion; and

(f) Rule on the motion within ~~7~~ 20 judicial days after the motion is served upon the plaintiff.

4. Upon a showing by a party that information necessary to meet or oppose the burden pursuant to paragraph (b) of subsection 3 is in the possession of another party or a third party

and is not reasonably available without discovery, the court shall allow limited discovery for the purpose of ascertaining such information.

5. If the court dismisses the action pursuant to a special motion to dismiss filed pursuant to subsection 2, the dismissal operates as an adjudication upon the merits.

6. The court ~~may~~ shall modify any ~~briefing or hearing~~ deadlines pursuant to this section or any other deadlines relating to a complaint filed pursuant to this section ~~upon a finding that~~ if such modification would serve the interests of justice.

7. As used in this section:

(a) "Complaint" means any action brought against a person based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern, including, without limitation, a counterclaim or cross-claim.

(b) "Plaintiff" means any person asserting a claim, including, without limitation, a counterclaim or cross-claim.

Sec. 14. The amendatory provisions of this act apply to an action commenced on or after ~~October 1, 2015,~~ the effective date of this act.

Sec. 15. (Deleted by amendment.)

Sec. 16. This act becomes effective upon passage and approval.

GREG BROWER

BECKY HARRIS

RUBEN J. KIHUEN

Senate Conference Committee

IRA HANSEN

DAVID M. GARDNER

ELLIOT T. ANDERSON

Assembly Conference Committee

Senator Brower moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 444.

Motion carried by a constitutional majority.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 432.

The following Assembly amendment was read:

Amendment No. 933.

SUMMARY—Provides for the distribution of money to certain public schools designated as Victory schools. (BDR S-1187)

AN ACT relating to education; providing for the distribution of money to public schools designated as Victory schools because they have high numbers of pupils living in poverty and received a rating indicating underperformance; requiring an assessment of the needs of the pupils at such schools; requiring Victory schools to use the money received to offer certain programs and services; authorizing the State Board of Education to withhold money if a Victory school demonstrates unsatisfactory pupil achievement and school performance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides for the distribution of money to schools that have high numbers of pupils living in poverty and have received one of the two lowest possible ratings indicating underperformance of a public school, as determined by the Department of Education pursuant to the statewide system of accountability for public schools, for the preceding school year, which are designated as Victory schools. This bill requires each school district in which a Victory school is designated and the governing body of each charter school

that is designated as a Victory school to conduct an assessment of the needs of pupils at such schools and submit a comprehensive plan for meeting those needs ~~by~~ by a certain date. This bill allows a comprehensive plan to be submitted at a later date if the school district or governing body submits to the Department a letter of intent to meet the educational needs of pupils enrolled in each Victory school operated by the school district or governing body, as applicable. A Victory school is required to use the money distributed to the school to provide certain programs and services.

Existing law requires the principal of each school to prepare a plan to improve the achievement of the pupils enrolled in the school and submit the plan to various entities, including the Superintendent of Public Instruction and the Department of Education. (NRS 385.357) This bill requires the principal of a Victory school to include in such a plan a description of how the money distributed to the school is being used to meet the needs of the pupils at the school. This bill also requires the board of trustees of each school district in which a Victory school is designated and the governing body of each charter school which is designated as a Victory school to submit a report concerning the programs and services provided using the money distributed to the school.

This bill requires the Department of Education to contract with an independent evaluator to evaluate the effectiveness of programs and services provided pursuant to this bill and authorizes the State Board of Education to require a Victory school that demonstrates unsatisfactory pupil achievement and school performance to take corrective action. The State Board is also authorized to direct the Department of Education to withhold money if unsatisfactory pupil achievement and school performance continues.

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

Section 1. The Legislature finds and declares that:

1. It is the public policy of this State to provide each pupil enrolled in a public school with high-quality instruction.

2. Pupils who live in poverty benefit from attending a school that has a sustained focus on improving pupil achievement using methods that take into account a variety of factors that influence pupil achievement.

3. Pupils who live in poverty should be provided with services and instruction that is designed to address the needs of such pupils so that each such pupil:

(a) Reads at or above the level of the average pupil in third grade before the pupil completes third grade;

(b) Is prepared to engage in a rigorous high school curriculum upon completion of eighth grade; and

(c) Graduates from high school with the skills and attributes necessary to immediately succeed in college or a career.

4. The cost of providing additional services to pupils who live in poverty will continue to be studied with the purpose of updating the formula for funding schools as necessary.

Sec. 2. 1. The Department of Education shall designate a public school as a Victory school if, relative to other public schools, including charter schools, that are located in the school district in which the school is also located:

(a) A high percentage of pupils enrolled in the school live in households that have household incomes that are less than the federally designated level signifying poverty, based on the most recent data compiled by the Bureau of the Census of the United States Department of Commerce; and

(b) The school received one of the two lowest possible ratings indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools, for the immediately preceding school year.

2. The Department shall designate each Victory school for the 2015-2016 Fiscal Year on or before June 1, 2015.

3. The Department shall transfer money from the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.031 to each school district in which a Victory school is designated and each sponsor of a charter school that is designated as a Victory school on a per pupil basis. The amount distributed per pupil must be determined by dividing the amount of money appropriated to the Account by the 2015 Legislature for Victory schools by the total number of pupils who are enrolled in Victory schools statewide. After receiving money from the Account pursuant to this subsection:

(a) A school district shall distribute the money to each Victory school in the school district on a per pupil basis.

(b) A sponsor of a charter school shall distribute the money to each Victory school that it sponsors on a per pupil basis.

4. The board of trustees of each school district in which a Victory school is located and the governing body of each charter school that is designated as a Victory school shall, as soon as practicable after the school is designated as a Victory school, conduct an assessment of the needs of pupils that attend the school. The assessment must include soliciting input from the community served by the Victory school and identify any barriers to improving pupil achievement and school performance and strategies to meet the needs of pupils at the school.

5. ~~On~~ Except as otherwise provided in subsection 7, on or before August 15, 2015, the board of trustees of each school district in which a Victory school is designated for the 2015-2016 Fiscal Year and the governing body of each charter school that is designated as a Victory school for the 2015-2016 Fiscal Year shall submit to the Department a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school. The board of trustees of each school district in which a

Victory school is designated and the governing body of each charter school that is designated as a Victory school shall select at least one person who is familiar with the public schools in the school district or with the charter school, respectively, to assist with the development of the plan. The plan must:

(a) Include appropriate means to determine the effectiveness of the plan;
 (b) Be based on the assessment of the needs of the pupils who attend the school conducted pursuant to subsection 4;

(c) Analyze available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and other pupil achievement data collected and maintained by the school district or charter school;

(d) Include a description of the criteria used to select entities to provide programs and services to pupils enrolled in the Victory school;

(e) Include a description of the manner in which the school district or governing body will collaborate with ~~other~~ selected entities ~~that offer programs and services in the community~~ so that ~~those~~ academic programs and services and nonacademic programs and services, including, without limitation, transportation services, may be offered without charge to support pupils and their families within the region in which the school is located;

~~((d))~~ (f) Take into account the number and types of pupils who attend the school and the locations where such pupils reside;

~~((e)) Coordinate~~

(g) Provide for the coordination of the existing or planned engagement of other persons who provide services in the region in which the school is located;

~~((f)) Consider and coordinate~~

(h) Coordinate all funding available to each school that is subject to the plan; ~~and~~

(i) Provide for the coordination of all available resources to each school that is subject to the plan, including, without limitation, instructional materials and textbooks;

~~((e))~~ (j) Identify, for each school or group of schools subject to the plan, which of the measures described in subsection ~~7~~ 8 will be implemented ~~;~~ and

(k) Identify the person or persons selected pursuant to this subsection who assisted with the development of the plan.

6. The Department shall review each plan submitted pursuant to subsection 5 to determine whether, or the extent to which, the plan complies with the requirements of this section and either approve or request revisions to the plan.

7. If the board of trustees of a school district in which a Victory school is designated or the governing body of a charter school that is designated as a Victory school does not submit a comprehensive plan for meeting the

educational needs of pupils enrolled in each Victory school on or before August 15, 2015, as required pursuant to subsection 5, the board of trustees of the school district or the governing body of the charter school, as applicable, may submit to the Department a letter of intent to meet the educational needs of pupils enrolled in each Victory school. The letter must include, without limitation:

(a) An initial assessment of the needs of the pupils who attend the school which is conducted pursuant to subsection 4;

(b) An analysis of available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and data collected and maintained by the school district or charter school; and

(c) A summary of activities that the board of trustees or governing body, as applicable, will take to ensure completion of the comprehensive plan required pursuant to subsection 5 by not later than September 15, 2015.

8. A Victory school shall use the majority of the money distributed pursuant to subsection 3 to provide one or more of the following:

(a) A prekindergarten program free of charge, if such a program is not paid for by another grant.

(b) An expansion of full-day kindergarten classes, if such classes have not otherwise been paid for through legislative appropriation.

(c) A summer academy or other instruction for pupils free of charge at times during the year when school is not in session.

(d) Additional instruction or other learning opportunities free of charge at times of day when school is not in session.

(e) Professional development for teachers and other educational personnel concerning instructional practices and strategies that have proven to be an effective means to increase pupil achievement in populations of pupils similar to those served by the school.

(f) ~~Provide programs to recruit and retain highly effective~~ Incentives for hiring and retaining teachers and other licensed educational personnel, ~~who provide any of the programs or services set forth in this subsection from the list prescribed by the State Board of Education pursuant to subsection 14.~~

(g) ~~Operate reading~~ Employment of paraprofessionals, other educational personnel and other persons who provide any of the programs or services set forth in this subsection.

(h) Reading skills centers.

~~8.~~ 9. A Victory school may use any money distributed pursuant to subsection 3 that is not used for the purposes described in subsection ~~7~~ 8 to:

(a) Provide evidence-based social, psychological or health care services to pupils and their families, including, without limitation, wrap-around services;

(b) Provide programs and services designed to engage parents and families;

(c) Provide programs to improve school climate and culture;

(d) Provide evidence-based programs and services specifically designed to meet the needs of pupils who attend the school, as determined using the assessment conducted pursuant to subsection 4; or

(e) Any combination thereof.

~~{9.} 10.~~ A Victory school shall not use any money distributed pursuant to subsection 3 for a purpose not described in subsection ~~{7.} 8~~ or ~~{8.} 9~~.

~~{10.} 11.~~ Any programs offered at a Victory school pursuant to subsection ~~{7.} 8~~ or ~~{8.} 9~~ must:

(a) Be designed to meet the needs of pupils at the school, as determined using the assessment conducted pursuant to subsection 4 and to improve pupil achievement and school performance, as determined using the measures prescribed by the State Board of Education; and

(b) Be based on scientific research concerning effective practices to increase the achievement of pupils who live in poverty.

~~{11.} 12.~~ Each plan to improve the achievement of pupils enrolled in a Victory school that is prepared by the principal of the school pursuant to NRS 385.357 must describe how the school will use the money distributed pursuant to subsection 3 to meet the needs of pupils who attend the school, as determined using the assessment described in subsection 4 and the requirements of this section.

~~{12.} 13.~~ The Department shall contract with an independent evaluator to evaluate the effectiveness of programs and services provided pursuant to this section. The evaluation must include, without limitation, consideration of the achievement of pupils who have participated in such programs and received such services. When complete, the evaluation must be provided contemporaneously to the Department and the Legislative Committee on Education.

14. The State Board of Education shall prescribe a list of recruitment and retention incentives that are available to the school districts and sponsors of charter schools that receive a distribution of money pursuant to this section to offer to teachers and other licensed educational personnel.

~~{13.} 15.~~ The State Board shall require a Victory school to take corrective action if pupil achievement and school performance at the school are unsatisfactory, as determined by the State Board. If unsatisfactory pupil achievement and school performance continue, the State Board may direct the Department to withhold any additional money that would otherwise be distributed pursuant to this section.

~~{14.} 16.~~ On or before November 30, 2016, and November 30, 2017, the board of trustees of each school district in which a Victory school is designated and the governing body of each charter school that is designated as a Victory school shall submit to the Department and to the Legislative Committee on Education a report, which must include, without limitation:

(a) An identification of schools to which money was distributed pursuant to subsection 3 for the previous fiscal year;

(b) The amount of money distributed to each such school;

(c) A description of the programs or services for which the money was used;

(d) The number of pupils who participated in such programs or received such services;

(e) The average expenditure per pupil for each program or service that was funded; and

(f) Recommendations concerning the manner in which the average expenditure per pupil reported pursuant to paragraph (e) may be used to determine formulas for allocating money from the State Distributive School Account in the State General Fund.

~~15.~~ 17. The Legislative Committee on Education shall consider the evaluations of the independent evaluator received pursuant to subsection ~~12~~ 13 and the reports received pursuant to subsection ~~14~~ 16 and advise the State Board regarding any action the Committee determines appropriate for the State Board to take based upon that information. The Committee shall also make any recommendations it deems appropriate concerning Victory schools to the next regular session of the Legislature which may include, without limitation, recommendations for legislation.

~~16.~~ 18. The money distributed pursuant to subsection 3:

(a) Must be accounted for separately from any other money received by Victory schools and used only for the purposes specified in this section;

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district or the governing body of a charter school and the school district or governing body or to settle any negotiations; and

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

~~17.~~ 19. Upon request of the Legislative Commission, a Victory school to which money is distributed pursuant to subsection 3 shall make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of such money.

~~18.~~ 20. As used in this section:

(a) "Community" includes any person or governmental entity who resides or has a significant presence in the geographic area in which a school is located or who interacts with pupils and personnel at a school, and may include, without limitation, parents, businesses, nonprofit organizations, faith-based organizations, community groups, teachers, administrators and governmental entities.

(b) "Evidence-based programs and services" means practices, interventions and services that have been proven, through scientifically based research, as defined in 20 U.S.C. § 7801(37), to be effective in improving outcomes for pupils when implemented with fidelity.

(c) "Victory school" means a school that is so designated by the Department pursuant to subsection 1.

(d) "Wrap-around services" means supplemental services provided to a pupil with special needs or the family of such a pupil that are not otherwise covered by any federal or state program of assistance.

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

Senator Harris moved that the Senate concur in Assembly Amendment No. 933 to Senate Bill No. 432.

Motion carried by a constitutional majority.

Bill ordered enrolled.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which was referred Assembly Bill No. 498, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES A. SETTELMAYER, *Chair*

Mr. President:

Your Committee on Finance, to which was referred Assembly Bill No. 436, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 454, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BEN KIECKHEFER, *Chair*

Mr. President:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 445, 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 Legislative Operations and Elections, to which was referred Assembly Bill No. 496, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 495, 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 Revenue and Economic Development, to which was referred Assembly Bill No. 497, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL ROBERSON, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 1, 2015

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 428, 497, 514.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 266, Amendment No. 1055; Senate Bill No. 488, Amendment No. 1043, Senate Bill No. 492, Amendment No. 1005; Senate Bill No. 509, Amendments Nos. 1018, 1023, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill No. 394.

Also, I have the honor to inform your honorable body that the Assembly on this day receded from its action on Senate Bill No. 146, Assembly Amendment No. 840.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Segerblom moved that Senate Joint Resolution No. 8 of the 77th Session be taken from the Secretary's desk and placed on the General File on the next Agenda.

Motion lost on a division of the House.

Senator Kieckhefer moved that Senate Bill No. 454 be taken from the Second Reading File and placed on the Secretary's desk.

Motion carried.

Senator Roberson moved that Assembly Bill No. 177 be taken from the top of the General File and placed at the bottom of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 394.

Senator Kieckhefer moved that Assembly Bill No. 394 be referred to the Committee on Finance.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 495.

Bill read second time.

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

Amendment No. 1074.

SUMMARY—Makes various changes relating to bill draft requests. (BDR 17-1283)

AN ACT relating to the Legislature; requiring certain legislative measures requested by Legislators to be prefiled; revising provisions governing the submission of a request for the drafting of a legislative measure to the Legislative Counsel; revising the deadline for prefiling legislative measures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Legislative Counsel is prohibited from assigning a number to a bill draft request to establish the priority of the request until sufficient detail has been received to allow complete drafting of the requested measure. (NRS 218D.100) Sections 3-10 of this bill clarify that this

prohibition applies to bill draft requests from Legislators and authorized non-legislative requesters.

Existing law establishes deadlines by which Legislators and legislative committees are required to submit bill draft requests and subsequent deadlines by which they are required to submit sufficient detail to allow complete drafting of those requests. (NRS 218D.150, 218D.155, 218D.160) Sections 1-5 of this bill eliminate the subsequent deadlines relating to the submission of details for the drafting of a legislative measure, thereby requiring the submission of details for the drafting of a legislative measure with the bill draft request for that measure.

Under existing law, certain measures requested on behalf of nonlegislative requesters are required to be prefiled on or before December 20 preceding a regular session or are deemed withdrawn. (NRS 218D.175-218D.220, 218D.575-218D.585) Sections 6-10 of this bill move that prefiling deadline for those measures to the third Wednesday in November preceding a regular session. Section 2 of this bill requires certain measures requested by Legislators to be prefiled on or before the first day of a regular legislative session.

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

Section 1. NRS 218D.100 is hereby amended to read as follows:

218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) ~~{Except as otherwise provided in NRS 218D.150, 218D.155 and 218D.160, assign}~~ Assign a number to a request for the drafting of a legislative measure to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

(b) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

(c) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 2. NRS 218D.150 is hereby amended to read as follows:

218D.150 1. Except as otherwise provided in this section, each:

(a) Incumbent member of the Assembly may request the drafting of:

(1) Not more than 4 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;

(2) Not more than 5 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and

(3) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(b) Incumbent member of the Senate may request the drafting of:

(1) Not more than 8 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;

(2) Not more than 10 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and

(3) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(c) Newly elected member of the Assembly may request the drafting of:

(1) Not more than 5 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and

(2) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(d) Newly elected member of the Senate may request the drafting of:

(1) Not more than 10 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and

(2) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

2. Except as otherwise provided in this subsection, on or before the first day of a regular session, each:

(a) Incumbent member of the Assembly must:

(1) Prefile at least 4 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (a) of subsection 1; or

(2) Inform the Legislative Counsel of which 4 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (a) of subsection 1 that he or she withdraws.

➡ If an incumbent member of the Assembly does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (a) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

(b) Incumbent member of the Senate must:

(1) Prefile at least 8 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (b) of subsection 1; or

(2) Inform the Legislative Counsel of which 8 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (b) of subsection 1 that he or she withdraws.

➡ If an incumbent member of the Senate does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (b) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

(c) Newly elected member of the Assembly must:

(1) Prefile at least 2 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (c) of subsection 1; or

(2) Inform the Legislative Counsel of which 2 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (c) of subsection 1 that he or she withdraws.

➡ If a newly elected member of the Assembly does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (c) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

(d) Newly elected member of the Senate:

(1) Prefile at least 4 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (d) of subsection 1; or

(2) Inform the Legislative Counsel of which 4 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (d) of subsection 1 that he or she withdraws.

➡ If a newly elected member of the Senate does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (d) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

3. A Legislator may not request the drafting of a legislative measure pursuant to subsection 1 on or after the date on which the Legislator becomes a nonreturning Legislator. For the purposes of this subsection, "nonreturning Legislator" means a Legislator who, in the year that the Legislator's term of office expires:

(a) Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly;

(b) Has failed to win nomination as a candidate for the Senate or the Assembly at the primary election; or

(c) Has withdrawn as a candidate for the Senate or the Assembly.

~~3.4~~ 4. A Legislator may not request the drafting of a legislative measure pursuant to paragraph (a) or (b) of subsection 1 on or after the date on which the Legislator files a declaration or an acceptance of candidacy for election to the House in which he or she is not currently a member. If the Legislator is

elected to the other House, any request that he or she submitted pursuant to paragraph (a) or (b) of subsection 1 before filing his or her declaration or acceptance of candidacy for election counts against the applicable limitation set forth in paragraph (c) or (d) of subsection 1 for the House in which the Legislator is a newly elected member.

~~{4. If a request made pursuant to subsection 1 is submitted:~~

~~—(a) On or before August 1 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before November 1 preceding the regular session.~~

~~—(b) After August 1 but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January 1 preceding the regular session.~~

~~—(c) After a regular session has convened but on or before the 8th day of the regular session at 5 p.m., sufficient detail to allow complete drafting of the legislative measure must be submitted on or before the 15th day of the regular session.}~~

5. In addition to the number of requests authorized pursuant to subsection 1:

(a) The chair of each standing committee of the immediately preceding regular session, or a person designated in the place of the chair by the Speaker of the Assembly or the Majority Leader of the Senate, may request before the date of the general election preceding a regular session the drafting of not more than 1 legislative measure for introduction by the committee in a subject within the jurisdiction of the committee for every 18 legislative measures that were referred to the respective standing committee during the immediately preceding regular session.

(b) A person designated after the general election as a chair of a standing committee for the next regular session, or a person designated in the place of a chair by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular session, may request on or before December 10 preceding that regular session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chair or designee.

6. ~~{If a request made pursuant to subsection 5 is submitted:~~

~~—(a) Before the date of the general election preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before December 10 preceding the regular session.~~

~~—(b) After the date of the general election but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January 1 preceding the regular session.~~

~~7. 5.7~~ Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

~~6.]~~ 7. *The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.*

Sec. 3. NRS 218D.155 is hereby amended to read as follows:

218D.155 1. In addition to the number of requests authorized pursuant to NRS 218D.150:

(a) The Speaker of the Assembly and the Majority Leader of the Senate may each request before the date of the general election preceding a regular session, without limitation, the drafting of not more than 15 legislative measures for that regular session.

(b) The Minority Leader of the Assembly and the Minority Leader of the Senate may each request before the date of the general election preceding a regular session, without limitation, the drafting of not more than 10 legislative measures for that regular session.

(c) A person designated after the general election as the Speaker of the Assembly, the Majority Leader of the Senate, the Minority Leader of the Assembly or the Minority Leader of the Senate for the next regular session may request before the first day of that regular session the drafting of the remaining number of the legislative measures allowed for the respective officer that were not requested by the previous officer.

2. ~~{If a request made pursuant to subsection 1 is submitted:~~

~~—(a) Before the date of the general election preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before December 10 preceding the regular session.~~

~~—(b) After the date of the general election but before the first day of a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before March 1 of the regular session.~~

~~—3.]~~ The Legislative Counsel, the Secretary of the Senate and the Chief Clerk of the Assembly may request before or during a regular session, without limitation, the drafting of as many legislative measures as are necessary or convenient for the proper exercise of their duties.

3. *The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.*

Sec. 4. NRS 218D.160 is hereby amended to read as follows:

218D.160 1. The Chair of the Legislative Commission may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Legislative Commission, which relate to the affairs of the Legislature or its employees, including legislative measures requested by the legislative staff.

2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the first day of a regular

session, with the approval of the Committee, which relate to matters within the scope of the Committee.

~~3. If a request made pursuant to subsection 1 or 2 is submitted before the first day of a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before March 1 of the regular session.~~

~~4.]~~ Except as otherwise provided by a specific statute, joint rule or concurrent resolution:

(a) Any legislative committee created by a statute, other than an interim legislative committee, may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

(b) Any committee or subcommittee established by an order of the Legislative Commission pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee or subcommittee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

(c) Any other committee established by the Legislature which conducts an interim legislative study or investigation may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation.

↪ The requests authorized pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding a regular session unless the Legislative Commission authorizes submitting a request after that date.

~~[5. If a request made pursuant to subsection 4 is submitted on or before September 1 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before November 1 preceding the regular session.~~

~~6.]~~ 4. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

5. *The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.*

Sec. 5. NRS 218D.175 is hereby amended to read as follows:

218D.175 1. For a regular session, the Governor or the Governor's designated representative may request the drafting of not more than 110 legislative measures which have been approved by the Governor or the Governor's designated representative on behalf of the officers, agencies, boards, commissions, departments and other units of the Executive Department. The requests must be submitted to the Legislative Counsel on or before August 1 preceding the regular session.

2. The Department of Administration may request on or before the 19th day of a regular session, without limitation, the drafting of as many legislative measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State. In addition to the requests otherwise authorized pursuant to this section, the Governor may request the drafting of not more than 5 legislative measures on or before the 19th day of a regular session to propose the Governor's legislative agenda.

3. For a regular session, the following constitutional officers may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than the following numbers of legislative measures, which must be submitted to the Legislative Counsel on or before September 1 preceding the regular session:

Lieutenant Governor	3
Secretary of State	6
State Treasurer	5
State Controller	5
Attorney General.....	20

4. In addition to the requests authorized by subsection 3, the Secretary of State may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than 2 legislative measures, which must be submitted to the Legislative Counsel on or before December ~~{1}~~ 31 preceding the regular session. ~~{Sufficient detail to allow complete drafting of the legislative measures requested pursuant to this subsection must be submitted on or before December 31 preceding the regular session.}~~

5. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to subsections 1 and 3 must be prefiled on or before ~~{December 20}~~ the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that ~~{date}~~ day shall be deemed withdrawn.

6. *The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.*

Sec. 6. NRS 218D.190 is hereby amended to read as follows:

218D.190 1. For a regular session, the Supreme Court may request the drafting of not more than 10 legislative measures which have been approved by the Supreme Court on behalf of the Judicial Department. The requests must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before ~~{December 20}~~ the third

Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that ~~[date]~~ day shall be deemed withdrawn.

3. *The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.*

Sec. 7. NRS 218D.205 is hereby amended to read as follows:

218D.205 1. For a regular session, each board of county commissioners, board of trustees of a school district and city council may request the drafting of not more than the numbers of legislative measures set forth in this section if the requests are:

(a) Approved by the governing body of the county, school district or city at a public hearing before their submission to the Legislative Counsel; and

(b) Submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. The Legislative Counsel shall notify the requesting county, school district or city if its request substantially duplicates a request previously submitted by another county, school district or city.

3. The board of county commissioners of a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 4 legislative measures for a regular session.

(b) Is 100,000 or more but less than 700,000 may request the drafting of not more than 2 legislative measures for a regular session.

(c) Is less than 100,000 may request the drafting of not more than 1 legislative measure for a regular session.

4. The board of trustees of a school district in a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 2 legislative measures for a regular session.

(b) Is less than 700,000 may request the drafting of not more than 1 legislative measure for a regular session.

5. The city council of a city whose population:

(a) Is 500,000 or more may request the drafting of not more than 3 legislative measures for a regular session.

(b) Is 150,000 or more but less than 500,000 may request the drafting of not more than 2 legislative measures for a regular session.

(c) Is less than 150,000 may request the drafting of not more than 1 legislative measure for a regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before ~~[December 20]~~ *the third Wednesday in November* preceding the regular session. A legislative measure that is not prefiled on or before that ~~[date]~~ day shall be deemed withdrawn.

7. *The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to*

establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

8. As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.

Sec. 8. NRS 218D.210 is hereby amended to read as follows:

218D.210 1. For a regular session, an association of counties or cities may request the drafting of not more than 5 legislative measures. The requests must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before ~~[December 20]~~ *the third Wednesday in November* preceding the regular session. A legislative measure that is not prefiled on or before that ~~[date]~~ day shall be deemed withdrawn.

3. *The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.*

Sec. 9. NRS 218D.220 is hereby amended to read as follows:

218D.220 1. For a regular session, the Nevada Silver Haired Legislative Forum created by NRS 427A.320 may request the drafting of not more than 1 legislative measure which relates to matters within the scope of the Forum. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. A request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this section must be prefiled on or before ~~[December 20]~~ *the third Wednesday in November* preceding the regular session. A legislative measure that is not prefiled on or before that ~~[date]~~ day shall be deemed withdrawn.

3. *The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.*

Sec. 10. This act becomes effective on July 1, 2015.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

This amendment is meant to try to speed up the process of the Legislative Sessions by requiring people to have to actually prefile a small number of their bill draft requests. If you are in the Assembly two would have to be prefiled, four if you are in the Senate as a freshman or if you are an incumbent in either House four or eight would have to be prefiled depending on the incumbent's House.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 445.

Bill read second time.

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

Amendment No. 1069.

SUMMARY—Makes various changes relating to redevelopment. (BDR 22-1100)

AN ACT relating to redevelopment; requiring a portion of the revenues from taxes imposed on property in certain redevelopment areas to be set aside and used for public educational facilities; revising provisions relating to the extension of certain redevelopment plans; revising provisions relating to the recalculation of the total assessed value of taxable property in certain redevelopment areas; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a redevelopment plan, and any amendments to the plan, adopted by the redevelopment agency of a city or county on or after January 1, 1991, terminates not later than 30 years after the date on which the original redevelopment plan was adopted. (NRS 279.439) ~~(Section)~~ Except for a redevelopment area that includes real property conveyed by the Federal Government which contains certain abandoned mine or milling facilities, section 3 of this bill extends to a maximum of 45 years the date of termination of such a redevelopment plan, and any amendments to the plan, adopted by a city whose population is 220,000 or more but less than 500,000 located in a county whose population is 700,000 or more (currently the City of Henderson) if the city council adopts the extension of the plan by ordinance. If such an ordinance is adopted, section 1 of this bill requires that 18 percent of the revenues received from taxes on the taxable property located in the redevelopment area affected by the ordinance on or after the effective date of the ordinance be set aside to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. Section 1 also provides that the obligation to set aside such revenues is subordinate to any existing obligations of the agency.

Under existing law, the date of termination of a redevelopment plan and any amendments to the plan adopted before January 1, 1991, by a redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) is authorized to be extended by ordinance adopted by the city council of that city from a maximum of 45 years to 60 years if the following conditions exist on the date on which the extension is adopted: (1) the assessed value of each redevelopment project in the redevelopment area is not less than the assessed value of the redevelopment project in the year in which the redevelopment plan was adopted; (2) the assessed value of the redevelopment area is not less than 75 percent of the assessed value of the redevelopment area in the year in which the redevelopment plan was adopted; and (3) the agency has \$100 million or

more in total outstanding indebtedness represented by bonds and other securities. (NRS 279.438) Section 2 of this bill changes the assessed value requirement in the first condition from the basis of each individual redevelopment project to the aggregate of redevelopment projects in the redevelopment area and eliminates the third condition.

Under existing law, a redevelopment agency in a city located in a county whose population is 700,000 or more (currently Clark County) is authorized to adopt, in certain circumstances, an ordinance which provides for the recalculation of the total assessed value of the taxable property in a redevelopment area for certain purposes. If such a redevelopment agency adopts such an ordinance and receives certain revenue from taxes, existing law requires that 18 percent of the revenue received on or after the effective date of the ordinance be set aside to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. (NRS 279.676) Section 3.5 of this bill revises the application of the recalculated assessed value in the tax distribution formula for the redevelopment area and specifies that the revenue received by the agency is from taxes on the taxable property located in the redevelopment area affected by the ordinance that is adopted.

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

Section 1. Chapter 279 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, an agency of a city whose population is 220,000 or more but less than 500,000 located in a county whose population is 700,000 or more that adopts an ordinance pursuant to subsection 3 of NRS 279.439 and which receives revenue pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance shall set aside not less than 18 percent of such revenue received on or after the effective date of the ordinance to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. The provisions of this subsection do not apply if such an agency is required pursuant to subsection 6 of NRS 279.676 to set aside not less than 18 percent of revenue received pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance adopted by the agency pursuant to subsection 5 of NRS 279.676 on or after the effective date of that ordinance to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. For each fiscal year, the agency shall prepare a written report concerning the amount of money expended for the purposes set forth in this subsection and shall, on or before November 30 of each year, submit a copy of the report to the Director of the Legislative Counsel Bureau for

transmittal to the Legislative Commission, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

2. *The obligation of an agency pursuant to subsection 1 to set aside not less than 18 percent of the revenue allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance adopted by the agency pursuant to subsection 3 of NRS 279.439 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before the effective date of the ordinance adopted by the agency pursuant to subsection 3 of NRS 279.439, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency on or after the effective date of the ordinance adopted by the agency pursuant to subsection 3 of NRS 279.439 shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.*

Sec. 2. NRS 279.438 is hereby amended to read as follows:

279.438 1. A redevelopment plan adopted before January 1, 1991, and any amendments to the plan must terminate at the end of the fiscal year in which the principal and interest of the last maturing of the securities issued before that date concerning the redevelopment area are fully paid or:

(a) With respect to a redevelopment plan adopted by the agency of a city whose population is 500,000 or more, if the requirements set forth in subsection 2 are met, 60 years after the date on which the original redevelopment plan was adopted, whichever is later.

(b) With respect to any other redevelopment plan, including a redevelopment plan adopted by an agency of a city whose population is 500,000 or more, if the requirements set forth in subsection 2 are not met, 45 years after the date on which the original redevelopment plan was adopted, whichever is later.

2. A redevelopment plan adopted by an agency of a city whose population is 500,000 or more may terminate on the date prescribed by paragraph (a) of subsection 1 only if the legislative body adopts an extension of the redevelopment plan by ordinance and, on the date on which the extension is adopted:

(a) The assessed value of ~~each~~ *the aggregate number of* redevelopment ~~project~~ *projects* in the redevelopment area is not less than the assessed value of the *aggregate number of* redevelopment ~~project~~ *projects* in the year in which the redevelopment plan was adopted; and

(b) The assessed value of the redevelopment area is not less than 75 percent of the assessed value of the redevelopment area in the year in which the redevelopment plan was adopted. ~~and~~

~~—(e) The agency has \$100 million or more in total outstanding indebtedness represented by bonds and other securities.]~~

Sec. 3. NRS 279.439 is hereby amended to read as follows:

279.439 ~~[A]~~

1. *Except as otherwise provided in subsections 2 and 3, a redevelopment plan adopted on or after January 1, 1991, and any amendments to the plan must terminate not later than 30 years after the date on which the original redevelopment plan is adopted.*

2. ~~4.~~ *Except for a redevelopment area described in subsection 2 of section 1 of Senate Bill No. 297 of this session, a redevelopment plan, and any amendments to the plan, adopted on or after January 1, 1991, by an agency of a city whose population is 220,000 or more but less than 500,000 located in a county whose population is 700,000 or more that meets the requirement of subsection 3 must terminate not later than 45 years after the date on which the original redevelopment plan is adopted.*

3. *A redevelopment plan, and any amendments to the plan, may terminate on the date prescribed by subsection 2 only if the legislative body adopts an extension of the redevelopment plan by ordinance.*

Sec. 3.5. NRS 279.676 is hereby amended to read as follows:

279.676 1. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in the redevelopment area each year by or for the benefit of the State, any city, county, district or other public corporation, after the effective date of the ordinance approving the redevelopment plan, must be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment area as shown upon the assessment roll used in connection with the taxation of the property by the taxing agency, last equalized before the effective date of the ordinance, must be allocated to and when collected must be paid into the funds of the respective taxing agencies as taxes by or for such taxing agencies on all other property are paid. To allocate taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment area on the effective date of the ordinance but to which the territory has been annexed or otherwise included after the effective date, the assessment roll of the county last equalized on the effective date of the ordinance must be used in determining the assessed valuation of the taxable property in the redevelopment area on the effective date. If property which was shown on the assessment roll used to determine the amount of taxes allocated to the taxing agencies is transferred to the State and becomes exempt from taxation, the assessed valuation of the exempt property as shown on the assessment roll last equalized before the date on which the property was transferred to the State must be subtracted from the assessed valuation used to determine the amount of revenue allocated to the taxing agencies.

(b) Except as otherwise provided in paragraphs (c) and (d) and NRS 540A.265, that portion of the levied taxes each year in excess of the amount set forth in paragraph (a) must be allocated to and when collected must be paid into a special fund of the redevelopment agency to pay the costs of redevelopment and to pay the principal of and interest on loans, money advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, incurred by the redevelopment agency to finance or refinance, in whole or in part, redevelopment. Unless the total assessed valuation of the taxable property in a redevelopment area exceeds the total assessed value of the taxable property in the redevelopment area as shown by:

(1) The assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan; or

(2) The assessment roll last equalized before the effective date of an ordinance adopted pursuant to subsection 5,

↪ whichever occurs later, less the assessed valuation of any exempt property subtracted pursuant to paragraph (a), all of the taxes levied and collected upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies. When the redevelopment plan is terminated pursuant to the provisions of NRS 279.438 and 279.439 and all loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(c) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a tax rate levied by a taxing agency to produce revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the debt service fund of that taxing agency.

(d) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a new or increased tax rate levied by a taxing agency and was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the appropriate fund of the taxing agency.

2. Except as otherwise provided in subsection 3, in any fiscal year, the total revenue paid to a redevelopment agency must not exceed:

(a) In a county whose population is 100,000 or more or a city whose population is 150,000 or more, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 10 percent of the total assessed valuation of the municipality.

(b) In a county whose population is 30,000 or more but less than 100,000 or a city whose population is 25,000 or more but less than 150,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal

year multiplied by 15 percent of the total assessed valuation of the municipality.

(c) In a county whose population is less than 30,000 or a city whose population is less than 25,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 20 percent of the total assessed valuation of the municipality.

➔ If the revenue paid to a redevelopment agency must be limited pursuant to paragraph (a), (b) or (c) and the redevelopment agency has more than one redevelopment area, the redevelopment agency shall determine the allocation to each area. Any revenue which would be allocated to a redevelopment agency but for the provisions of this section must be paid into the funds of the respective taxing agencies.

3. The taxing agencies shall continue to pay to a redevelopment agency any amount which was being paid before July 1, 1987, and in anticipation of which the agency became obligated before July 1, 1987, to repay any bond, loan, money advanced or any other indebtedness, whether funded, refunded, assumed or otherwise incurred.

4. For the purposes of this section, the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan is the assessment roll in existence on March 15 immediately preceding the effective date of the ordinance.

5. If in any year the assessed value of the taxable property in a redevelopment area located in a city in a county whose population is 700,000 or more as shown by the assessment roll most recently equalized has decreased by 10 percent or more from the assessed value of the taxable property in the redevelopment area as shown by the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan, the redevelopment agency may adopt an ordinance which provides that the total assessed value of the taxable property in the redevelopment area for the purposes of ~~paragraph~~ paragraphs (a) and (b) of subsection 1 is the total assessed value of the taxable property in the redevelopment area as shown by the assessment roll last equalized before the effective date of the ordinance adopted pursuant to this subsection. A redevelopment agency may adopt an ordinance pursuant to this subsection only once, and the election to adopt such an ordinance is irrevocable.

6. An agency which adopts an ordinance pursuant to subsection 5 and which receives revenue ~~from taxes~~ pursuant to paragraph (b) of subsection 1 *from taxes on the taxable property located in the redevelopment area affected by the ordinance* shall set aside not less than 18 percent of that revenue received on and after the effective date of the ordinance to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. For each fiscal year, the agency shall prepare a written report concerning the amount of money expended for the purposes set forth in this subsection and shall, on or before November 30 of each year, submit a

copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

7. The obligation of an agency pursuant to subsection 6 to set aside not less than 18 percent of the revenue ~~[from taxes]~~ allocated to and received by the agency pursuant to paragraph (b) of subsection 1 *from taxes on the taxable property located in the redevelopment area affected by the ordinance adopted by the agency pursuant to subsection 5* is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by an agency before the effective date of an ordinance adopted by the agency pursuant to subsection 5, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency on or after the effective date of an ordinance adopted by the agency pursuant to subsection 5 shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

Sec. 4. NRS 279.680 is hereby amended to read as follows:

279.680 Except as otherwise provided in NRS 279.685 ~~[,]~~ *and section 1 of this act*, in any redevelopment plan, or in the proceedings for the advance of money, or the making of loans, or the incurring of any indebtedness, whether funded, refunded, assumed or otherwise, by the redevelopment agency to finance or refinance, in whole or in part, the redevelopment project, the portion of taxes mentioned in paragraph (b) of subsection 1 of NRS 279.676 may be irrevocably pledged for the payment of the principal of and interest on those loans, advances or indebtedness.

Sec. 5. NRS 279.687 is hereby amended to read as follows:

279.687 A school district shall not use any money received pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 279.685, ~~[or]~~ paragraph (c) of subsection 1 of NRS 279.685 *or section 1 of this act* to reduce or supplant the amount of any money which the school district would otherwise expend for the purposes described in subparagraph (2) of paragraph (b) of subsection 1 of NRS 279.685, ~~[and]~~ paragraph (c) of subsection 1 of NRS 279.685 ~~[,]~~ *and section 1 of this act*, respectively.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to the reporting requirements of section 1 of this act.

Sec. 7. This act becomes effective on July 1, 2015.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

The amendment provides an exception for a redevelopment area that includes real property conveyed by the federal government which contains certain abandoned mine or milling facilities.

Amendment adopted.

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

GENERAL FILE AND THIRD READING

Assembly Bill No. 221.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 221 provides some data-privacy protection for students and families.

Roll call on Assembly Bill No. 221:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 221 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 332.

Bill read third time.

Remarks by Senator Atkinson.

Assembly Bill No. 332 prohibits any public body including the State, its local governments, school districts and any public agency thereof that sponsors or finances a public work from entering into a contract, express or implied, for a public work that provides that any construction materials or goods to be used on the public work be purchased or otherwise supplied by the public body, a contractor who is a constituent part of the public body or a contractor who is not a constituent part of the public body acting on behalf of the public body. The bill exempts a building of the Nevada System of Higher Education from certain provisions requiring that a public body use the services of the State Public Works Division if less than 25 percent of the costs of the building are paid from money appropriated by this State or federal money. Finally, the measure revises the minimum qualifications for the Administrator of the State Public Works Division. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 332:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 332 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 436.

Bill read third time.

Remarks by Senator Kieckhefer.

This bill eliminates longevity pay in conformance with the budget.

Roll call on Assembly Bill No. 436:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 436 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 476.

Bill read third time.

Remarks by Senators Kieckhefer and Ford.

SENATOR KIECKHEFER:

This is a budget alignment bill that allows the Athletic Commission to become self-funded.

SENATOR FORD:

Is this the bill that was related to the LET Bill that we just passed out of the Assembly?

SENATOR KIECKHEFER:

This is in conformance with the LET Bill.

Roll call on Assembly Bill No. 476:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 476 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 493.

Bill read third time.

Remarks by Senators Parks and Ford.

SENATOR PARKS:

Assembly Bill No. 493 provides that the governing body of an incorporated city is authorized, with certain exceptions, to exercise all powers necessary or proper to address matters of local concern for the effective operation of city government, whether or not the powers are expressly granted to the city government. Matters of local concern include any matters that primarily affect or impact areas located in the city or persons who reside, work or visit the city, and that do not have a significant effect or impact on areas located in other cities or counties. These powers remain subject to all federal and State constitutional, statutory and regulatory provisions. The bill also provides a list of powers the governing body of an incorporated city cannot exercise without being expressly authorized by law.

The Nevada League of Cities is directed to compile and report on information regarding the implementation of the provisions of this bill to the next regular Session of the Legislature in 2017. This bill is effective on July 1, 2015.

SENATOR FORD:

Unfortunately, I have to rise in opposition to this bill. We just passed one recently that gives functional home rule to counties. This one goes a bit too far for my taste. It gives it to cities as well.

Senators Roberson, Settlemeyer and Brower moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 493.

Roll call on Assembly Bill No. 493:

YEAS—14.

NAYS—Atkinson, Denis, Ford, Kihuen, Spearman, Woodhouse—6.

EXCUSED—Smith.

Assembly Bill No. 493 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 496

Bill read third time.

Senator Roberson moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 11:02 p.m.

SENATE IN SESSION

At 11:03 p.m.

President Hutchison presiding.

Quorum present.

Remarks by Senator Atkinson.

I am sorry. I am trying to catch up real quick. You said it is a good bill, but we need to hear it. I know we are trying to rush, but folks need to know what they are voting on.

Senator Roberson moved that the bill be taken from the top of the General File and placed at the bottom of the General File.

Motion carried.

Assembly Bill No. 497.

Bill read third time.

Senator Roberson moved that the bill be taken from the top of the General File and placed at the bottom of the General File.

Motion carried.

Assembly Bill No. 498.

Bill read third time.

Remarks by Senators Settelmeyer and Spearman.

SENATOR SETTELMEYER:

In December, 2014, the Public Utilities Commission of Nevada (PUC) approved Nevada Power Company's first Emissions Reduction and Capacity Replacement Plan. The approved plan achieved many of the objectives of the Legislature in mandating the adoption of the plan through retirement or elimination of coal-fire generation serving Nevada. Through placement of a portion of the retired coal-generation capacity, through the acquisition of 496 megawatts of gas-fire generation, the construction of 15 megawatts of renewable facilities located at the Nellis Air Force Base, cementing the relationship between Nevada Power and the customer, and the issuance of a 200 megawatt request for renewable energy. Assembly Bill No. 498 is not intended to address those actions that Nevada Power has taken with the approval of the Public Utilities Commission of Nevada.

Instead, this legislation is intended to ensure that the Public Utilities Commission of Nevada has all the tools it needs to supervise the remaining elements of the Emissions Reduction and Capacity Replacement Plan. Namely, the issuance of a third request for renewable energy proposals; the construction of another 35 megawatts of renewable energy facilities by Nevada Power and the construction or acquisition of the remaining 54 megawatts of general generating capacity needed to replace retired coal-fired generating units.

Several large users of electricity have applied, pursuant to chapter 704B of NRS, to purchase energy from an alternative provider. If these users choose to leave the system, it may affect the need for additional generating capacity. Assembly Bill No. 498 simply requires the Commission to ensure that the electric utility has satisfactorily demonstrated the need for electric generating capacity before approving it.

The bill does not affect the approval process of the first two 100-megawatt renewable energy proposals. The Commission will review those contracts and approve them if the Commission determines the contracts are in the best interest of Nevadans.

SENATOR SPEARMAN:

Is there a real pressing need for this? What has changed since last Session in terms of Senate Bill 123.

SENATOR SETTELMEYER:

What was indicated was: if certain individuals, the larger users, were allowed to leave the system, it would adversely affect the need to progress with those additional plans that were being discussed. The bill gives the flexibility to the PUC to make that determination.

SENATOR SPEARMAN:

Will this bill keep them from leaving or not?

SENATOR SETTELMEYER:

I do not believe that is the intent or within the bill. What this bill indicates is: if the larger users do leave, that means the next aspects of the renewable energy portions may not be necessary. I do not believe that the bill contemplates the concept of preventing anyone from leaving.

Roll call on Assembly Bill No. 498:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 498 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Roberson moved that Assembly Bill No. 177 be taken from the General File and placed on the General File on the seventh Agenda.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 496.

Bill read third time.

Remarks by Senator Farley.

Assembly Bill No. 496 provides that certain powers and duties of the Legislative Commission that apply to legislative studies established by concurrent resolution also apply to studies established by statute. Certain requirements and restrictions imposed on the staff of the Legislative Counsel Bureau also apply to investigations established by statute.

Roll call on Assembly Bill No. 496:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 496 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 497.

Bill read third time.

Remarks by Senator Roberson.

This bill allows for a tax increment area (TIA) to be used in conjunction with the State Bond Bank and allows the TIA to use 50 percent of the increased Modified Business Tax and sales taxes specifically for a water project that costs over \$50 million. The taxing entity keeps all the existing modified business, property and sales taxes as well as 50 percent of the increased sales and modified business taxes. Any project must be first approved by the Interim Finance Committee. The effective date of this act is July 1, 2015.

Roll call on Assembly Bill No. 497:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 497 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 266.

The following Assembly amendment was read:

Amendment No. 1055.

SUMMARY—Revises provisions relating to the tax on live entertainment.
(BDR 32-720)

AN ACT relating to taxation; revising provisions relating to the rate, imposition and calculation of the tax on live entertainment; revising provisions governing the exemptions and exclusions from the tax on live entertainment; revising provisions governing the distribution of certain proceeds of the tax on live entertainment; revising various provisions relating to the tax on live entertainment; revising provisions governing investigations and the initiation of complaints by the State Gaming Control Board for violations relating to the tax on live entertainment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes an excise tax on admission to certain facilities where live entertainment is provided. (Chapter 368A of NRS) Under existing law, if live entertainment is provided at an establishment that is not a licensed gaming establishment or certain smaller licensed gaming establishments, the tax is imposed only if consideration is collected for admission to the area or

premises where live entertainment is provided. However, if live entertainment is provided at certain larger licensed gaming establishments, the tax is imposed whenever live entertainment is provided, regardless of whether consideration is collected for admission to the area or premises where the live entertainment is provided. (NRS 368A.060) Section 1.5 of this bill revises these provisions to provide that, regardless of whether live entertainment is provided at a gaming establishment, the tax is imposed only if consideration is collected for admission to the area or premises where live entertainment is provided.

Under existing law, the rate and imposition of the tax depends upon the size of the facility in which the live entertainment is provided. If the live entertainment is provided at a facility with a maximum occupancy of less than 7,500 persons, the rate of the tax is 10 percent of the admission charge to the facility plus 10 percent of any amounts paid for food, refreshments and merchandise purchased at the facility. If the live entertainment is provided at a facility with a maximum occupancy of at least 7,500 persons, the rate of the tax is 5 percent of the admission charge to the facility. (NRS 368A.200) Section 3 of this bill revises the rate of the tax to provide that: (1) the rate of the tax is 9 percent of the admission charge to a facility where live entertainment is provided; and (2) the tax is not imposed on amounts paid for food, refreshments and merchandise. Sections 1.03, 1.07, 1.5, 2, 2.1, 3 and 3.2 of this bill provide that the tax applies to escorts and escort services and that the rate of the tax is 9 percent of the total amount of consideration paid for the escort or escort service.

Under existing law, the "admission charge" on which the tax is based is defined as the total amount of consideration paid for the right or privilege to enter, or have access to, a facility where live entertainment is provided. (NRS 368A.010) Section 1.4 of this bill revises this definition to specifically include in the tax membership fees, certain service charges and any other charge that is required to be paid in connection with admission to a facility where live entertainment is provided. Section 1.4 also excludes from the tax: (1) the value of certain admissions provided to a patron on a complimentary basis; (2) a charge for access to a table, seat or lounge or for food, beverages or merchandise that are in addition to the charge for admission to the facility; and (3) certain license and rental fees for luxury suites, boxes or other similar products at a facility with a maximum occupancy of more than 7,500 persons.

Existing law excludes certain activities from the tax on admission to facilities where live entertainment is provided. (NRS 368A.090, 368A.200) Sections 2 and 3 of this bill remove certain exclusions and, thus, pursuant to section 1.5, these activities would be subject to the tax on live entertainment if they constitute live entertainment and consideration is collected for admission to the facility where the activity is provided. Sections 2 and 3 also add provisions that exclude the following from the tax: (1) certain uncompensated, spontaneous performances; (2) activities that do not

constitute a performance, including, without limitation, go-go dancing; (3) certain marketing or promotional activities that are associated with the serving of food and beverages; (4) live entertainment provided by the Nevada Interscholastic Activities Association or by certain schools if only pupils or faculty provide the entertainment; (5) athletic events provided by institutions of the Nevada System of Higher Education, if students of such an institution are contestants in the event; and (6) an athletic event conducted by a professional team based in this State if that team is a participant in the event. Finally, under section 3, the exclusion from the tax for race events at a race track in this State as a part of the National Association for Stock Car Racing (NASCAR) Sprint Cup Series is modified to apply only if two NASCAR races are held at the race track.

Section 2.5 of this bill sets forth a procedure by which the Nevada Gaming Commission and the Nevada Tax Commission, as applicable, may determine the amount upon which the tax on live entertainment is based under certain circumstances when that amount is not capable of reasonable determination.

Under existing law, live entertainment provided by certain nonprofit organizations is exempt from the tax on live entertainment. (NRS 368A.200) Section 3 provides that this exemption applies only if the number of tickets to the live entertainment provided by the nonprofit organization which are offered for sale or other distribution to patrons is less than 7,500. Thus, under section 3, the tax on live entertainment applies to any live entertainment provided by a nonprofit organization for which 7,500 or more tickets are offered for sale or other distribution to patrons.

Existing law requires the State Gaming Control Board and the Department of Taxation to deposit all taxes, interest and penalties they receive from the tax on live entertainment in the State Treasury for credit to the State General Fund. (NRS 368A.240) Section 3.1 of this bill requires the Department of Taxation, on or before October 1 of each year, to deposit \$150,000 from the taxes, interest and penalties it receives from the tax on live entertainment, for credit to the Nevada Arts Council which is a division of the Department of Tourism and Cultural Affairs. Under section 3.1, this money is authorized for expenditure by the Nevada Arts Council as a continuing appropriation.

Existing law requires the State Gaming Control Board to make investigations and to initiate a hearing by filing a complaint with the Nevada Gaming Commission if the Board is satisfied that a person or entity which is licensed, registered, found suitable or found preliminarily suitable or which previously obtained approval for an activity for which Commission approval was required or permitted should be limited, conditioned, suspended, revoked or fined. (NRS 463.310) Section 5 of this bill similarly requires the Board to make investigations and to initiate a hearing by filing a complaint with the Commission if the Board is satisfied that such a person or entity has violated certain provisions relating to the tax on live entertainment.

Existing law also: (1) requires a licensed gaming establishment to maintain records relating to, report, pay and truthfully account for the tax on live

entertainment; and (2) prohibits certain practices relating to falsifying information or books, records or accounts relating to the tax on live entertainment. (NRS 368A.160, 368A.350, 368A.360) Section 4 of this bill provides that a violation of such provisions by a licensed gaming establishment, with the intent to avoid a payment of the tax which is known to be due, is an unsuitable method of operation and is subject to investigation and disciplinary proceedings by the Board and the Commission.

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

Section 1. Chapter 368A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.03 and 1.07 of this act.

Sec. 1.03. 1. *"Escort" means a person who, for monetary consideration, in the form of a fee, commission or salary, dates, socializes, visits, consorts with or accompanies, or offers to date, socialize, visit, consort with or accompany, another or others to or about social affairs, entertainments or places of amusement or within any place of public resort or within any private quarters. The term does not include a person who advertises, or works as an employee, agent or independent contractor for a person who advertises, that sexual conduct will be provided to a patron, or who solicits, offers to provide or provides acts of sexual conduct to a patron.*

2. *As used in this section, "sexual conduct" means sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.*

Sec. 1.07. 1. *"Escort service" means a person who, for a fee, commission, profit, payment or other monetary consideration, furnishes, refers or offers to furnish or refer an escort to a patron, offers to introduce a patron to an escort, or who provides an escort to a patron. The term does not include a person who advertises that an escort will provide sexual conduct to a patron or who solicits, offers to provide or provides acts of sexual conduct to a patron.*

2. *As used in this section, "sexual conduct" has the meaning ascribed to it in section 1.03 of this act.*

Sec. 1.3. NRS 368A.010 is hereby amended to read as follows:

368A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 368A.020 to 368A.115, inclusive, *and sections 1.03 and 1.07 of this act* have the meanings ascribed to them in those sections.

Sec. 1.4. NRS 368A.020 is hereby amended to read as follows:

368A.020 ~~["Admission"]~~

1. *Except as otherwise provided in this section, "admission charge" means the total amount, expressed in terms of money, of consideration paid for the right or privilege to enter or have access to a facility where live entertainment is provided.* ~~["The"]~~

2. *Except as otherwise provided in this section or NRS 368A.200 or any other specific statute, the term includes, without limitation, an entertainment fee, a cover charge, ~~a table reservation fee, or~~ a required minimum purchase of food, ~~refreshments~~ beverages or merchandise ~~[-]~~, a membership fee and a service charge or any other fee or charge that is required to be paid in exchange for admission to a facility where live entertainment is provided.*

3. *The term does not include:*

(a) *The value of an admission to a facility provided to a patron on a complimentary basis, unless the complimentary admission is associated with a separate purchase that is required for the patron to enter or have access to the facility; or*

(b) *A charge for the right or privilege of entering, or having access to, a particular portion within a facility, that is in addition to a charge described in subsection 1 or 2, including, without limitation, a charge for:*

(1) *Food, beverages or merchandise that is in addition to a required minimum purchase of food, beverages or merchandise as described in subsection 2; or*

(2) *Access to tables, seats, lounge chairs or particular areas near a swimming pool.*

4. *Except as otherwise provided in this subsection, the term does not include license or rental fees for luxury suites, boxes or similar products at facilities with a maximum occupancy of at least 7,500 persons. If the license or rental fee includes the admission of a certain number of patrons to a facility where a live entertainment event is provided, the admission charge is an amount equal to the lowest priced admission charge for the live entertainment event multiplied by the number of admissions to the live entertainment event included in the license or rental fee.*

Sec. 1.5. NRS 368A.060 is hereby amended to read as follows:

368A.060 ~~[-]~~ "Facility" means ~~[-]~~:

~~—(a) Any~~ any area or premises, indoor or outdoor, where live entertainment is provided and for which consideration is collected for the right or privilege of entering, or having access to, that area or those premises. ~~[-]~~ ~~if the live entertainment is provided at:~~

~~—(1) An establishment that is not a licensed gaming establishment; or~~

~~—(2) A licensed gaming establishment that is licensed for less than 51 slot machines, less than 6 games, or any combination of slot machines and games within those respective limits.~~

~~—(b) Any area or premises where live entertainment is provided if the live entertainment is provided at any other licensed gaming establishment.~~

~~—2. "Facility" encompasses, if live entertainment is provided at a licensed gaming establishment that is licensed for:~~

~~—(a) Less than 51 slot machines, less than 6 games, or any combination of slot machines and games within those respective limits, any area or premises where the live entertainment is provided and for which consideration is collected, from one or more patrons, for the right or privilege of entering that~~

~~area or those premises, even if additional consideration is collected for the right or privilege of entering a smaller venue within that area or those premises; or~~

~~—(b) At least 51 slot machines or at least 6 games, any designated area on the premises of the licensed gaming establishment within which the live entertainment is provided.]~~

Sec. 2. NRS 368A.090 is hereby amended to read as follows:

368A.090 1. "Live entertainment" means any activity provided for pleasure, enjoyment, recreation, relaxation, diversion or other similar purpose by a person or persons who are physically present when providing that activity to a patron or group of patrons who are physically present.

2. The term:

(a) Includes, without limitation, any one or more of the following activities:

(1) Music or vocals provided by one or more professional or amateur musicians or vocalists;

(2) Dancing performed by one or more professional or amateur dancers or performers ~~[-]~~, *including, without limitation, dancing performed by one or more persons who are nude or partially nude;*

(3) Acting or drama provided by one or more professional or amateur actors or players;

(4) Acrobatics or stunts provided by one or more professional or amateur acrobats, performers or stunt persons;

(5) Animal stunts or performances induced by one or more animal handlers or trainers, except as otherwise provided in subparagraph ~~[(7)]~~ (3) of paragraph (b);

(6) Athletic or sporting contests, events or exhibitions provided by one or more professional or amateur athletes, sportsmen or sportswomen;

(7) Comedy or magic provided by one or more professional or amateur comedians, magicians, illusionists, entertainers or performers;

(8) A show or production involving any combination of the activities described in subparagraphs (1) to (7), inclusive; ~~and]~~

(9) A performance ~~[involving one or more of the activities described in this paragraph]~~ by a disc jockey who presents recorded music ~~[- For the purposes of this subparagraph, a disc jockey shall not be deemed to have engaged in a performance involving one or more of the activities described in this paragraph if the disc jockey generally limits his or her interaction with patrons to introducing the recorded music, making announcements of general interest to patrons, and explaining, encouraging or directing participatory activities between patrons.] ; and~~

(10) *An escort who is escorting one or more persons at a location or locations in this State.*

(b) ~~[Excludes.]~~ *Except as otherwise provided in subsection 3, excludes,* without limitation, any one or more of the following activities:

~~(1) [Instrumental or vocal music, which may or may not be supplemented with commentary by the musicians, in a restaurant, lounge or similar area if such music does not routinely rise to the volume that interferes with casual conversation and if such music would not generally cause patrons to watch as well as listen;~~

~~—(2) Occasional performances by employees whose primary job function is that of preparing, selling or serving food, refreshments or beverages to patrons, if such performances are not advertised as entertainment to the public;~~

~~—(3) Performances by performers of any type if the performance occurs in a licensed gaming establishment other than a licensed gaming establishment that is licensed for less than 51 slot machines, less than 6 games, or any combination of slot machines and games within those respective limits, as long as the performers stroll continuously throughout the facility;~~

~~—(4) Performances in areas other than in nightclubs, lounges, restaurants or showrooms, if the performances occur in a licensed gaming establishment other than a licensed gaming establishment that is licensed for less than 51 slot machines, less than 6 games, or any combination of slot machines and games within those respective limits, which enhance the theme of the establishment or attract patrons to the areas of the performances, as long as any seating provided in the immediate area of the performers is limited to seating at slot machines or gaming tables;~~

~~—(5)} Television, radio, closed circuit or Internet broadcasts of live entertainment;~~

~~{{(6)} (2) Entertainment provided by a patron or patrons, including, without limitation, singing by patrons or dancing by or between patrons;~~

~~{{(7)} (3) Animal behaviors induced by animal trainers or caretakers primarily for the purpose of education and scientific research [; and~~

~~—(8) An occasional activity, including, without limitation, dancing, that:~~

~~—(I) Does not constitute a performance;~~

~~—(II) Is not advertised as entertainment to the public;~~

~~—(III) Primarily serves to provide ambience to the facility; and~~

~~—(IV) Is conducted by an employee whose primary job function is not that of an entertainer.];~~

(4) An activity that is an uncompensated, spontaneous performance that is not longer than 20 minutes during a 60-minute period;

(5) An activity described in subparagraphs (1) to (8), inclusive, of paragraph (a) that does not constitute a performance, including, without limitation, go-go dancing; or

(6) Marketing or promotional activities, including, without limitation, dancing or singing that is for a period that does not exceed 20 minutes during a 60-minute period and that is associated with the serving of food and beverages.

3. *The exclusions set forth in paragraph (b) of subsection 2 do not apply to an activity provided by a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c), or by a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS, when the number of tickets to the activity offered for sale or other distribution is 15,000 or more.*

4. *As used in this section, "person who is nude or partially nude" means a natural person with any of the following less than completely or opaquely covered:*

- (a) His or her genitals;*
- (b) The pubic region; or*
- (c) A female breast below a point immediately above the top of the areola.*

Sec. 2.1. NRS 368A.110 is hereby amended to read as follows:

368A.110 "Taxpayer" means:

1. ~~[(H)]~~ *Except as otherwise provided in subsection 4, if live entertainment that is taxable under this chapter is provided at a licensed gaming establishment, the person licensed to conduct gaming at that establishment.*

2. *Except as otherwise provided in ~~[subsection]~~ subsections 3 ~~[,]~~ and 4, if live entertainment that is taxable under this chapter is not provided at a licensed gaming establishment, the owner or operator of the facility where the live entertainment is provided.*

3. ~~[(H)]~~ *Except as otherwise provided in subsection 4, if live entertainment that is taxable under this chapter is provided at a publicly owned facility or on public land, the person who collects the taxable receipts.*

4. *If live entertainment that is taxable under this chapter is provided by an escort, the escort or, if the escort works as an employee, agent or independent contractor for an escort service, the owner or operator of the escort service.*

Sec. 2.5. NRS 368A.150 is hereby amended to read as follows:

368A.150 1. If:

(a) The Board determines that a taxpayer who is a licensed gaming establishment is taking any action with intent to defraud the State or to evade the payment of the tax or any part of the tax imposed by this chapter, the Board shall establish an amount upon which the tax imposed by this chapter must be based.

(b) The Department determines that a taxpayer who is not a licensed gaming establishment is taking any action with intent to defraud the State or to evade the payment of the tax or any part of the tax imposed by this chapter, the Department shall establish an amount upon which the tax imposed by this chapter must be based.

2. The amount established by the Board or the Department pursuant to subsection 1 must be based upon the tax liability of business entities that are deemed comparable by the Board or the Department to that of the taxpayer.

3. *If:*

(a) *The Board determines that a taxpayer who is a licensed gaming establishment is liable for the tax imposed by this chapter but the amount upon which the tax must be based is vague or subjective, not capable of reasonable determination or is the subject of a dispute that cannot be proven to the reasonable satisfaction of the Nevada Gaming Commission, the Nevada Gaming Commission may establish the amount upon which the tax must be based by multiplying the number of admissions to the facility where the live entertainment was provided by an amount not to exceed \$50. The provisions of chapter 463 of NRS relating to the imposition of penalties and interest apply to the determination of the amount of tax owed by the taxpayer pursuant to this section.*

(b) *The Department determines that a taxpayer who is not a licensed gaming establishment is liable for the tax imposed by this chapter but the amount upon which the tax must be based is vague or subjective, not capable of reasonable determination or is the subject of a dispute that cannot be proven to the reasonable satisfaction of the Nevada Tax Commission, the Nevada Tax Commission may establish the amount upon which the tax must be based by multiplying the number of admissions to the facility where the live entertainment was provided by an amount not to exceed \$50. The provisions of chapter 360 of NRS relating to the imposition of penalties and interest apply to the determination of the amount of tax owed by the taxpayer pursuant to this section.*

Sec. 3. NRS 368A.200 is hereby amended to read as follows:

368A.200 1. Except as otherwise provided in this section, there is hereby imposed an excise tax on admission to any facility in this State where live entertainment is provided ~~[. If the live entertainment is provided at a facility with a maximum occupancy of:~~

~~—(a) Less than 7,500 persons, the]~~ and on the charge for live entertainment provided by an escort at one or more locations in this State. The rate of the tax is ~~[10]~~:

(a) *Except as otherwise provided in paragraph (b), for admission to a facility in this State where live entertainment is provided, 9 percent of the admission charge to the facility . ~~[plus 10 percent of any amounts paid for food, refreshments and merchandise purchased at the facility.]~~*

(b) ~~[At least 7,500 persons, the rate of the tax is 5]~~ *For live entertainment provided by an escort who is escorting one or more persons at a location or locations in this State, 9 percent of the ~~[admission charge to the facility.]~~ total amount, expressed in terms of money, of consideration paid for the live entertainment provided by the escort.*

2. Amounts paid for:

(a) Admission charges collected and retained by a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c), or by a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS, are not taxable pursuant to this section ~~[.]~~, *only if the number of tickets to the live*

entertainment which are offered for sale or other distribution to patrons, either directly or indirectly through a partner, subsidiary, client, affiliate or other collaborator, is less than 7,500.

(b) Gratuities directly or indirectly remitted to persons employed at a facility where live entertainment is provided ~~for for service charges, including those imposed in connection with the use of credit cards or debit cards, which are collected and retained by persons other than the taxpayer~~ are not taxable pursuant to this section.

(c) *Fees imposed, collected and retained by an independent financial institution in connection with the use of credit cards or debit cards to pay the admission charge to a facility where live entertainment is provided are not taxable pursuant to this section. As used in this paragraph, "independent financial institution" means a financial institution that is not the taxpayer or an owner or operator of the facility where the live entertainment is provided or an affiliate of any of those persons.*

3. ~~[A business entity that collects any amount that is taxable pursuant to subsection 1 is liable for the tax imposed, but is entitled to collect reimbursement from any person paying that amount.~~

~~4. Any ticket for live entertainment must state whether the tax imposed by this section is included in the price of the ticket. If the ticket does not include such a statement, the taxpayer shall pay the tax based on the face amount of the ticket.~~

~~5.] The tax imposed by this section must be added to and collected from the purchaser at the time of purchase, whether or not the admission for live entertainment is purchased for resale. Each ticket for admission to a facility where live entertainment is provided must show on its face the admission charge or the seller of the admission shall prominently display a notice disclosing the admission charge at the box office or other place where the charge is made.~~

4. The tax imposed by subsection 1 does not apply to:

(a) Live entertainment that this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) *Live entertainment that is governed by the Nevada Interscholastic Activities Association pursuant to NRS 386.420 to 386.470, inclusive, or is provided or sponsored by an elementary school, junior high school, middle school or high school, if only pupils or faculty provide the live entertainment.*

(c) *An athletic contest, event, tournament or exhibition provided by an institution of the Nevada System of Higher Education, if students of such an institution are contestants in the contest, event, tournament or exhibition.*

(d) Live entertainment that is provided by or entirely for the benefit of a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c), or a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS

f

~~—(e)—~~ , only if the number of tickets to the live entertainment which are offered for sale or other distribution to patrons, either directly or indirectly through a partner, subsidiary, client, affiliate or other collaborator, is less than 7,500.

(e) Any boxing contest or exhibition governed by the provisions of chapter 467 of NRS.

~~[(d)]~~ (f) Live entertainment that is not provided at a licensed gaming establishment if the facility in which the live entertainment is provided has a maximum occupancy of less than 200 persons.

~~[(e)]~~ (g) Live entertainment that is provided at a licensed gaming establishment that is licensed for less than 51 slot machines, less than 6 games, or any combination of slot machines and games within those respective limits, if the facility in which the live entertainment is provided has a maximum occupancy of less than 200 persons.

~~[(f)] Merchandise sold outside the facility in which the live entertainment is provided, unless the purchase of the merchandise entitles the purchaser to admission to the entertainment.~~

~~—(g)—~~ (h) Live entertainment that is provided at a trade show.

~~[(h)]~~ (i) Music performed by musicians who move constantly through the audience if no other form of live entertainment is afforded to the patrons.

~~[(i)]~~ (j) Live entertainment that is provided at a licensed gaming establishment at private meetings or dinners attended by members of a particular organization or by a casual assemblage if the purpose of the event is not primarily for entertainment.

~~[(j)]~~ (k) Live entertainment that is provided in the common area of a shopping mall, unless the entertainment is provided in a facility located within the mall.

~~[(k)]~~ (l) Food and product demonstrations provided at a shopping mall, a craft show or an establishment that sells grocery products, housewares, hardware or other supplies for the home.

~~[(l)]~~ (m) Live entertainment that is incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction. For the purposes of this paragraph, live entertainment shall be deemed to be incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction if the live entertainment is:

(1) Not the predominant element of the attraction; and

(2) Not the primary purpose for which the public rides, attends or otherwise participates in the attraction.

~~[(m)] Live entertainment that is provided to the public in an outdoor area, without any requirements for the payment of an admission charge or the purchase of any food, refreshments or merchandise.~~

~~—(n)— An outdoor concert, unless the concert is provided on the premises of a licensed gaming establishment.~~

~~—(o)— Beginning July 1, 2007, race events]~~

(n) A race scheduled at a race track in this State ~~[as a part of]~~ and sanctioned by the National Association for Stock Car Auto Racing ~~[Nextel Cup Series, or its successor racing series, and all races associated therewith.~~

~~—(p) Beginning July 1, 2007, a baseball contest, event or exhibition conducted by professional minor league baseball players at a stadium in this State.~~

~~—(q) Live entertainment provided in a restaurant which is incidental to any other activities conducted in the restaurant or which only serves as ambience so long as there is no charge to the patrons for that entertainment.~~

~~—6. The Commission may adopt regulations establishing a procedure whereby a taxpayer that is a licensed gaming establishment may request an exemption from the tax pursuant to paragraph (q) of subsection 5. The regulations must require the taxpayer to seek an administrative ruling from the Chair of the Board, provide a procedure for appealing that ruling to the Commission and further describe the forms of incidental or ambient entertainment exempted pursuant to that paragraph.~~

~~—7.] , if two or more such races are held at that race track during the same calendar year.~~

(o) An athletic contest, event or exhibition conducted by a professional team based in this State if the professional team based in this State is a participant in the contest, event or exhibition.

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

(a) "Affiliate" has the meaning ascribed to it in NRS 463.0133.

(b) "Maximum occupancy" means, in the following order of priority:

~~[(a)]~~ *(1) The maximum occupancy of the facility in which live entertainment is provided, as determined by the State Fire Marshal or the local governmental agency that has the authority to determine the maximum occupancy of the facility;*

~~[(b)]~~ *(2) If such a maximum occupancy has not been determined, the maximum occupancy of the facility designated in any permit required to be obtained in order to provide the live entertainment; or*

~~[(c)]~~ *(3) If such a permit does not designate the maximum occupancy of the facility, the actual seating capacity of the facility in which the live entertainment is provided.*

(c) "Operator" includes, without limitation, a person who operates a facility where live entertainment is provided or who presents, produces or otherwise provides live entertainment.

Sec. 3.1. NRS 368A.220 is hereby amended to read as follows:

368A.220 1. Except as otherwise provided in this section:

(a) Each taxpayer who is a licensed gaming establishment shall file with the Board, on or before the 15th day of each month, a report showing the amount of all taxable receipts for the preceding month or the month in which the taxable events occurred. The report must be in a form prescribed by the Board.

(b) All other taxpayers shall file with the Department, on or before the last day of each month, a report showing the amount of all taxable receipts for the preceding month. The report must be in a form prescribed by the Department.

2. The Board or the Department, if it deems it necessary to ensure payment to or facilitate the collection by the State of the tax imposed by NRS 368A.200, may require reports to be filed not later than 10 days after the end of each calendar quarter.

3. Each report required to be filed by this section must be accompanied by the amount of the tax that is due for the period covered by the report.

4. ~~{The}~~ *Except as otherwise provided in this subsection, the Board and the Department shall deposit all taxes, interest and penalties ~~{it receives}~~ they receive pursuant to this chapter in the State Treasury for credit to the State General Fund. On or before October 1 of each year, the Department shall deposit \$150,000 from the taxes, interest and penalties it receives pursuant to this chapter in the State Treasury for credit to the Nevada Arts Council created by NRS 233C.025. The amount deposited in the State Treasury for credit to the Nevada Arts Council pursuant to this subsection is hereby authorized for expenditure by the Nevada Arts Council as a continuing appropriation.*

Sec. 3.2. NRS 368A.240 is hereby amended to read as follows:

368A.240 1. If a taxpayer:

(a) Is unable to collect all or part of an admission charge ~~{or charges for food, refreshments and merchandise}~~ *or charge for live entertainment provided by an escort*, which were included in the taxable receipts reported for a previous reporting period; and

(b) Has taken a deduction on his or her federal income tax return pursuant to 26 U.S.C. § 166(a) for the amount which the taxpayer is unable to collect, ➡ the taxpayer is entitled to receive a credit for the amount of tax paid on account of that uncollected amount. The credit may be used against the amount of tax that the taxpayer is subsequently required to pay pursuant to this chapter.

2. If the Internal Revenue Service disallows a deduction described in paragraph (b) of subsection 1 and the taxpayer claimed a credit on a return for a previous reporting period pursuant to subsection 1, the taxpayer shall include the amount of that credit in the amount of taxes reported pursuant to this chapter in the first return filed with the Board or the Department after the deduction is disallowed.

3. If a taxpayer collects all or part of an admission charge ~~{or charges for food, refreshments and merchandise}~~ *or charge for live entertainment provided by an escort*, for which the taxpayer claimed a credit on a return for a previous reporting period pursuant to subsection 2, the taxpayer shall include:

(a) The amount collected in the charges reported pursuant to paragraph (a) of subsection 1; and

(b) The tax payable on the amount collected in the amount of taxes reported,

↪ in the first return filed with the Board or the Department after that collection.

4. Except as otherwise provided in subsection 5, upon determining that a taxpayer has filed a return which contains one or more violations of the provisions of this section, the Board or the Department shall:

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

(b) For the first or second return, other than a return described in paragraph (a), in any calendar year which contains one or more violations, assess a penalty equal to the amount of the tax which was not reported.

(c) For the third and each subsequent return in any calendar year which contains one or more violations, assess a penalty of three times the amount of the tax which was not reported.

5. For the purposes of subsection 4, if the first violation of this section by any taxpayer was determined by the Board or the Department through an audit which covered more than one return of the taxpayer, the Board or the Department shall treat all returns which were determined through the same audit to contain a violation or violations in the manner provided in paragraph (a) of subsection 4.

Sec. 4. NRS 368A.360 is hereby amended to read as follows:

368A.360 1. Any licensed gaming establishment liable for the payment of the tax imposed by NRS 368A.200 who willfully fails to report, pay or truthfully account for the tax is subject to the ~~revocation of~~ *investigatory or disciplinary proceedings that are set forth in NRS 463.310 to 463.318, inclusive, and may have its gaming license revoked by the Commission.*

2. *A violation of any provision of this chapter, or any regulation adopted pursuant thereto, by a licensed gaming establishment, with the intent to avoid a payment of the tax imposed by NRS 368A.200 which is known to be due, is:*

(a) *An unsuitable method of operation; and*

(b) *Subject to the investigatory and disciplinary proceedings that are set forth in NRS 463.310 to 463.318, inclusive, and shall be punished as provided in those sections.*

Sec. 4.1. NRS 463.15995 is hereby amended to read as follows:

463.15995 1. The Commission shall, with the advice and assistance of the Board, adopt regulations authorizing a gaming licensee to charge a fee for admission to an area in which gaming is conducted in accordance with the provisions of this section.

2. The regulations adopted by the Commission pursuant to this section must include, without limitation, provisions that:

(a) A gaming licensee may not charge a fee pursuant to this section unless:

(1) The Chair of the Board grants administrative approval of a request by a gaming licensee to charge such a fee; and

(2) Such administrative approval is not revoked or suspended by the Chair of the Board.

(b) The Chair of the Board may, in the Chair's sole and absolute discretion, grant, deny, limit, condition, restrict, revoke or suspend any administrative approval of a request by a gaming licensee to charge a fee pursuant to this section. In considering such a request, the Chair of the Board shall consider all relevant factors, including, without limitation:

- (1) The size of the area;
- (2) The amount of gaming that occurs within the area;
- (3) The types and quantity of gaming offered;
- (4) The business purpose of the area;
- (5) Other amenities that are offered within the area;
- (6) The amount of the costs and expenses incurred in creating the area;
- (7) The benefit to the State in having gaming conducted within the area;
- (8) The amount of the fee charged and whether the fee charged is unreasonable as compared to the prevailing practice within the industry; and
- (9) Whether the area should more appropriately be treated as a gaming salon.

➡ The decision of the Chair of the Board regarding such a request may be appealed by the gaming licensee to the Commission pursuant to its regulations.

(c) A gaming licensee who charges a fee pursuant to this section:

(1) Shall deposit with the Board and thereafter maintain a refundable revolving fund in an amount determined by the Commission to pay the expenses of admission of agents of the Board or Commission to the area for which a fee for admission is charged.

(2) Shall arrange for access by agents of the Board or Commission to the area for which a fee for admission is charged.

(3) Shall, at all times that a fee is charged for admission to an area pursuant to this section in an establishment for which a nonrestricted license has been issued, provide for the public at least the same number of gaming devices and games in a different area for which no fee is charged for admission.

(4) Shall, at all times that a fee is charged for admission to an area pursuant to this section in an establishment for which a restricted license has been issued, post a sign of a suitable size in a conspicuous place near the entrance of the establishment that provides notice to patrons that they do not need to pay an admission fee or cover charge to engage in gaming.

(5) Shall not use a fee charged for admission to create a private gaming area that is not operated in association or conjunction with a nongaming activity, attraction or facility.

(6) Shall not restrict admission to the area for which a fee for admission is charged to a patron on the ground of race, color, religion, national origin or

disability of the patron, and any unresolved dispute with a patron concerning restriction of admission shall be deemed a dispute as to the manner in which a game is conducted pursuant to NRS 463.362 and must be resolved pursuant to NRS 463.362 to 463.366, inclusive.

(d) If a gaming licensee who holds a nonrestricted license charges a fee pursuant to this section, unless the area for which a fee for admission is charged is otherwise subject to the excise tax on admission to any facility in this State where live entertainment is provided pursuant to chapter 368A of NRS, the determination of the amount of the liability of the gaming licensee for that tax:

(1) Includes the fees charged for admission pursuant to this section; and

(2) Does not include charges for food, ~~refreshments~~ *beverages* and merchandise collected in the area for which admission is charged.

Sec. 5. NRS 463.310 is hereby amended to read as follows:

463.310 1. The Board shall make appropriate investigations:

(a) To determine whether there has been any violation of this chapter or chapter 368A, 462, 464, 465 or 466 of NRS or any regulations adopted thereunder.

(b) To determine any facts, conditions, practices or matters which it may deem necessary or proper to aid in the enforcement of any such law or regulation.

(c) To aid in adopting regulations.

(d) To secure information as a basis for recommending legislation relating to this chapter or chapter 368A, 462, 464, 465 or 466 of NRS.

(e) As directed by the Commission.

2. If, after any investigation the Board is satisfied that:

(a) A license, registration, finding of suitability, preliminary finding of suitability, pari-mutuel license or prior approval by the Commission of any transaction for which the approval was required or permitted under the provisions of this chapter or chapter 462, 464 or 466 of NRS should be limited, conditioned, suspended or revoked; or

(b) A person or entity which is licensed, registered, found suitable or found preliminarily suitable pursuant to this chapter or chapter 464 of NRS or which previously obtained approval for any act or transaction for which Commission approval was required or permitted under the provisions of this chapter or chapter 464 of NRS should be fined,

➡ the Board shall initiate a hearing before the Commission by filing a complaint with the Commission in accordance with NRS 463.312 and transmit therewith a summary of evidence in its possession bearing on the matter and the transcript of testimony at any investigative hearing conducted by or on behalf of the Board.

3. Upon receipt of the complaint of the Board, the Commission shall review the complaint and all matter presented in support thereof, and shall conduct further proceedings in accordance with NRS 463.3125 to 463.3145, inclusive.

4. After the provisions of subsections 1, 2 and 3 have been complied with, the Commission may:

(a) Limit, condition, suspend or revoke the license of any licensed gaming establishment or the individual license of any licensee without affecting the license of the establishment;

(b) Limit, condition, suspend or revoke any registration, finding of suitability, preliminary finding of suitability, pari-mutuel license, or prior approval given or granted to any applicant by the Commission;

(c) Order a licensed gaming establishment to keep an individual licensee from the premises of the licensed gaming establishment or not to pay the licensee any remuneration for services or any profits, income or accruals on the investment of the licensee in the licensed gaming establishment; and

(d) Fine each person or entity, or both, which is licensed, registered, found suitable or found preliminarily suitable pursuant to this chapter or chapter 464 of NRS or which previously obtained approval for any act or transaction for which Commission approval was required or permitted under the provisions of this chapter or chapter 464 of NRS:

(1) Not less than \$25,000 and not more than \$250,000 for each separate violation of any regulation adopted pursuant to NRS 463.125 which is the subject of an initial or subsequent complaint; or

(2) Except as otherwise provided in subparagraph (1), not more than \$100,000 for each separate violation of the provisions of this chapter or chapter 368A, 464 or 465 of NRS or of ~~the~~ any regulations ~~of the Commission~~ adopted thereunder, which is the subject of an initial complaint and not more than \$250,000 for each separate violation of the provisions of this chapter or chapter 368A, 464 or 465 of NRS or of ~~the~~ any regulations ~~of the Commission~~ adopted thereunder, which is the subject of any subsequent complaint.

➡ All fines must be paid to the State Treasurer for deposit in the State General Fund.

5. For the second violation of any provision of chapter 465 of NRS by any licensed gaming establishment or individual licensee, the Commission shall revoke the license of the establishment or person.

6. If the Commission limits, conditions, suspends or revokes any license or imposes a fine, or limits, conditions, suspends or revokes any registration, finding of suitability, preliminary finding of suitability, pari-mutuel license or prior approval, it shall issue its written order therefor after causing to be prepared and filed its written decision upon which the order is based.

7. Any such limitation, condition, revocation, suspension or fine so made is effective until reversed upon judicial review, except that the Commission may stay its order pending a rehearing or judicial review upon such terms and conditions as it deems proper.

8. Judicial review of any such order or decision of the Commission may be had in accordance with NRS 463.315 to 463.318, inclusive.

Sec. 6. Any administrative regulations relating to the tax on live entertainment imposed pursuant to chapter 368A of NRS which were adopted by the Nevada Tax Commission or the Nevada Gaming Commission before July 1, 2015, and which conflict or are inconsistent with the provisions of this act are void, unless those regulations are amended before July 1, 2015, to be consistent with the provisions of this act.

Sec. 6.5. The provisions of this act apply only to taxable receipts that are collected pursuant to the provisions of chapter 368A of NRS on or after October 1, 2015.

Sec. 7. 1. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act.

2. Section 3.1 of this act becomes effective on July 1, 2015, for all other purposes.

3. Sections 1 to 3, inclusive, and 3.2 to 6.5, inclusive, become effective on October 1, 2015, for all other purposes.

Senator Roberson moved that the Senate concur in Assembly Amendment No. 1055 to Senate Bill No. 266.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 488.

The following Assembly amendment was read:

Amendment No. 1043.

SUMMARY—Revises provisions relating to veterinary biologic products and commercial feed sold in Nevada. (BDR 50-1164)

AN ACT relating to animals; authorizing the State Department of Agriculture to establish by regulation requirements for the registration of certain animal remedies, veterinary biologics and pharmaceuticals for veterinary purposes with the State Department of Agriculture; requiring the licensing of manufacturers, distributors and guarantors of commercial feed by the Department; requiring a licensee to submit certain fees and reports to the Department on an annual 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 feed manufactured, distributed or guaranteed 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:

Sections 1-12 of this bill authorize the State Department of Agriculture to establish, by regulation, a program to carry out federal regulations concerning certain animal remedies, veterinary biologics and

pharmaceuticals for veterinary purposes. Section 8 of this bill requires the regulations to provide that any person wishing to sell certain animal remedies, veterinary biologics and pharmaceuticals for veterinary purposes must register such products with the Department. Section 8 also requires the regulations to provide for: (1) certain application requirements for the registration of animal remedies, veterinary biologics and veterinary pharmaceuticals with the Department; and (2) a reasonable annual registration fee for each product. Section 10 of this bill requires any fee collected for the registration of such products to be deposited in the Livestock Inspection Account. Section 11 of this bill imposes a civil penalty on a person failing to register such products not to exceed: (1) \$250 for a first offense; (2) \$500 for a second offense; and (3) \$1,000 for each subsequent offense. Under section 11: (1) fifty percent of the penalties collected must be used to fund a program to provide loans to persons who are 21 years of age or less and who are engaged in agriculture; and (2) the other 50 percent of the penalties collected must be deposited in the Account for the Control of Weeds.

Existing law establishes certain requirements for the labeling of commercial feed for livestock in this State. (NRS 587.690) Sections 16-46 of this bill enact new provisions relating to the labeling of commercial feed.

Section 28 of this bill provides that it is unlawful for a person to manufacture, distribute or act as a guarantor of commercial feed in this State without a license issued by the State Department of Agriculture. Section 29 of this bill establishes certain requirements to obtain such a license.

Section 34 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 35 of this bill creates the Commercial Feed Account in the State General Fund and sets forth permissible uses of money in the Account.

Sections 36-38 of this bill authorize a representative of the Department to conduct certain inspections or audits related to commercial feed.

Section 39 of this bill sets forth requirements for labeling of commercial feed. Section 40 of this bill prohibits misbranding commercial feed and sets forth the circumstances in which commercial feed is deemed to be misbranded. Section 41 of this bill prohibits the adulteration of commercial feed and sets forth the circumstances in which commercial feed is deemed to be adulterated. Section 42 of this bill generally prohibits the reuse of packaging of commercial feed.

Section 43 of this bill imposes a civil penalty on a person who violates any provision of sections 16-46 of this bill and any regulations adopted pursuant thereto relating to commercial 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.

Section 44 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. Title 50 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. (Deleted by amendment.)

Sec. 4. *"Department" means the State Department of Agriculture.*

Sec. 5. *"Director" means the Director of the Department.*

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. 1. *The Department may establish, by regulation, a program to implement the requirements of federal regulations concerning veterinary feed directives, as defined in 21 U.S.C. § 354, including, without limitation, requirements for the registration of any animal remedy, veterinary biologic or pharmaceutical, as those terms are defined in those federal regulations.*

2. *The regulations adopted by the Department pursuant to subsection 1 must provide that:*

(a) *Except as otherwise provided in this paragraph, no person shall sell, offer or expose for sale, or deliver to a user, an animal remedy, veterinary biologic or pharmaceutical, in package or in bulk, which has not been registered with the Department pursuant to this chapter and the regulations adopted pursuant thereto. Any product registered pursuant to NRS 586.010 to 586.450, inclusive, or under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq., is not subject to the provisions of this chapter and the regulations adopted pursuant thereto.*

(b) *Except as otherwise provided by law, the manufacturer of each brand of animal remedy, veterinary biologic and pharmaceutical to be sold in this State, whether in package or in bulk, shall register such products with the Department annually pursuant to this chapter and the regulations adopted pursuant thereto. The regulations may authorize a manufacturer who sells more than one animal remedy, veterinary biologic or pharmaceutical in this State to register all such products with one application.*

(c) *An application for registration of an animal remedy, veterinary biologic or pharmaceutical must be made on forms provided by the Department and must be accompanied by a reasonable annual registration fee established by the Department by regulation for each animal remedy, veterinary biologic and pharmaceutical.*

(d) *An application pursuant to paragraph (c) must:*

(1) *Be filed on or before July 1 of each year; and*

(2) *Include a list of all animal remedies, veterinary biologics and pharmaceuticals that the applicant intends to market in this State during the following fiscal year.*

Sec. 9. (Deleted by amendment.)

Sec. 10. *The Department shall deposit all fees collected pursuant to this chapter in the Livestock Inspection Account created by NRS 561.344.*

Sec. 11. 1. *Any person violating the provisions of this chapter 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 less; and*

(b) *The remaining 50 percent must be deposited in the Account for the Control of Weeds created by NRS 555.035.*

Sec. 12. *The Director may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this chapter and the regulations adopted pursuant thereto.*

Sec. 13. (Deleted by amendment.)

Sec. 13.5. NRS 561.344 is hereby amended to read as follows:

561.344 1. The Livestock Inspection Account is hereby created in the State General Fund for the use of the Department.

2. The following special taxes, fees and other money must be deposited in the Livestock Inspection Account:

(a) All special taxes on livestock as provided by law.

(b) Fees and other money collected pursuant to the provisions of chapter 564 of NRS.

(c) Fees collected pursuant to the provisions of chapter 565 of NRS.

(d) *Fees collected pursuant to the provisions of sections 2 to 13, inclusive, of this act.*

(e) Unclaimed proceeds from the sale of estrays and feral livestock by the Department pursuant to NRS 569.005 to 569.130, inclusive, or proceeds required to be deposited in the Livestock Inspection Account pursuant to a cooperative agreement established pursuant to NRS 569.031 for the management, control, placement or disposition of estrays and feral livestock.

~~[(e)]~~ (f) Fees collected pursuant to the provisions of chapter 573 of NRS.

~~[(f)]~~ (g) Fees collected pursuant to the provisions of chapter 576 of NRS.

~~[(g)]~~ (h) Laboratory fees collected for the diagnosis of infectious, contagious and parasitic diseases of animals, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of chapter 571 of NRS.

3. Expenditures from the Livestock Inspection Account must be made only for carrying out the provisions of this chapter and chapters 564, 565, 569, 571, 573 and 576 of NRS ~~[]~~ *and sections 2 to 13, inclusive, of this act.*

4. The interest and income earned on the money in the Livestock Inspection Account, after deducting any applicable charges, must be credited to the Account.

Sec. 14. (Deleted by amendment.)

Sec. 14.5. 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, 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 34 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. 15. Chapter 587 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 46, inclusive, of this act.

Sec. 16. *As used in sections 16 to 46, inclusive of this act, unless the context otherwise requires, the words and terms defined in sections 17 to 26, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 17. 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. 18. 1. *"Distribute" means:*

(a) *To offer for sale, sell, exchange or barter commercial feed; or*

(b) *To supply, furnish or otherwise provide commercial feed to a contract feeder.*

2. *As used in this section, "contract feeder" has the meaning ascribed to it in section 27 of this act.*

Sec. 19. *"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. 20. *"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. 21. *"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. 22. *"Licensee" means a person who has obtained a license pursuant to section 28 of this act.*

Sec. 23. *"Manufacture" means to grind, mix, blend or further process commercial feed for distribution.*

Sec. 24. *"Mineral feed" means commercial feed primarily intended to supply mineral elements or inorganic nutrients.*

Sec. 25. *"Pet food" means any commercial feed prepared and distributed for consumption by domesticated dogs or cats.*

Sec. 26. *"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. 27. 1. *The provisions of sections 16 to 46, 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. 28. 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 30 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. 29. 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 28 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. 30. 1. *Except as otherwise provided in subsection 2 and section 31 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 29 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 16 to 46, 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. 31. 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 28 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. 32. 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. 33. 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license required by section 28 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. 34. 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 ~~fa public record~~ confidential.

Sec. 35. 1. All fees received pursuant to sections 29 and 34 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 16 to 46, 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. 36. 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 the purposes of determining compliance with sections 16 to 46, 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 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. 37. *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. 38. 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 16 to 46, 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 16 to 46, 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 16 to 46, 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 16 to 46, inclusive, of this act. If the licensee does not demonstrate compliance with the provisions of sections 16 to 46, 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. 39. 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~~ or 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. 40. 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 39 of this act or is false or misleading;

(b) Any word, statement or other information required to appear on the label pursuant to section 39 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. 41. 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. 42. *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. 43. 1. *A person who violates the provisions of sections 16 to 46, 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 created by NRS 555.035.*

Sec. 44. *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 36 of this act.*

Sec. 45. *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 16 to 46, inclusive, of this act.*

Sec. 46. *The Department may adopt regulations to carry out the provisions of sections 16 to 46, inclusive, of this act.*

Sec. 47. 1. *This section becomes effective upon passage and approval.*

2. *Sections 1 to 14, inclusive, of this act become 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 July 1, 2015, for all other purposes.*

3. *Sections ~~14.5~~ 14.5 to 46, inclusive, of this act become 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.

4. Sections 31 and 32 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.

Senator Gustavson moved that the Senate concur in Assembly Amendment No. 1043 to Senate Bill No. 488.

Remarks by Senator Gustavson.

This amendment adds minor clarifying language and provides that submitted reports are confidential.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 492.

The following Assembly amendment was read:

Amendment No. 1005.

SUMMARY—Revises provisions governing the financial administration of off-highway vehicle titling and registration (BDR 43-1175)

AN ACT relating to off-highway vehicles; ~~providing a fee for the issuance of special plates to certain off-highway vehicle dealers, lessors and manufacturers by the Department of Motor Vehicles;~~ revising provisions relating to fees collected by the Department for the titling and registration of off-highway vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the registration of certain off-highway vehicles. ~~(NRS 490.082)~~ Existing law also ~~requires~~ authorizes the Department of Motor Vehicles to issue to the owner of an off-highway vehicle ~~dealer, long term or short term lessor or manufacturer a special plate, commonly known as a dealer plate, for use on certain off-highway vehicles for the purposes of display, demonstration, maintenance, sale or exchange.~~ (NRS 490.0827, 490.125) Section 2 of this bill requires the Department to charge a fee of \$12 for such a special plate, and authorizes the Department to only issue such a special plate upon a request from an off-highway vehicle dealer, long term or short term lessor or manufacturer. The money collected by the Department for such special plates must be deposited into the Revolving Account for the Administration of Off-Highway Vehicle Titling

~~and Registration.] a certificate of title for the vehicle under certain circumstances. (NRS 490.082)~~

Existing law requires the Department to deposit the fees collected for issuing a certificate of title for an off-highway vehicle into the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration. (NRS 490.084) Money in the Account must be used to pay the expenses of administering the titling and registration of off-highway vehicles. (NRS 490.085) Fees collected for the annual registration of an off-highway vehicle must be distributed as follows: (1) fifteen percent must be deposited in the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration; and (2) to the extent that any portion of the fee for registration is not for the operation of the off-highway vehicle on a highway, 85 percent must be deposited into the Account for Off-Highway Vehicles. Fees in the latter Account may be used by the Commission on Off-Highway Vehicles for certain administrative costs and to award grants for certain purposes related to off-highway vehicles. (NRS 490.069) Section 3 of this bill requires that all the money collected by the Department for titling and registration must be deposited in the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration. Section 4 of this bill requires the Department, at least once each fiscal quarter, to transfer any amount in excess of \$150,000 from the Revolving Account into the Account for Off-Highway Vehicles for use by the Commission.

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

Section 1. NRS 490.070 is hereby amended to read as follows:

490.070 1. Upon the request of an off-highway vehicle dealer, the Department may authorize the off-highway vehicle dealer to receive and submit to the Department applications for the:

(a) Issuance of certificates of title and registration for off-highway vehicles; and

(b) Renewal of registration for off-highway vehicles.

2. An authorized dealer shall:

(a) Except as otherwise provided in ~~{paragraph (b) and}~~ subsection 4, submit to the State Treasurer for allocation to the Department ~~{or to the Account for Off Highway Vehicles created by NRS 490.069}~~ all fees collected by the authorized dealer from each applicant and properly account for those fees each month;

(b) ~~{Submit to the State Treasurer for deposit into the Account for Off Highway Vehicles all fees charged and collected and required to be deposited in the Account pursuant to NRS 490.084;~~

~~—(e)}~~ Comply with the regulations adopted pursuant to subsection 5; and

~~{(d)}~~ (c) Bear any cost of equipment which is required to receive and submit to the Department the applications described in subsection 1, including any computer software or hardware.

3. Except as otherwise provided in subsection 4, an authorized dealer is not entitled to receive compensation for the performance of any services pursuant to this section.

4. An authorized dealer may charge and collect a fee of not more than \$2 for each application for a certificate of title or registration received by the authorized dealer pursuant to this section. An authorized dealer may retain any fee collected by the authorized dealer pursuant to this subsection.

5. The Department shall adopt regulations to carry out the provisions of this section. The regulations must include, without limitation, provisions for:

(a) The expedient and secure issuance of:

(1) Forms for applying for the issuance of certificates of title for, or registration of, off-highway vehicles;

(2) Certificates of title and registration by the Department to each applicant whose application is approved by the Department; and

(3) Renewal notices for registrations before the date of expiration of the registrations;

(b) The renewal of registrations by mail or the Internet;

(c) The collection of a fee of not less than \$20 or more than \$30 for the renewal of a registration of an off-highway vehicle pursuant to NRS 490.082 or 490.0825;

(d) The submission by mail or electronic transmission to the Department of an application for:

(1) The issuance of a certificate of title for, or registration of, an off-highway vehicle; or

(2) The renewal of registration of an off-highway vehicle;

(e) The replacement of a lost, damaged or destroyed certificate of title or registration certificate, sticker or decal; and

(f) The revocation of the authorization granted to a dealer pursuant to subsection 1 if the authorized dealer fails to comply with the regulations.

Sec. 2. ~~[NRS 490.0827 is hereby amended to read as follows:~~

~~490.0827 1. Upon issuance of an off-highway vehicle dealer's, long-term or short-term lessor's or manufacturer's license certificate pursuant to NRS 490.200 or upon the renewal of the license pursuant to NRS 490.210, the off-highway dealer, long-term or short-term lessor or manufacturer may request from the Department [shall furnish to the off-highway vehicle dealer, long-term or short-term lessor or manufacturer] one or more special plates for use on an off-highway vehicle specified in subsection 1 of NRS 490.125. Each plate must have displayed upon it the identification number assigned by the Department to the off-highway vehicle dealer, long-term or short-term lessor or manufacturer, and may include a different letter or symbol on the plate. The off-highway vehicle dealer's, long-term or short-term lessor's or manufacturer's special plates may be used interchangeably on that off-highway vehicle.~~

~~2. The Department, upon a request pursuant to subsection 1, shall issue to each off-highway vehicle dealer, long term or short term lessor or manufacturer a reasonable number of special plates.~~

~~3. The Department shall charge an annual fee of \$12 for each special plate issued pursuant to this section.~~

~~4. Money received by the Department pursuant to subsection 3 must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.~~ (Deleted by amendment.)

Sec. 3. NRS 490.084 is hereby amended to read as follows:

490.084 1. The Department shall determine the fee for issuing a certificate of title for an off-highway vehicle, but such fee must not exceed the fee imposed for issuing a certificate of title pursuant to NRS 482.429. Money received from the payment of the fees described in this subsection must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

2. The Commission shall determine the fee for the annual registration of an off-highway vehicle pursuant to NRS 490.082 or 490.0825, but such fee must not be less than \$20 or more than \$30. Money received from the payment of the fees described in this subsection must be distributed as follows:

~~—(a) During the period beginning on July 1, 2012, and ending on June 30, 2013:~~

~~—(1) Eighty five percent must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.~~

~~{(2) To the extent that any portion of the fee for registration is not for the operation of the off-highway vehicle on a highway, 15 percent must be deposited into the Account for Off-Highway Vehicles created by NRS 490.069.~~

~~—(b) On or after July 1, 2013:~~

~~—(1) Fifteen percent must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.~~

~~—(2) To the extent that any portion of the fee for registration is not for the operation of the off-highway vehicle on a highway, 85 percent must be deposited into the Account for Off-Highway Vehicles.~~

Sec. 4. NRS 490.085 is hereby amended to read as follows:

490.085 1. The Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration is hereby created in the State Highway Fund.

2. ~~{The}~~ Except as otherwise provided in subsection 3, the Department shall use the money in the Account to pay the expenses of administering the

provisions of this chapter relating to the titling and registration of off-highway vehicles.

3. ~~[Money in the Account must be used only for the purposes specified in subsection 2.]~~ *At least once each fiscal quarter, the Department shall transfer any amount in excess of \$150,000 in the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration into the Account for Off-Highway Vehicles created by NRS 490.069.*

4. Any money remaining in the *Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration* at the end of a fiscal year does not revert to the State Highway Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 5. This act becomes effective on July 1, 2015.

Senator Hammond moved that the Senate concur in Assembly Amendment No. 1005 to Senate Bill No. 492.

Remarks by Senator Hammond.

Amendment No. 1005 to Senate Bill No. 492 removes provisions in the bill that would have required the DMV to charge an annual fee of \$12 for each special license plate issued upon the request of an off-highway vehicle (OHV) dealer, long-term or short-term lessor, or manufacturer for use on certain OHVs for the purposes of display, demonstration, maintenance, sale or exchange.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 509.

The following Assembly amendments were read:

Amendment No. 1018.

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~~ certain 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; exempting certain high-performing charter schools from the requirement that certain teachers be licensed; establishing alternative qualifications for such teachers; 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; (2) allows a sponsor to aggregate and disaggregate data for reporting and accountability purposes; 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 under certain circumstances, 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 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 7 of this bill requires a newly appointed member of a governing body to undergo a criminal background check 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] Existing law requires :~~ ~~[every teacher at a charter school, except for a vocational charter school, to possess certain qualifications, and section]~~ (1) a certain percentage of teachers at a charter school to be licensed; and (2) teachers who teach certain subjects at a charter school to be licensed. (NRS 386.580) Section 47 of this bill instead requires a certain percentage of teachers at a charter school and teachers who teach such subjects at a charter school to be highly qualified. Section 47 provides that: (1) a teacher at a high performing charter school is highly qualified if he or she meets certain requirements specified in federal law; and (2) a teacher at any other charter school is highly qualified if the teacher meets those federal requirements and is licensed. Section 47 also requires a teacher who is employed by a charter school to teach special education or English as a second language to be licensed to teach that subject. Finally, section 47 requires a high achieving charter school that employs unlicensed teachers to offer an alternative route to licensure for those teachers. 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:*

1. *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; or*

2. *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 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) 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~~ organization 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, ~~for 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 NRS 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 that 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 ~~or~~ pursuant to NRS 386.535, the principal of the charter school or another administrator of the charter school appointed by the reconstituted governing body 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 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, the governing body of the charter school must remove the member.*

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 in the 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 experience with laws concerning education, 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. *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. 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-]~~ ;

(g) *Determining whether the governing body of a charter school should be reconstituted in accordance with NRS 386.535*; ~~for 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*; ~~for 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 renewal of charter contracts pursuant to NRS 386.530;~~

~~(c)~~ , 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) *If deemed appropriate by the sponsor, a strategic plan for recruiting charter management organizations, educational management organizations 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 ~~it~~, 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; and*

~~[(d)]~~ (g) *A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 386.610.*

~~[(6)]~~ 7. *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 charter 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 ~~for~~ and, to the extent practicable, the school district in which the proposed charter school will be located and any other sponsor of a charter school located in that school district, 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.]~~ ;

(g) *Determining whether the governing body of a charter school should be reconstituted in accordance with NRS 386.535; ~~for 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; ~~for 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;~~

~~—(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) *If deemed appropriate by the sponsor, a strategic plan for recruiting charter management organizations, educational management organizations 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 ~~+~~, 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; and*

~~[(d)]~~ (g) A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 386.610.

~~[6.]~~ 7. *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 charter 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 ~~++~~ and, to the extent practicable, the school district in which the proposed charter school will be located and any other sponsor of a charter school located in that school district, 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 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 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 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 ~~to~~ made by the educational management organization or other person ~~in~~ in the proposed charter school; 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~~ that the sponsor ~~is~~ determines is necessary to evaluate the ability of the proposed charter school to serve pupils in the school district in which the proposed charter school will be located.

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~~ may 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 State Public Charter School Authority may adopt regulations establishing timelines and procedures by which the State Public Charter School Authority will review applications 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 facility in which the charter school has not previously operated* and is not eligible to receive apportionments *for pupils enrolled in 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 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 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 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 ~~[-]~~ *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. Any data reported pursuant to this subsection must be reported in a manner that complies with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto.*

7. *The State Board may adopt regulations to place requirements on the manner in which data is reported by ~~the sponsor,~~ the board of trustees of a school district or a college or university within the Nevada System of Higher Education that sponsors a charter school including, without limitation, the manner in which data must be aggregated or disaggregated in any report.*

8. *The State Public Charter School Authority may adopt regulations establishing requirements concerning the manner in which it reports data 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]~~ Except as otherwise provided in subsection 6, 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 ~~[-]~~ ;

(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 misrepresentation or omission concerning any information disclosed to the sponsor;

(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.

6. *The governing body of a charter school may not be reconstituted if it has been previously reconstituted.*

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 charter school receives, *in any period of 5 consecutive school years*, 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.

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~~ *2015-2016* school year must not be included in the count of ~~consecutive~~ annual ratings for the purposes of ~~this subsection.~~

~~2.] subsection 1 .f, 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 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 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.]~~ 4. 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:~~

~~386.5251 1. The sponsor of a charter school shall terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools.~~

~~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 subsection 1 [this subsection:~~

~~2.], 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 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 a governing body is reconstituted 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 or termination not later than 10 days after reconstituting the governing body or terminating the charter contract.~~

~~[3.] 5. The provisions of NRS 386.525 do not apply to the termination of a charter contract pursuant to this section.] (Deleted by amendment.)~~

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 ~~[, 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, 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 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]~~ In consultation with the Department and each board of trustees of a school district and college or university within the Nevada System of Higher Education that sponsors a charter school, 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~~ provides 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 ~~a written charter or~~ charter contract provides 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 ~~for~~, as applicable;*

(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, as applicable;

(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~~ :

(a) 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}~~

(b) 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}~~

(c) 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. ~~5.7~~ 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. ~~6.7~~ 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]~~ *highly qualified to teach a course of study for which a [licensed] teacher is not required [pursuant to subsections 2, 3 and 4] to be highly qualified 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. *A teacher who is employed by a charter school to teach special education or English as a second language must be licensed to teach special education or English as a second language, as applicable.*

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. }~~

12. For purposes of this section, a teacher is highly qualified:

(a) If employed by a charter school that has not received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, if the teacher:

(1) Meets the qualifications prescribed in 20 U.S.C. § 7801(23)(B) or (C), as applicable; and

(2) Is licensed to teach pursuant to chapter 391 of NRS.

(b) If employed by a charter school that has received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, if the teacher meets the qualifications prescribed in 20 U.S.C. § 7801(23)(B) or (C), as applicable, regardless of whether the teacher is licensed to teach pursuant to chapter 391 of NRS.

13. If a charter school that has received within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, intends to employ persons to teach who are not licensed, the charter school shall within 3 years:

(a) Obtain approval for and offer an alternative route to licensure pursuant to NRS 391.019; or

(b) Enter into an agreement with a qualified provider of an alternative route to licensure to provide the required education and training to unlicensed teachers who are employed by the school to teach such a course of study.

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 ~~for~~ pursuant to NRS 386.535, 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 ~~[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~~ ~~[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 organization 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, 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 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 that 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 or another administrator of the charter school appointed by the reconstituted governing body 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 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 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 51, inclusive, 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.

3. Sections 16, 20, 24, 29, 31, 33, 37, 41, 53, 54 and 55, inclusive, of this act become effective on January 1, 2020.

Amendment No. 1023.

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; revising provisions governing the continuation of certain

achievement charter schools; 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; (2) allows a sponsor to aggregate and disaggregate data for reporting and accountability purposes; 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~~ 57 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 ~~56~~ 57 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 7 of this bill requires a newly appointed member of a governing body to undergo a criminal background check 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.

Assembly Bill No. 448 of this session establishes the Achievement School District within the Department of Education and requires the Executive Director of the Achievement School District to evaluate pupil achievement and school performance of an achievement charter school during the sixth year that a school operates as an achievement charter school. Assembly Bill No. 448 of this session also provides that if this evaluation indicates that an achievement charter school has not made adequate improvement in pupil achievement and school performance, the achievement charter school is required to continue to operate as an achievement charter school for at least 6 more years. (Section 33 of Assembly Bill No. 448 of this session) Section 56 of this bill requires the Department of Education, rather than the Executive Director of the Achievement School District, to conduct such an evaluation and, if the evaluation indicates that an achievement charter school

has not made adequate improvement in pupil achievement and school performance, determine whether to continue to keep the school as an achievement charter school or return the school to become a public school within the school district. If such a school continues as an achievement charter school, the Executive Director is required to: (1) terminate the contract with the charter management organization, educational management organization or other person that operated the achievement charter school; (2) enter into a contract with a different charter management organization, educational management organization or other person to operate the achievement charter school; (3) require the charter management organization, educational management organization or other person with whom the Executive Director enters into a contract to operate an achievement charter school to appoint a new governing body of the achievement charter school; and (4) evaluate the pupil achievement and school performance of the school every 3 years. Section 56 also requires the Executive Director to provide certain notice to the parent or legal guardian of each pupil enrolled in an achievement charter school that has not made adequate improvement in pupil achievement and school performance regarding other educational choices that are available to the pupil.

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:*

1. *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; or*

2. *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 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) 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. 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 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 NRS 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 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, the governing body of the charter school must remove the member.*

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 in the 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 experience with laws concerning education, 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. *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. 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 ~~;~~

~~—5.1 ;~~

(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 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) *If deemed appropriate by the sponsor, a strategic plan for recruiting charter management organizations, educational management organizations 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 ~~[-]~~, 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; and*

~~[(d)]~~ (g) A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 386.610.

~~[6.]~~ 7. *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 charter 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-]~~ ;

(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)]~~ , 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) *If deemed appropriate by the sponsor, a strategic plan for recruiting charter management organizations, educational management organizations 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 [;], 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; and*

~~[(d)]~~ (g) *A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 386.610.*

~~[6.]~~ 7. *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 charter 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 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 [-

-(d)-] for each year that the charter school would operate under the proposed charter contract.

(g) The procedure for applying for 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 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 State Public Charter School Authority may adopt regulations establishing timelines and procedures by which the State Public Charter School Authority will review applications 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 facility in which the charter school has not previously operated* and is not eligible to receive apportionments *for pupils enrolled in 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 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 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 ~~to~~, *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 ~~to~~ *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; ~~{or}~~

- (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 ~~{or}~~;

- (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 misrepresentation or omission concerning any information disclosed to the sponsor;

(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 charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools.

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.] 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 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 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 sponsor of a charter school shall terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools.

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 *subsection 1* ~~of this subsection.~~

~~—2.—~~, 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 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 a governing body is reconstituted 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* or termination not later than 10 days after *reconstituting the governing body* or terminating the charter contract.

~~{3.}~~ 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 ~~[, 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, 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 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~~, *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 ~~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 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 ~~[-]~~ ;

(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 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 ~~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~~ the 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. Section 33 of Assembly Bill No. 448 of this session is hereby amended to read as follows:

Sec. 33. 1. During the sixth year that a school operates as an achievement charter school, the ~~[Executive Director]~~ Department shall evaluate the pupil achievement and school performance of the school. The Executive Director shall provide the Department with such information and assistance as the Department determines necessary to perform such an evaluation. If, as a result of such an evaluation, the ~~[Executive Director]~~ Department determines:

(a) That the achievement charter school has made adequate improvement in pupil achievement and school performance, the governing body of the achievement charter school must decide whether to:

(1) Convert to a public school under the governance of the board of trustees of the school district in which the school is located;

(2) Seek to continue as a charter school subject to the provisions of NRS 386.490 to 386.649, inclusive, and section 11 of this act by applying to the board of trustees of the school district in which the school is located, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education to sponsor the charter school pursuant to NRS 386.525; or

(3) Remain an achievement charter school for at least 6 more years.

(b) That the achievement charter school has not made adequate improvement in pupil achievement and school performance, the ~~[school must continue]~~ Department shall direct the Executive Director to notify the parent or legal guardian of each pupil enrolled in the achievement charter school that the achievement charter school has not made adequate improvement in pupil achievement and school performance. Such notice must include, without limitation, information regarding:

(1) Public schools which the pupil may be eligible to attend, including, without limitation, charter schools, programs of distance education offered pursuant to NRS 388.820 to 388.874, inclusive, and alternative programs for the education of pupils at risk of dropping out of school pursuant to NRS 388.537;

(2) The opportunity for the parent to establish an education savings account pursuant to section 7 of Senate Bill No. 302 of this session and enroll the pupil in a private school, have the pupil become an opt-in child or provide for the education of the pupil in any other manner authorized by section 11 of Senate Bill No. 302 of this session;

(3) Any other alternatives for the education of the pupil that are available in this State; and

(4) The actions that may be considered by the Department with respect to the achievement charter school and the manner in which the parent may provide input.

2. Upon deciding that the achievement charter school has not made adequate improvement in pupil achievement and school performance pursuant to paragraph (b) of subsection 1, the Department must decide whether to:

(a) Convert the achievement charter school to a public school under the governance of the board of trustees of the school district in which the school is located; or

(b) Continue to operate the school as an achievement charter school for at least 6 more years. ~~(The)~~

3. If the Department decides to continue to operate a school as an achievement charter school pursuant to subsection 2, the Executive Director ~~shall evaluate~~ must:

(a) Terminate the contract with the charter management organization, educational management organization or other person that operated the achievement charter school;

(b) Enter into a contract with a different charter management organization, educational management organization or other person to operate the achievement charter school after complying with the provisions of section 21 of this act;

(c) Require the charter management organization, educational management organization or other person with whom the Executive Director enters into a contract to operate the achievement charter school to appoint a new governing body of the achievement charter school in the manner provided pursuant to section 21.5 of this act, and must not reappoint more than 40 percent of the members of the previous governing body; and

(d) Evaluate the pupil achievement and school performance of such a school at least each 3 years of operation thereafter.

~~{2.}~~ 4. If an achievement charter school is converted to a public school under the governance of the board of trustees of a school district pursuant to paragraph (a) of subsection 1, the board of trustees must employ any teacher, administrator or paraprofessional who wishes to continue employment at the school and meets the requirements of chapter 391 of NRS to teach at the school. Any administrator or teacher employed at such a school who was employed by the board of trustees as a postprobationary employee before the school was converted to an achievement charter school and who wishes to continue employment at the school after it is converted back into a public school must be employed as a postprobationary employee.

~~{3.}~~ 5. If an achievement charter school becomes a charter school sponsored by the school district in which the charter school is located, the State Public Charter School Authority or a college or university

within the Nevada System of Higher Education pursuant to paragraph (a) of subsection 1, the school is subject to the provisions of NRS 386.490 to 386.649, inclusive, and section 11 of this act, and the continued operation of the charter school in the building in which the school has been operating is subject to the provisions of NRS 386.560.

~~[4.]~~ 6. As used in this section, "postprobationary employee" has the meaning ascribed to it in NRS 391.311.

~~[Sec. 56.]~~ *Sec. 57.* 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 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 the effective date of that section during the current term of the agreement.

~~[Sec. 57.]~~ *Sec. 58.* 1. This section and sections 52 and ~~[56.]~~ 57 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 51, inclusive, 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.

3. Section 56 of this act becomes effective on July 1, 2016, if, and only if, Assembly Bill No. 448 of this session is enacted and becomes effective.

4. 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 that the Senate concur in Assembly Amendments Nos. 1018, 1023 to Senate Bill No. 509.

Remarks by Senator Harris.

The amendments make technical changes.

Motion carried by a constitutional majority.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Senate Bill No. 53, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that Amendment No. 904 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 12, which is attached to and hereby made a part of this report.

Conference Amendment No. 12.

SUMMARY—Revises provisions relating to criminal procedure. (BDR 3-156)

AN ACT relating to criminal procedure; requiring an incarcerated person to exhaust all available administrative remedies before filing a postconviction petition for a writ of habeas corpus challenging the computation of time the person has served pursuant to a judgment of

conviction; revising provisions concerning the withdrawal of certain pleas after sentence is imposed or imposition of sentence is suspended; requiring a court to dismiss a postconviction petition for a writ of habeas corpus upon determining that the petitioner has not exhausted all available administrative remedies; requiring the Department of Corrections to establish procedures for the expedited resolution of a challenge to the computation of time that an offender has served under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person convicted of a crime and under sentence of death or imprisonment who claims that the time the person has served pursuant to the judgment of conviction has been improperly computed to file a postconviction petition for a writ of habeas corpus to challenge the computation of time that the person has served. (NRS 34.724) Section 1 of this bill requires a person to exhaust all administrative remedies available for resolving a challenge to the computation of time that he or she has served as set forth in regulations adopted by the Department of Corrections before the person may file such a petition. Section 2 of this bill requires a court to dismiss such a petition if the court determines that the petitioner has not exhausted all available administrative remedies. Section 2.5 of this bill requires the Department to establish procedures for the expedited resolution of a challenge to the computation of time that an offender has served that is brought by the offender within 180 days before the offender's projected discharge date as determined by the Department. Section 3 of this bill provides that the amendatory provisions of this bill do not apply to a postconviction petition for a writ of habeas corpus which challenges the computation of time that a petitioner has served that is filed on or before the effective date of this bill.

Existing law also authorizes a person convicted of a crime and under sentence of death or imprisonment to file a postconviction petition for a writ of habeas corpus to challenge the conviction or sentence as having been obtained or imposed in violation of state law or a constitutional right. Existing law provides that, with the exception of a direct appeal or a remedy which is incident to the proceedings in the trial court, the petition for a writ of habeas corpus replaces all other common law, statutory or other remedies which have been available for challenging the validity of the conviction or sentence and must be used exclusively in place of them. (NRS 34.724) Existing law also authorizes a criminal defendant to withdraw a plea of guilty, guilty but mentally ill or nolo contendere at any time before sentencing, and also permits the withdrawal of such a plea after sentencing, but only to correct a manifest injustice. (NRS 176.165)

In 2000, the Nevada Supreme Court held that a postconviction motion to withdraw a guilty plea to correct a manifest injustice was a remedy incident to the proceedings in the trial court. Accordingly, the motion had not been replaced by the petition for a writ of habeas corpus and was not subject to the various procedural requirements that govern such petitions. (*Hart v. State*, 116 Nev. 558 (2000)) The Nevada Supreme Court recently overruled *Hart*. The Court held that a postconviction petition for a writ of habeas corpus provides the exclusive remedy for a challenge to the validity of a guilty plea made after sentencing for persons in custody on the conviction being challenged and overruled *Hart* to the extent that it concluded otherwise. (*Harris v. State*, 130 Nev. Adv. Op. 47, 329 P.3d 619 (2014))

Section 1 expressly provides that a motion to withdraw a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 176.165 that is made after sentence is imposed or imposition of sentence is suspended is a remedy which is incident to the proceedings in the trial court ~~and~~ under certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 34.724 is hereby amended to read as follows:

34.724 1. ~~Any~~ Except as otherwise provided in subsection 3, any person convicted of a crime and under sentence of death or imprisonment who claims that the conviction was obtained, or that the sentence was imposed, in violation of the Constitution of the United States or the Constitution or laws of this State, or who claims that the time the person has served pursuant to the judgment of conviction has been improperly computed, may, without paying a filing fee, file

a postconviction petition for a writ of habeas corpus to obtain relief from the conviction or sentence or to challenge the computation of time that the person has served.

2. Such a petition:

(a) Is not a substitute for and does not affect any remedies which are incident to the proceedings in the trial court or the remedy of direct review of the sentence or conviction.

(b) Comprehends and takes the place of all other common-law, statutory or other remedies which have been available for challenging the validity of the conviction or sentence, and must be used exclusively in place of them.

~~[(c) Is the only remedy available to an incarcerated person to challenge]~~

3. *Before a person may file a petition pursuant to this section that challenges the computation of time that the person has served pursuant to a judgment of conviction ~~+~~, the person must exhaust all administrative remedies available for resolving a challenge to the computation of time that the person has served as set forth in regulations adopted by the Department of Corrections.*

4. *For the purposes of this section, a motion to withdraw a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 176.165 that is made after sentence is imposed or imposition of sentence is suspended is a remedy which is incident to the proceedings in the trial court ~~++~~ if:*

(a) The person has not filed a prior motion to withdraw the plea and has not filed a prior postconviction petition for a writ of habeas corpus;

(b) The motion is filed within 1 year after the date on which the person was convicted, unless the person pleads specific facts demonstrating that some impediment external to the defense precluded bringing the motion earlier;

(c) At the time the person files the motion to withdraw the plea, the person is not incarcerated for the charge for which the person entered the plea; and

(d) The motion is not barred by the doctrine of laches. A motion filed more than 5 years after the date on which the person was convicted creates a rebuttable presumption of prejudice to the State on the basis of laches.

➔ *The court shall not appoint counsel to represent a person for the purpose of this subsection.*

Sec. 2. NRS 34.810 is hereby amended to read as follows:

34.810 1. The court shall dismiss a petition if the court determines that:

(a) The petitioner's conviction was upon a plea of guilty or guilty but mentally ill and the petition is not based upon an allegation that the plea was involuntarily or unknowingly entered or that the plea was entered without effective assistance of counsel.

(b) The petitioner's conviction was the result of a trial and the grounds for the petition could have been:

(1) Presented to the trial court;

(2) Raised in a direct appeal or a prior petition for a writ of habeas corpus or postconviction relief; or

(3) Raised in any other proceeding that the petitioner has taken to secure relief from the petitioner's conviction and sentence,

➔ unless the court finds both cause for the failure to present the grounds and actual prejudice to the petitioner.

2. A second or successive petition must be dismissed if the judge or justice determines that it fails to allege new or different grounds for relief and that the prior determination was on the merits or, if new and different grounds are alleged, the judge or justice finds that the failure of the petitioner to assert those grounds in a prior petition constituted an abuse of the writ.

3. Pursuant to subsections 1 and 2, the petitioner has the burden of pleading and proving specific facts that demonstrate:

(a) Good cause for the petitioner's failure to present the claim or for presenting the claim again; and

(b) Actual prejudice to the petitioner.

➔ The petitioner shall include in the petition all prior proceedings in which the petitioner challenged the same conviction or sentence.

4. *The court shall dismiss a petition that challenges the computation of time which a petitioner has served pursuant to a judgment of conviction if the court determines that the*

petitioner has not exhausted all administrative remedies available for resolving a challenge to the computation of time which the petitioner has served as required pursuant to subsection 3 of NRS 34.724.

5. The court may dismiss a petition that fails to include any prior proceedings of which the court has knowledge through the record of the court or through the pleadings submitted by the respondent.

Sec. 2.5. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department shall adopt regulations to establish procedures for the expedited resolution of a challenge to the computation of time that an offender has served that is brought by the offender within 180 days before the offender's projected discharge date as determined by the Department.

Sec. 2.7. NRS 209.432 is hereby amended to read as follows:

209.432 As used in NRS 209.432 to 209.451, inclusive, *and section 2.5 of this act*, unless the context otherwise requires:

1. "Offender" includes:

(a) A person who is convicted of a felony under the laws of this State and sentenced, ordered or otherwise assigned to serve a term of residential confinement.

(b) A person who is convicted of a felony under the laws of this State and assigned to the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888.

2. "Residential confinement" means the confinement of a person convicted of a felony to his or her place of residence under the terms and conditions established pursuant to specific statute. The term does not include any confinement ordered pursuant to NRS 176A.530 to 176A.560, inclusive, 176A.660 to 176A.690, inclusive, 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

Sec. 3. 1. The amendatory provisions of this act do not apply to a postconviction petition for a writ of habeas corpus that challenges the computation of time which a petitioner has served pursuant to a judgment of conviction that is filed on or before the effective date of this act.

2. The amendatory provisions of subsection 4 of section 1 of this act apply to any motion to withdraw a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 176.165 that is made after sentence is imposed or imposition of sentence is suspended that is pending on or after June 12, 2014.

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

GREG BROWER

MICHAEL ROBERSON

AARON D. FORD

Senate Conference Committee

DAVID M. GARDNER

PHILIP "P. K." O'NEILL

JAMES OHRENSCHALL

Assembly Conference Committee

Senator Brower moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 53.

Motion carried by a constitutional majority.

Senator Kieckhefer moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 11:14 a.m.

SENATE IN SESSION

At 11:34 p.m.

President Hutchison presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which was referred Assembly Bill No. 394, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BEN KIECKHEFER, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 1, 2015

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 213, Amendment No. 1061; Senate Joint Resolution No. 13, Amendment No. 1057; and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendments Nos. 763, 1056 to Assembly Bill No. 172.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the reports of the Conference Committees concerning Senate Bills Nos. 52, 348, 376.

Also, I have the honor to inform your honorable body that the Assembly on this day refused to adopt the report of the Conference Committee concerning Senate Bill No. 193.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Roberson moved that Assembly Bill No. 177 be taken from its current position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 394.

Bill read third time.

Remarks by Senator Kieckhefer.

This bill creates an advisory committee and a technical committee to help develop a plan to reorganize the Clark County School District.

Senators Roberson, Hardy and Hammond moved the previous question.

Motion carried.

Senator Ford moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 11:35 a.m.

SENATE IN SESSION

At 11:36 a.m.

President Hutchison presiding.

Quorum present.

The question being on the passage of Assembly Bill No. 394.

Roll call on Assembly Bill No. 394:

YEAS—13.

NAYS—Atkinson, Denis, Ford, Kihuen, Parks, Spearman, Woodhouse—7.

EXCUSED—Smith.

Assembly Bill No. 394 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Joint Resolution No. 13.

The following Assembly amendment was read:

Amendment No. 1057.

SUMMARY—Proposes to amend the Nevada Constitution to limit the total amount of certain property taxes that may be levied on real property. (BDR C-1004)

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to limit the total amount of certain property taxes that may be levied on real property.

Legislative Counsel's Digest:

This resolution proposes to amend the Nevada Constitution to limit the amount of certain property taxes which may be cumulatively levied per year on real property to ~~1.25~~ 1.25 percent of the base value of the property. Additionally, this resolution provides that: (1) if one-half or more of the ownership interest in certain real property is transferred, the base value of the property becomes the cash value of the property on the date the ownership interest is transferred; (2) an improvement to real property increases the base value of the property by the cash value of the improvement, unless the improvement replaces certain improvements which were destroyed, protects the safety of the occupants or improves accessibility to persons with disabilities; (3) the base value of real property cannot increase or decrease from year to year by more than 3 percent, except as otherwise set forth in this resolution; (4) an owner domiciled in Nevada who has attained the age of 62 years may transfer the base value of his or her principal residence to a new residence of comparable value; and (5) an owner whose real property is taken by the exercise of eminent domain may transfer the base value of the condemned property to a new property of comparable value. This resolution further provides that, for the purposes of recalculating the base value of real property subsequent to the material enhancement of an improvement to the property, an improvement to real property is not materially enhanced if the enhancement to the improvement does not increase the area of the improvement, as measured in square feet, by more than 15 percent.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 7, be added to Article 10 of the Nevada Constitution to read as follows:

Sec. 7. 1. The maximum amount of tax ad valorem that may be cumulatively levied per year on real property is ~~1.25~~ 1.25 percent of the base value of the property. This limit does not apply to taxes ad valorem levied to pay the interest and principal of any bonded

indebtedness or to pay any obligation under a contract made in connection with such bonded indebtedness.

2. *Except as otherwise provided in subsections 3 to 7, inclusive, the base value of real property is the property's taxable value from which the assessed value for the Fiscal Year 2017-2018 was calculated.*

3. *Except as otherwise provided in this subsection and subsection 7, if one-half or more of an ownership interest in real property is transferred, the base value of the property becomes the cash value of the property as of the date of transfer of the ownership interest. The provisions of this subsection do not apply if the transfer of ownership interest is to the spouse, child or grandchild of the transferor, or if the transfer of ownership interest is to or from a separate legal entity of which the transferor is the beneficial owner.*

4. *Except as otherwise provided in subsection 7:*

(a) If existing improvements to real property are materially enhanced or new improvements are constructed, except if constructed to replace existing improvements destroyed by natural disaster or other casualty, the base value of the property must be increased by the cash value of the enhancement or improvement, respectively. For the purposes of this paragraph, an improvement to real property is not materially enhanced if the enhancement to the improvement does not increase the area of the improvement, as measured in square feet, by more than 15 percent.

(b) If real property is converted to another use, the base value of the property must be redetermined after the conversion by appraisal at its cash value in accordance with the new use of the property.

5. *Except as otherwise provided in subsections 3, 4 and 7, the base value of real property must not be increased from year to year by any amount greater than the lesser of the increase caused by inflation, if any, or 3 percent. The base value of real property must be decreased from year to year:*

(a) To reflect any substantial damage to or destruction of the property; and

(b) By an amount, not to exceed 3 percent, equal to any decrease in the value of the property caused by deflation or other economic or market conditions.

6. *For the purposes of subsection 5, inflation and deflation must be measured by the Consumer Price Index for All Urban Consumers compiled by the United States Bureau of Labor Statistics for the preceding calendar year. If the Index specified in this subsection ceases to be compiled, the Legislature shall provide by law for another appropriate method of measuring inflation and deflation.*

7. *Notwithstanding any provision of this section to the contrary:*

(a) *An owner domiciled in this State who has attained the age of 62 years may replace his or her principal residence with another of comparable value and transfer to the new residence the base value of the old residence for the purpose of limiting the ad valorem tax on the new residence. If the cash value of the new residence exceeds the cash value of the old residence by more than 10 percent, the base value of the new residence must equal the base value of the old residence plus the amount by which the cash value of the new residence exceeds the cash value of the old residence.*

(b) *An improvement may be constructed or materially enhanced without changing the base value of real property if the construction or enhancement is necessary to protect the safety of the occupants or improve accessibility to persons with disabilities.*

(c) *An owner whose real property is taken by the exercise of eminent domain may replace the condemned property with property of comparable value and transfer to the new property the base value of the condemned property for the purpose of limiting the ad valorem tax on the property. If the cash value of the new property exceeds the cash value of the condemned property by more than 10 percent, the base value of the new property must equal the base value of the condemned property plus the amount by which the cash value of the new property exceeds the cash value of the condemned property.*

8. *The Legislature shall provide by law for:*

(a) *A uniform and just valuation of the base value of real property; and*

(b) *Any other measure necessary to implement this section.*

9. *If any provision of this section or the application thereof to any person, thing or circumstance is held invalid, the invalidity does not affect the provisions or application of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.*

10. *As used in this section:*

(a) *"Cash value" means the most probable price which property would bring in a competitive and open market under all conditions requisite to a fair sale.*

(b) *"Comparable value" means either a lower cash value or up to 10 percent more in cash value.*

(c) *"Condemned property" means property taken by the exercise of eminent domain.*

And be it further

RESOLVED, That Section 1 of Article 10 of the Nevada Constitution be amended to read as follows:

Section 1. 1. ~~[The]~~ *Except as otherwise provided in Section 7 of this Article, the Legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such*

regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in Section 5 of this Article.

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The Legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the Legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used.

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The Legislature may exempt motor vehicles from the provisions of the tax required by this Section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The Legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The Legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The Legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this Section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the State.

10. The Legislature may provide by law for an abatement of the tax upon or an exemption of part of the assessed value of a single-family residence occupied by the owner to the extent necessary to avoid severe economic hardship to the owner of the residence.

Senator Roberson moved that the Senate concur in Assembly Amendment No. 1057 to Senate Joint Resolution No. 13.

Motion carried by a constitutional majority.

Resolution ordered enrolled.

REMARKS FROM THE FLOOR

Senator Ford requested that his remarks be entered in the Journal.

Mr. President, we were just forced to vote on Assembly Bill No. 394, a bill that was introduced at the back of the bar to break up the Clark County School District (CCSD). We were not given an opportunity to debate this issue. There are several issues that need to be addressed related to equity in the schools, the bond rating of CCSD, as well as equity among diverse populations in our district. It is problematic. I understand we are up against the clock, but you cannot, at this hour, put forth such legislation that is going to negatively affect the people of our communities without giving us an opportunity to address the issues. Shame on you.

GENERAL FILE AND THIRD READING

Assembly Bill No. 445.

Bill read third time.

Remarks by Senators Hardy and Atkinson.

SENATOR HARDY:

The bill deals with redevelopment as I stated earlier.

SENATOR ATKINSON:

Again, if we could read some part of the statement so that we know what we are voting on, we would appreciate it. We know you are in a rush, and we are all tired.

SENATOR HARDY:

Assembly Bill No. 445 extends to a maximum of 45 years the date of termination of a redevelopment plan and applies to the Cities of Henderson and Las Vegas. It allows Las Vegas 60 years instead of 45 years. The bill does not apply to a redevelopment area that includes real property conveyed by the federal government which contains certain abandoned mine or milling facilities. In other words, it keeps the Three Kids Mine intact for their redevelopment.

Roll call on Assembly Bill No. 445:

YEAS—20.

NAYS—None.

EXCUSED—1—Smith.

Assembly Bill No. 445 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Spearman moved that Senate Standing Rule No. 50, be suspended, and that a bill be withdrawn from Committee.

Motion failed.

Remarks by Senator Spearman and President Hutchison.

SENATOR SPEARMAN:

I figured that it would fail. I spent 29.5 years of my life serving this Country so that we can preserve democracy, and this is a mockery.

PRESIDENT HUTCHISON:

Senator Spearman, we are following the rules that this Body has adopted.

GENERAL FILE AND THIRD READING

Assembly Bill No. 495.

Bill read third time.

Remarks by Senator Settelmeyer.

Assembly Bill No. 495 revises provisions governing the submission of a request for drafting a legislative measure. Details for drafting the measure must be submitted to the Legislative Counsel along with the request to have the measure drafted. The Legislative Counsel shall not assign a bill draft request number until sufficient detail has been received. The bill also eliminates subsequent statutory deadlines by which Legislators and Legislative Committees must submit sufficient details to allow complete drafting of those measures.

The bill also moves the deadline for prefiling measures requested on behalf of non-legislative requesters from December 20 to the third Wednesday of November preceding a regular Session. Also, the measure requires Legislators to prefile a certain number of requested legislative measures.

Roll call on Assembly Bill No. 495:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 495 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 Assembly Bill No. 177 be taken from the General File and placed on the General File on the next Agenda.

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 11:45 p.m.

SENATE IN SESSION

At 11:50 p.m.

President Hutchison presiding.

Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 1, 2015

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 296, Amendment No. 1006; Senate Bill No. 512, Amendment No. 1072; and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform our honorable body that the Assembly on this day adopted the report of the Conference Committee concerning Assembly Bill No. 258.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 296.

The following Assembly amendment was read:

Amendment No. 1006.

SUMMARY—Revises provisions relating to exemplary or punitive damages in certain civil actions. (BDR 3-940)

AN ACT relating to damages; prohibiting the assertion of claims for punitive or exemplary damages in certain pleadings in civil actions; revising provisions relating to exemplary or punitive damages in certain civil actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill prohibits a party from including a claim for punitive or exemplary damages in certain pleadings at the commencement of a civil action and establishes a process by which a party may request leave to amend its pleadings to include such a claim.

Existing law establishes certain limitations on the amount of exemplary or punitive damages that may be assessed against a defendant in certain actions. Existing law further exempts certain persons, including manufacturers, distributors and sellers of a defective product, from those limitations. (NRS 42.005) Section 3 of this bill sets forth circumstances under which a manufacturer, distributor or seller of a product is not liable for exemplary or punitive damages.

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

Section 1. Chapter 42 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Upon commencement of any civil action, a complaint or answer or other responsive pleading may not include a claim for exemplary or punitive damages.*

2. *The party commencing the action may conduct discovery of facts supporting a claim of fraud, malice or oppression. The discovery must comply with the provisions of the Nevada Rules of Civil Procedure. After the parties to an action have conducted discovery, a party may move the court for leave to amend the party's pleadings to claim exemplary or punitive damages. Such a motion must:*

(a) *Comply with the requirements and limitations of NRS 42.005; and*

(b) *Be supported with admissible evidence.*

3. *A party opposing a motion filed pursuant to subsection 2 may respond to the motion with affidavits, testimony taken by deposition or other admissible evidence.*

4. *If the court determines that there is prima facie evidence supporting a claim for punitive or exemplary damages, the court shall grant the moving party leave to amend the party's pleadings to include such a claim.*

5. *A party may not conduct discovery on issues of financial condition for the purposes of subsection 4 of NRS 42.005 before the party has filed with the court and served on all parties pleadings that have been amended with leave of the court pursuant to subsection 4.*

6. *As used in this section, "prima facie evidence" means evidence to permit a court to find that a party has acted with oppression, fraud or malice, express or implied.*

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 42.005 is hereby amended to read as follows:

42.005 1. Except as otherwise provided in NRS 42.007, in an action for the breach of an obligation not arising from contract, where it is proven by clear and convincing evidence that the defendant has been guilty of oppression, fraud or malice, express or implied, the plaintiff, in addition to the compensatory damages, may recover damages for the sake of example and by way of punishing the defendant. Except as otherwise provided in this section or by specific statute, an award of exemplary or punitive damages made pursuant to this section may not exceed:

(a) Three times the amount of compensatory damages awarded to the plaintiff if the amount of compensatory damages is \$100,000 or more; or

(b) Three hundred thousand dollars if the amount of compensatory damages awarded to the plaintiff is less than \$100,000.

2. The limitations on the amount of an award of exemplary or punitive damages prescribed in subsection 1 do not apply to an action brought against:

(a) A manufacturer, distributor or seller of a defective product ~~[-]~~ if:

(1) *The manufacturer, distributor or seller sold the product after the effective date of a governmental agency's final order to:*

(I) *Remove the product from the market;*

(II) *Withdraw the governmental agency's approval of the product; or*

(III) *Substantially alter the governmental agency's terms of approval of the product in a manner that would have avoided the plaintiff's alleged injury and the product did not meet the agency's altered terms of approval when sold;*

(2) *A governmental agency or court determined that the manufacturer, distributor or seller made an unlawful payment to an official or employee of a governmental agency for the purpose of securing or maintaining approval of the product;*

(3) *The manufacturer, distributor or seller intentionally, and in violation of any applicable laws or regulations, as determined by the responsible governmental agency, withheld from or misrepresented to a governmental agency information material to the approval of the product and that information is material and relevant to the harm that the plaintiff allegedly suffered; or*

(4) *After the product was sold, a governmental agency found that the manufacturer, distributor or seller knowingly violated any applicable laws or regulations by failing ~~timely~~ to report risks of harm to that governmental agency and the information which was not reported was material and relevant to the harm that the plaintiff allegedly suffered;*

(b) An insurer who acts in bad faith regarding its obligations to provide insurance coverage;

(c) A person for violating a state or federal law prohibiting discriminatory housing practices, if the law provides for a remedy of exemplary or punitive damages in excess of the limitations prescribed in subsection 1;

(d) A person for damages or an injury caused by the emission, disposal or spilling of a toxic, radioactive or hazardous material or waste; or

(e) A person for defamation.

3. If punitive damages are claimed pursuant to this section, the trier of fact shall make a finding of whether such damages will be assessed. If such damages are to be assessed, a subsequent proceeding must be conducted before the same trier of fact to determine the amount of such damages to be assessed. The trier of fact shall make a finding of the amount to be assessed according to the provisions of this section. The findings required by this section, if made by a jury, must be made by special verdict along with any other required findings. The jury must not be instructed, or otherwise advised, of the limitations on the amount of an award of punitive damages prescribed in subsection 1.

4. Evidence of the financial condition of the defendant is not admissible for the purpose of determining the amount of punitive damages to be assessed until the commencement of the subsequent proceeding to determine the amount of exemplary or punitive damages to be assessed.

5. For the purposes of an action brought against an insurer who acts in bad faith regarding its obligations to provide insurance coverage, the definitions set forth in NRS 42.001 are not applicable and the corresponding provisions of the common law apply.

Senator Roberson moved that the Senate concur in Assembly Amendment No. 1006 to Senate Bill No. 296.

Motion carried by a constitutional majority.

Bill ordered enrolled

Senate Bill No. 512.

The following Assembly amendment was read:

Amendment No. 1072.

SUMMARY—~~[Abolishes the Foreclosure Mediation Program.]~~ Revises provisions concerning real property. (BDR 9-1287)

AN ACT relating to real property; authorizing a mortgagor or a grantor or the person who holds title of record with respect to a deed of trust to initiate participation in what is commonly known as the Foreclosure Mediation Program with the mortgagee or beneficiary of the deed of trust under certain circumstances; abolishing the ~~[Foreclosure Mediation] Program~~ ~~[,]~~ as of June 30, 2017; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the establishment of a foreclosure mediation program and generally requires that mediation, unless waived, be conducted as a condition of a judicial foreclosure proceeding or the exercise of a power of sale affecting owner-occupied housing. The Nevada Supreme Court is required to adopt rules to implement the ~~[foreclosure mediation]~~ program. (NRS 40.437, 107.086) Existing law also creates the Account for Foreclosure Mediation, the money in which may be expended only for the purpose of supporting the program. (NRS 107.080)

Section 1 of this bill authorizes a mortgagor under a mortgage secured by owner-occupied housing or a grantor or the person who holds the title of record with respect to a deed of trust concerning owner-occupied housing to initiate the mediation process if: (1) a local housing counseling agency approved by the United States Department of Housing and Urban Development certifies that the mortgagor, grantor or person who holds the title of record has a documented financial hardship and is in imminent risk of default; (2) the mortgagor, grantor or other person files a form with the Mediation Administrator indicating an election to enter into mediation; and (3) the mortgagor, grantor or other person pays his or her share of the fee for the mediation. Under this bill, if the parties participate in mediation in good faith, the requirement of existing law to participate in mediation before a nonjudicial foreclosure sale of the owner-occupied housing is satisfied.

Section 10.5 of this bill authorizes the Court Administrator, under certain circumstances, to submit to the Interim Finance Committee a request for an allocation from the Contingency Account created by NRS 353.266 for deposit in the Account for Foreclosure Mediation.

Section 12 of this bill repeals ~~[those]~~ the existing statutes ~~[,]~~ providing for the foreclosure mediation program, effective on June 30, 2017, effectively ending the program on that date. ~~[Sections]~~ Section 1 also expires by limitation on that date. Under sections 1, 2.5 and 8.5 of this bill ~~[, make]~~ December 31, 2016, is the last date on which a homeowner can enroll in the foreclosure mediation program. ~~[and provide that persons]~~ Persons initiating foreclosures after December 1, 2016, need not provide notice of the mediation program. Sections ~~[1,]~~ 1.5, 2, 3-8 ~~[and 9-11]~~ , 9, 10 and 11 of this bill make conforming changes.

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

Section 1. Chapter 107 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A mortgagor under a mortgage secured by owner-occupied housing or a grantor or the person who holds the title of record with respect to any trust agreement which concerns owner-occupied housing may initiate mediation to negotiate a loan modification under the mediation process set forth in NRS 107.086 if, on or before December 31, 2016:

(a) A local housing counseling agency approved by the United States Department of Housing and Urban Development certifies that the mortgagor, grantor or person who holds the title of record:

(1) Has a documented financial hardship; and

(2) Is in imminent risk of default; and

(b) The mortgagor, grantor or person who holds the title of record:

(1) Submits a form prescribed by the Mediation Administrator indicating an election to enter into mediation pursuant to this section; and

(2) Pays to the Mediation Administrator his or her share of the fee established pursuant to subsection 11 of NRS 107.086.

2. Upon satisfaction of the requirements of subsection 1, the Mediation Administrator shall notify the mortgage servicer, by certified mail, return receipt requested, of the enrollment of the mortgagor, 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 mortgage servicer shall notify the mortgagee or the beneficiary of the deed of trust, as applicable, and every other person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the enrollment of the mortgagor, grantor or person who holds the title of record to participate in mediation.

3. Each mediation required by this section must be conducted in conformity with the requirements of subsections 5 and 6 of NRS 107.086.

4. 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 mortgage servicer a certificate which provides that the mediation required by this section has been completed in the matter. If the Mediation Administrator provides such a certificate, the requirement for mediation pursuant to NRS 107.086 is satisfied.

5. The certificate provided pursuant to subsection 4 must be in the same form as the certificate provided pursuant to subsection 8 of NRS 107.086, and may be recorded in the office of the county recorder in which the trust property, or some part thereof, is situated. The recording of the certificate in the office of the county recorder in which the trust property, or some part thereof, is situated shall be deemed to be the recording of the certificate

required pursuant to subparagraph (2) of paragraph (d) of subsection 2 of NRS 107.086.

6. A noncommercial lender is not excluded from the application of this section.

7. 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.

8. As used in this section:

(a) "Financial hardship" means a documented event that would prevent the long-term payment of any debt relating to a mortgage or deed of trust secured by owner-occupied housing, including, without limitation:

(1) The death of the borrower or co-borrower;

(2) Serious illness;

(3) Divorce or separation; or

(4) Job loss or a reduction in pay.

(b) "Imminent risk of default" means the inability of a grantor or the person who holds the title of record to make his or her mortgage payment within the next 90 days.

(c) "Mediation Administrator" has the meaning ascribed to it in NRS 107.086.

(d) "Noncommercial lender" has the meaning ascribed to it in NRS 107.086.

(e) "Owner-occupied housing" has the meaning ascribed to it in NRS 107.086.

Sec. 1.5. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210 ~~and~~ and 107.085, ~~and 107.086,~~ if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

(b) In the case of any trust agreement which concerns owner-occupied housing, ~~[as defined in NRS 107.086,]~~ the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation which, except as otherwise provided in this paragraph, includes a notarized affidavit of authority to exercise the power of sale. Except as otherwise provided in subparagraph (5), the affidavit required by this paragraph must state under the penalty of perjury the following information, which must be based on the direct, personal knowledge of the affiant or the personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135:

(1) The full name and business address of the current trustee or the current trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the current servicer of the obligation or debt secured by the deed of trust.

(2) That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust or that the beneficiary or its successor in interest or the trustee is entitled to enforce the obligation or debt secured by the deed of trust. For the purposes of this subparagraph, if the obligation or debt is an instrument, as defined in subsection 2 of NRS 104.3103, a beneficiary or its successor in interest or the trustee is entitled to enforce the instrument if the beneficiary or its successor in interest or the trustee is:

(I) The holder of the instrument;

(II) A nonholder in possession of the instrument who has the rights of a holder; or

(III) A person not in possession of the instrument who is entitled to enforce the instrument pursuant to a court order issued under NRS 104.3309.

(3) That the beneficiary or its successor in interest, the servicer of the obligation or debt secured by the deed of trust or the trustee, or an attorney representing any of those persons, has sent to the obligor or borrower of the obligation or debt secured by the deed of trust a written statement of:

(I) The amount of payment required to make good the deficiency in performance or payment, avoid the exercise of the power of sale and reinstate

the terms and conditions of the underlying obligation or debt existing before the deficiency in performance or payment, as of the date of the statement;

(II) The amount in default;

(III) The principal amount of the obligation or debt secured by the deed of trust;

(IV) The amount of accrued interest and late charges;

(V) A good faith estimate of all fees imposed in connection with the exercise of the power of sale; and

(VI) Contact information for obtaining the most current amounts due and the local or toll-free telephone number described in subparagraph (4).

(4) A local or toll-free telephone number that the obligor or borrower of the obligation or debt may call to receive the most current amounts due and a recitation of the information contained in the affidavit.

(5) The date and the recordation number or other unique designation of, and the name of each assignee under, each recorded assignment of the deed of trust. The information required to be stated in the affidavit pursuant to this subparagraph may be based on:

(I) The direct, personal knowledge of the affiant;

(II) The personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135;

(III) Information contained in the records of the recorder of the county in which the property is located; or

(IV) The title guaranty or title insurance issued by a title insurer or title agent authorized to do business in this State pursuant to chapter 692A of NRS.

➡ The affidavit described in this paragraph is not required for the exercise of the trustee's power of sale with respect to any trust agreement which concerns a time share within a time-share plan created pursuant to chapter 119A of NRS if the power of sale is being exercised for the initial beneficiary under the deed of trust or an affiliate of the initial beneficiary.

(d) The beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the trustee to exercise the power of sale with respect to the property.

(e) Not less than 3 months have elapsed after the recording of the notice or, if the notice 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, not less than 60 days have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is

recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2;

(b) If the property is subject to the requirements of NRS 107.400 to 107.560, inclusive, contain the declaration required by subsection 6 of NRS 107.510;

(c) If, 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, include the affidavit and certification required by subsection 6 of NRS 107.130; and

(d) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the applicable period specified in paragraph (d) of subsection 2 following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in the county where the property is situated;

(c) 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 property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560; and

(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. A sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS ~~[107.086 and]~~ 107.087;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 45 days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 15 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 60 days after the date on which the person received actual notice of the sale.

7. If, in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of \$5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,
➡ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

8. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

9. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

10. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 9, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to \$500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 9 and for reasonable attorney's fees and the costs of bringing the action.

11. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of \$150 for deposit in the State General Fund.

(b) ~~[A fee of \$45 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.]~~

~~—(e)]~~ A fee of \$5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

12. The fees collected pursuant to ~~[paragraphs]~~ paragraph (a) ~~[and (b)]~~ of subsection 11 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund . ~~[for the Account for Foreclosure Mediation as prescribed pursuant to subsection 11.]~~ The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund . ~~[for the Account as prescribed in subsection 11.]~~

13. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 11.

14. As used in this section:

(a) *"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.*

(b) *"Residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this paragraph, "single family residence":*

(1) Means a structure that is comprised of not more than four units.

(2) Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

~~[(b)]~~ (c) *"Trustee" means the trustee of record.*

Sec. 2. NRS 107.085 is hereby amended to read as follows:

107.085 1. With regard to a transfer in trust of an estate in real property to secure the performance of an obligation or the payment of a debt, the provisions of this section apply to the exercise of a power of sale pursuant to NRS 107.080 only if:

(a) The trust agreement becomes effective on or after October 1, 2003, and, on the date the trust agreement is made, the trust agreement is subject to the provisions of § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(bb), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32; or

(b) The trust agreement concerns owner-occupied housing as defined in NRS ~~[107.086.]~~ 107.080.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless:

(a) In the manner required by subsection 3, not later than 60 days before the date of the sale, the trustee causes to be served upon the grantor or the person who holds the title of record a notice in the form described in subsection 3; and

(b) If an action is filed in a court of competent jurisdiction claiming an unfair lending practice in connection with the trust agreement, the date of the sale is not less than 30 days after the date the most recent such action is filed.

3. The notice described in subsection 2 must be:

(a) Served upon the grantor or the person who holds the title of record:

(1) Except as otherwise provided in subparagraph (2), by personal service or, if personal service cannot be timely effected, in such other manner as a court determines is reasonably calculated to afford notice to the grantor or the person who holds the title of record; or

(2) If the trust agreement concerns owner-occupied housing as defined in NRS ~~[107.086:] 107.080:~~

(I) By personal service;

(II) If the grantor or the person who holds the title of record is absent from his or her place of residence or from his or her usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the grantor or the person who holds the title of record at his or her place of residence or place of business; or

(III) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the trust property, delivering a copy to a person there residing if the person can be found and mailing a copy to the grantor or the person who holds the title of record at the place where the trust property is situated; and

(b) In substantially the following form, with the applicable telephone numbers and mailing addresses provided on the notice and, except as otherwise provided in subsection 4, a copy of the promissory note attached to the notice:

NOTICE

YOU ARE IN DANGER OF LOSING YOUR HOME!

Your home loan is being foreclosed. In not less than 60 days your home may be sold and you may be forced to move. For help, call:

Consumer Credit Counseling _____

The Attorney General _____

The Division of Mortgage Lending _____

The Division of Financial Institutions _____

Legal Services _____

Your Lender _____

Nevada Fair Housing Center _____

4. The trustee shall cause all social security numbers to be redacted from the copy of the promissory note before it is attached to the notice pursuant to paragraph (b) of subsection 3.

5. This section does not prohibit a judicial foreclosure.

6. As used in this section, "unfair lending practice" means an unfair lending practice described in NRS 598D.010 to 598D.150, inclusive.

Sec. 2.5. NRS 107.086 is hereby amended to read as follows:

107.086 1. Except as otherwise provided in this subsection ~~[and]~~ and subsection 4 of section 1 of this act, 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 *and for which a notice of default and election to sell is mailed on or before December 1, 2016, to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080* 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) 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 ~~or~~ *or December 31, 2016,*

whichever is earlier, 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 ~~or~~ *or December 31, 2016, whichever is earlier*, 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 notify the 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's owner" has the meaning ascribed to it in NRS 116.095.

Sec. 3. NRS 107.095 is hereby amended to read as follows:

107.095 1. The notice of default required by NRS 107.080 must also be sent by registered or certified mail, return receipt requested and with postage prepaid, to each guarantor or surety of the debt. If the address of the guarantor or surety is unknown, the notice must be sent to the address of the trust property. Failure to give the notice, except as otherwise provided in subsection 3, releases the guarantor or surety from his or her obligation to the beneficiary, but does not affect the validity of a sale conducted pursuant to NRS 107.080 or the obligation of any guarantor or surety to whom the notice was properly given.

2. Failure to give the notice of default required by NRS 107.090, except as otherwise provided in subsection 3, releases the obligation to the beneficiary of any person who has complied with NRS 107.090 and who is or may otherwise be held liable for the debt or other obligation secured by

the deed of trust, but such a failure does not affect the validity of a sale conducted pursuant to NRS 107.080 or the obligation of any person to whom the notice was properly given pursuant to this section or to NRS 107.080 or 107.090.

3. A guarantor, surety or other obligor is not released pursuant to this section if:

(a) The required notice is given at least 15 days before the later of:

(1) The expiration of the 15- or 35-day period described in paragraph (a) of subsection 2 of NRS 107.080;

(2) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS ~~[107.086,]~~ 107.080, the expiration of the period described in paragraph (b) of subsection 2 of NRS 107.080; or

(3) Any extension of the applicable period by the beneficiary; or

(b) The notice is rescinded before the sale is advertised.

Sec. 4. NRS 107.450 is hereby amended to read as follows:

107.450 "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,]~~ 107.080.

Sec. 5. NRS 107.460 is hereby amended to read as follows:

107.460 The provisions of NRS 107.400 to 107.560, inclusive, do not apply to a financial institution, as defined in NRS 660.045, that, during its immediately preceding annual reporting period, as established with its primary regulator, has foreclosed on 100 or fewer real properties located in this State which constitute owner-occupied housing, as defined in NRS ~~[107.086,]~~ 107.080.

Sec. 6. NRS 107.480 is hereby amended to read as follows:

107.480 1. In addition to the requirements of NRS 107.085, ~~[and 107.086,]~~ the exercise of a trustee's power of sale pursuant to NRS 107.080 with respect to a deed of trust securing a residential mortgage loan is subject to the provisions of NRS 107.400 to 107.560, inclusive.

2. In addition to the requirements of NRS 40.430 to 40.4639, inclusive, a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan is subject to the requirements of NRS 107.400 to 107.560, inclusive.

Sec. 7. NRS 107.550 is hereby amended to read as follows:

107.550 1. A civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan must be dismissed without prejudice, any notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 must be rescinded, and any pending foreclosure sale must be cancelled, if:

(a) The borrower accepts a permanent foreclosure prevention alternative;

(b) A notice of sale is not recorded within 9 months after the notice of default and election to sell is recorded pursuant to subsection 2 of NRS 107.080; or

(c) A foreclosure sale is not conducted within 90 calendar days after a notice of sale is recorded pursuant to subsection 4 of NRS 107.080.

2. The periods specified in paragraphs (b) and (c) of subsection 1 are tolled:

(a) If a borrower has filed a case under 11 U.S.C. Chapter 7, 11, 12 or 13, until the bankruptcy court enters an order closing or dismissing the bankruptcy case or granting relief from a stay of foreclosure or trustee's sale;

(b) ~~If mediation pursuant to NRS 107.086 is required, until the date on which the Mediation Administrator, as defined in NRS 107.086, issues the certificate that mediation has been completed in the matter;~~

~~—(c)— If [mediation pursuant to NRS 40.437 is required or if] a court orders participation in a settlement program, until the date on which the [mediation or] participation in a settlement program is terminated; or~~

~~[(d)]~~ (c) If a borrower has submitted an application for a foreclosure prevention alternative, until the date on which:

(1) A written offer for a foreclosure prevention alternative is submitted to the borrower;

(2) A written statement of the denial of the application has been submitted to the borrower pursuant to subsection 4 of NRS 107.530, and any appeal period pursuant to subsection 5 of NRS 107.530 has expired; or

(3) If the borrower has appealed the denial of an application for a foreclosure prevention alternative, a written offer for a foreclosure prevention alternative or a written denial of the appeal is submitted to the borrower.

3. If, pursuant to subsection 1, a civil action is dismissed, a notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 is rescinded, or any pending foreclosure sale is cancelled, the mortgagee or beneficiary of the deed of trust is thereupon restored to its former position and has the same rights as though an action for a judicial foreclosure had not been commenced or a notice of default and election to sell had not been recorded.

Sec. 8. NRS 2.125 is hereby amended to read as follows:

2.125 The Supreme Court may adopt rules providing for voluntary mediation with respect to ~~the~~:

~~1. A homeowner who is not in default but is at risk of default.~~

~~2. A] a small business whose commercial property is in default. If the Supreme Court adopts such rules, the Supreme Court shall consider:~~

~~[(a)]~~ 1. The goals and purposes of the mediation process;

~~[(b)]~~ 2. The necessity, efficiency and desirability of allowing mediation for the various types of commercial property; and

~~{(c)}~~ 3. Any other factor that is relevant in determining whether allowing mediation under the circumstances is in the best interests of the residents, businesses and governmental entities in this State.

Sec. 8.5. NRS 40.437 is hereby amended to read as follows:

40.437 1. ~~{(f-a)}~~ A civil action for a foreclosure sale pursuant to NRS 40.430 affecting owner-occupied housing *that* is commenced in a court of competent jurisdiction ~~{-}~~ *on or before December 1, 2016, is subject to the provisions of this section.*

2. *In a civil action described in subsection 1:*

(a) The copy of the complaint served on the mortgagor must include a separate document containing:

(1) Contact information which the mortgagor may use to reach a person with authority to negotiate a loan modification on behalf of the plaintiff;

(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 mortgagor has the right to seek mediation pursuant to this section; and

(4) A form upon which the mortgagor may indicate an election to enter into mediation or to waive mediation pursuant to this section and one envelope addressed to the plaintiff and one envelope addressed to the Mediation Administrator, which the mortgagor may use to comply with the provisions of subsection ~~{2-}~~ 3; and

(b) The plaintiff must submit a copy of the complaint to the Mediation Administrator.

~~{2-}~~ 3. The mortgagor shall, not later than the date on which an answer to the complaint is due ~~{-}~~ *or December 31, 2016, whichever is earlier*, complete the form required by subparagraph (4) of paragraph (a) of subsection ~~{1-}~~ 2 and file the form with the court and return a copy of the form to the plaintiff by certified mail, return receipt requested. If the mortgagor indicates on the form an election to enter into mediation, the plaintiff shall notify any person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the election of the mortgagor to enter into mediation and file the form with the Mediation Administrator, who shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. The judicial foreclosure action must be stayed until the completion of the mediation. If the mortgagor indicates on the form an election to waive mediation or fails to file the form with the court and return a copy of the form to the plaintiff as required by this subsection, no mediation is required in the action.

~~{3-}~~ 4. 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 of NRS 107.086. The plaintiff or a representative, and the mortgagor or his or her representative, shall attend the mediation. If the plaintiff is represented at the mediation by another person,

that person must have authority to negotiate a loan modification on behalf of the plaintiff or have access at all times during the mediation to a person with such authority.

~~{4.}~~ 5. If the plaintiff or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not have the authority or access to a person with the authority required by subsection ~~{3.}~~ 4, the mediator shall prepare and submit to the Mediation Administrator and the court a petition and recommendation concerning the imposition of sanctions against the plaintiff or the representative. The court may issue an order imposing such sanctions against the plaintiff or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

~~{5.}~~ 6. If the mortgagor elected to enter into mediation and fails to attend the mediation, no mediation is required and the judicial foreclosure action must proceed as if the mortgagor had not elected to enter into mediation.

~~{6.}~~ 7. 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 court and the Mediation Administrator a recommendation that the mediation be terminated. The court may terminate the mediation and proceed with the judicial foreclosure action.

~~{7.}~~ 8. The rules adopted by the Supreme Court pursuant to subsection 11 of NRS 107.086 apply to a mediation conducted pursuant to this section, and the Supreme Court may adopt any additional rules necessary to carry out the provisions of this section.

~~{8.}~~ 9. Except as otherwise provided in subsection ~~{10.}~~ 11, the provisions of this section do not apply if:

(a) The mortgagor 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 defendant under 11 U.S.C. Chapter 7, 11, 12 or 13 and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

~~{9.}~~ 10. A noncommercial lender is not excluded from the application of this section.

~~{10.}~~ 11. 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.

~~{11.}~~ 12. As used in this section:

(a) "Mediation Administrator" has the meaning ascribed to it in NRS 107.086.

(b) "Noncommercial lender" has the meaning ascribed to it in NRS 107.086.

(c) "Owner-occupied housing" has the meaning ascribed to it in NRS 107.086.

Sec. 9. Section 2 of Senate Bill 306 of this session is hereby amended to read as follows:

Sec. 2. NRS 116.31162 is hereby amended to read as follows:

116.31162 1. Except as otherwise provided in subsection 5 ~~[-6]~~ or ~~[7]~~ 6, 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:

(I) If the holder of the first security interest on the unit does not 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; 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.

(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 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:

(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:

(1) A schedule of the fees that may be charged if the unit's owner fails to pay the past due obligation;

(2) A proposed repayment plan; and

(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.

~~{7. The association may not foreclose a lien by sale if 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 recorded the certificate provided to the trustee pursuant to subparagraph (1) or (2) of paragraph (e) of subsection 2 of 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. 10. Section 8.5 of Senate Bill 306 of this session is hereby amended to read as follows:

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} 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" , "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~~ 107.080.

Sec. 10.5. If the Court Administrator determines that money in the Account for Foreclosure Mediation created by NRS 107.080 is not sufficient to support the mediation process set forth in NRS 107.086, as amended by section 2.5 of this act, and the mediation process set forth in section 1 of this act, the Court Administrator may submit to the Interim Finance Committee a request for an allocation from the Contingency Account created by NRS 353.266 for deposit in the Account for Foreclosure Mediation for such purpose.

Sec. 11. Any balance remaining in the Account for Foreclosure Mediation created by NRS 107.080 that has not been committed for expenditure before June 30, 2017, must be reverted to the State General Fund.

Sec. 12. NRS 40.437 and 107.086 are hereby repealed.

Sec. 13. 1. This section and sections 2.5, ~~and~~ 8.5, ~~10.5~~ and 11 of this act become effective ~~on~~ upon passage and approval.

2. Section 1 of this act becomes effective upon passage and approval and expires by limitation on June 30, 2017.

3. Sections ~~1, 2~~ 1.5, 2, ~~and~~ 3 to 8, inclusive, ~~and~~ 9 ~~to~~ , 10 and 12, ~~of~~ of this act become effective on June 30, 2017.

4. Section 10.5 of this act expires by limitation on June 30, 2017.

TEXT OF REPEALED SECTIONS

40.437 Additional requirements for action affecting owner-occupied housing: Notice; form; election of mediation; rules concerning mediation; applicability.

1. A civil action for a foreclosure sale pursuant to NRS 40.430 affecting owner-occupied housing that is commenced in a court of competent jurisdiction on or before December 1, 2016, is subject to the provisions of this section.

2. In a civil action described in subsection 1:

(a) The copy of the complaint served on the mortgagor must include a separate document containing:

(1) Contact information which the mortgagor may use to reach a person with authority to negotiate a loan modification on behalf of the plaintiff;

(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 mortgagor has the right to seek mediation pursuant to this section; and

(4) A form upon which the mortgagor may indicate an election to enter into mediation or to waive mediation pursuant to this section and one envelope addressed to the plaintiff and one envelope addressed to the Mediation Administrator, which the mortgagor may use to comply with the provisions of subsection 3; and

(b) The plaintiff must submit a copy of the complaint to the Mediation Administrator.

3. The mortgagor shall, not later than the date on which an answer to the complaint is due or December 31, 2016, whichever is earlier, complete the form required by subparagraph (4) of paragraph (a) of subsection 2 and file the form with the court and return a copy of the form to the plaintiff by certified mail, return receipt requested. If the mortgagor indicates on the form an election to enter into mediation, the plaintiff shall notify any person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the election of the mortgagor to enter into mediation and file the form with the Mediation Administrator, who shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. The judicial foreclosure action must be stayed until the completion of the mediation. If the mortgagor indicates on the form an election to waive mediation or fails to file the form with the court and return a copy of the form to the plaintiff as required by this subsection, no mediation is required in the action.

4. 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 of NRS 107.086. The plaintiff or a representative, and the mortgagor or his or her representative, shall attend the mediation. If the plaintiff is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the plaintiff or have access at all times during the mediation to a person with such authority.

5. If the plaintiff or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not have the authority or access to a person with the authority required by subsection 4, the mediator shall prepare and submit to the Mediation Administrator and the court a petition and recommendation concerning the imposition of sanctions against the plaintiff or the representative. The court may issue an order imposing such sanctions against the plaintiff or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

6. If the mortgagor elected to enter into mediation and fails to attend the mediation, no mediation is required and the judicial foreclosure action must proceed as if the mortgagor had not elected to enter into mediation.

7. 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 court and the Mediation Administrator a recommendation that the mediation be terminated. The court may terminate the mediation and proceed with the judicial foreclosure action.

8. The rules adopted by the Supreme Court pursuant to subsection 11 of NRS 107.086 apply to a mediation conducted pursuant to this section, and

the Supreme Court may adopt any additional rules necessary to carry out the provisions of this section.

9. Except as otherwise provided in subsection 11, the provisions of this section do not apply if:

(a) The mortgagor 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 defendant under 11 U.S.C. Chapter 7, 11, 12 or 13 and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

10. A noncommercial lender is not excluded from the application of this section.

11. 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.

12. As used in this section:

(a) "Mediation Administrator" has the meaning ascribed to it in NRS 107.086.

(b) "Noncommercial lender" has the meaning ascribed to it in NRS 107.086.

(c) "Owner-occupied housing" has the meaning ascribed to it in NRS 107.086.

107.086 Additional requirements for sale of owner-occupied housing: Notice; form; enrollment in mediation; election to waive mediation; adoption of rules concerning mediation; applicability.

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 and for which a notice of default and election to sell is mailed on or before December 1, 2016, to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080 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) 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 or December 31, 2016, whichever is earlier, 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 or December 31, 2016, whichever is earlier, 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 notify the 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's owner" has the meaning ascribed to it in NRS 116.095.

Senator Kieckhefer moved that the Senate concur in Assembly Amendment No. 1072 to Senate Bill No. 512.

Remarks by Senator Kieckhefer.

This is the bill that extends the Foreclosure Mediation Program through the next Biennium.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

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

Motion carried.

Senate in recess at 11:52 p.m.

SENATE IN SESSION

At 11:54 p.m.

President Hutchison presiding.

Quorum present.

REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Assembly Bill No. 258, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that Amendment No. 1034 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 13, which is attached to and hereby made a part of this report.

Conference Amendment No. 13.

SUMMARY—Prohibits certain acts relating to the obstruction of property and roadways.
(BDR 3-700)

AN ACT relating to unlawful acts; prohibiting a person from obstructing certain property or roadways; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill: (1) prohibits a person from intentionally obstructing certain property or roadways; and (2) prescribes certain civil remedies for persons aggrieved by such conduct.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A person shall not intentionally obstruct:*

(a) *The ingress or egress to any public or private property from any other public or private place in such a manner as not to leave a free passageway for persons and vehicles lawfully seeking to enter or leave the property via the public or private place; or*

(b) *Any public or private roadway, including, without limitation, intersections, so as to prevent the safe passage of vehicles thereon or therethrough.*

2. *In addition to any other remedy, a person aggrieved by a violation of subsection 1 may bring a civil action in a court of competent jurisdiction against any person who commits the violation to seek any or all of the following relief:*

(a) *Declaratory and injunctive relief, including, without limitation, injunctive relief to enjoin any ongoing activity that violates any provision of subsection 1. For the purposes of injunctive relief, a person who brings an action pursuant to this subsection is entitled to a rebuttable presumption of irreparable harm.*

(b) *Actual damages.*

(c) *Reasonable attorney's fees and costs.*

(d) *Any other legal or equitable relief that the court deems appropriate.*

3. *A person who violates the provisions of this section is not subject to criminal liability.*

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

GREG BROWER

IRA HANSEN

AARON D. FORD

BRENT A. JONES

BECKY HARRIS

IRENE BUSTAMANTE ADAMS

Senate Conference Committee

Assembly Conference Committee

Senator Brower moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 258.

Motion carried by a constitutional majority.

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

Senate in recess at 11:55 p.m.

SENATE IN SESSION

At 12:00 a.m.

President Hutchison presiding.

Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 22, 2015

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 133, 161, 332.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 1063 to Assembly Bill No. 332; Senate Amendment No. 1069 to Assembly Bill No. 445; Senate Amendment No. 1074 to Assembly Bill No. 495.

Also, I have the honor to inform your honorable body that the Assembly on this day receded from its action on Senate Bill No. 7, Assembly Amendment No. 837.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the reports of the Conference Committees concerning Senate Bills Nos. 95, 444; Assembly Bill No. 461.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

UNFINISHED BUSINESS
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 7, 52, 69, 79, 92, 95, 99, 103, 107, 111, 128, 133, 146, 161, 185, 195, 214, 225, 227, 230, 247, 266, 292, 296, 324, 332, 338, 340, 348, 360, 376, 412, 416, 428, 432, 444, 460, 467, 482, 483, 488, 489, 491, 492, 497, 498, 502, 506, 507, 508, 509, 511, 512, 513, 514, 515; Senate Joint Resolution No. 13; Assembly Bills Nos. 5, 12, 70, 71, 77, 85, 89, 94, 113, 114, 135, 146, 159, 163, 167, 170, 172, 173, 203, 221, 238, 241, 258, 263, 278, 293, 295, 325, 326, 332, 341, 351, 364, 386, 388, 389, 394, 399, 409, 410, 421, 428, 436, 438, 443, 445, 447, 448, 452, 457, 462, 466, 469, 472, 473, 474, 475, 476, 478, 480, 481, 482, 483, 484, 485, 488, 489, 490, 491, 493, 495, 496, 497, 498; Assembly Joint Resolution No. 10.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. President appointed Senators Settlemeyer, Harris and Woodhouse as a Committee to wait upon the Assembly and to inform that honorable Body that the Senate is ready to adjourn *sine die*.

Mr. President appointed Senators Lipparelli, Farley and Denis as a Committee to wait upon His Excellency, Brian Sandoval, Governor of the State of Nevada, and to inform him that the Senate is ready to adjourn *sine die*.

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

Senate in recess at 12:01 a.m.

SENATE IN SESSION

At 12:03 a.m.

President Hutchison presiding.

Quorum present.

A Committee from the Assembly, composed of Assemblywomen Woodbury, Titus and Joiner appeared before the bar of the Senate and announced that the Assembly is ready to adjourn *sine die*.

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

Senate in recess at 12:04 a.m.

SENATE IN SESSION

At 12:15 a.m.

President Hutchison presiding.

Quorum present.

Senator Settlemeyer reported that his Committee has informed the Assembly that the Senate is ready to adjourn *sine die*.

Senator Lipparelli reported that his Committee has informed the Governor that the Senate is ready to adjourn *sine die*.

Senator Roberson moved that the 78th Session of the Senate of the Legislature of the State of Nevada adjourn *sine die*, and that it do so in honor of Senator Debbie Smith.

Motion carried.

Senate adjourned *sine die* at 12:16 a.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate