

**THE ONE HUNDRED AND SIXTH DAY**

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CARSON CITY (Monday), May 22, 2017

Assembly called to order at 1:12 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Ellison, who was excused.

Prayer by the Chaplain, Reverend Richard Snyder.

Creator God, we give You thanks for all You are and all You bring to us for our visit within Your creation. You show us the way to live a generous and compassionate life. Give us Your strength to live together with respect and commitment as we grow in Your spirit, for You are God, now and forever.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

**REPORTS OF COMMITTEES**

*Mr. Speaker:*

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 227, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 185, 199, 383, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 209, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

*Mr. Speaker:*

Your Committee on Corrections, Parole, and Probation, to which was referred Senate Bill No. 125, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

*Mr. Speaker:*

Your Committee on Education, to which were referred Senate Bills Nos. 164, 420, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TYRONE THOMPSON, *Chair*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Senate Bill No. 26, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

EDGAR FLORES, *Chair*

*Mr. Speaker:*

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 151, 388, 509, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL C. SPRINKLE, *Chair*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 41, 470, 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 239, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

*Mr. Speaker:*

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 343, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Concurrent Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

OLIVIA DIAZ, *Chair*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 47, 251, 270, 364, 370, 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was rereferred Senate Bill No. 413, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HEIDI SWANK, *Chair*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Senate Bill No. 226, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Senate Bill No. 149, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was rereferred Senate Bill No. 448, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 19, 2017

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 192, 233, 261, 301, 334, 364.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 169, Amendment No. 742; Assembly Bill No. 176, Amendment No. 750; Assembly Bill No. 223, Amendment No. 696; Assembly Bill No. 272, Amendment No. 773, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 203, 488.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 213, 265; Senate Concurrent Resolution No. 4.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 659 to Senate Bill No. 108; Assembly Amendment No. 649 to Senate Bill No. 122; Assembly Amendment No. 650 to Senate Bill No. 123; Assembly Amendment No. 658 to Senate Bill No. 256.

SHERRY RODRIGUEZ

*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

## NOTICE OF EXEMPTION

May 22, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 267.

MARK KRMPOTIC

*Fiscal Analysis Division*

Senate Concurrent Resolution No. 1

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

Assembly in recess at 12:22 p.m.

## ASSEMBLY IN SESSION

At 12:24 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Benitez-Thompson moved that Senate Concurrent Resolution No. 1 be taken from the Resolution File and placed on the Chief Clerk's desk.

Motion carried.

Senate Concurrent Resolution No. 4.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 203.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 213.

Assemblyman Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 265.

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

Motion carried.

Senate Bill No. 488.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 405.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 723.

~~[ASSEMBLYMAN]~~ ASSEMBLYMEN BROOKS, WATKINS, FRIERSON, YEAGER, MCCURDY; ARAUJO, BILBRAY-AXELROD, CARRILLO, COHEN, DIAZ, FUMO, JAUREGUI, JOINER, MILLER, MONROE-MORENO, NEAL, SWANK AND THOMPSON

**JOINT SPONSOR: SENATOR SEGERBLOM**

SUMMARY—Establishes certain protections for and ensures the rights of a person who uses renewable energy in this State ~~[and]~~ **and revises provisions governing net metering.** (BDR 52-959)

AN ACT relating to renewable energy; creating the contractual requirements for an agreement for the lease or purchase of a distributed generation system and a power purchase agreement; describing utility rates; establishing the minimum warranty requirements for an agreement concerning a distributed generation system; providing certain immunity for solar installation companies; creating the Renewable Energy Bill of Rights; **requiring certain electric utilities to file a request with the Public Utilities Commission of Nevada to establish an optional time-variant rate schedule for customers; requiring a utility to charge a net metering adjustment charge to certain customer-generators; requiring the Legislative Committee on Energy to make certain recommendations to**

**the Legislature; revising provisions governing the eligibility of certain customers of electric utilities in this State to participate in net metering;**

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

**Legislative Counsel's Digest:**

Sections 9-11 of this bill ~~prescribe~~ **set forth** the requirements for the cover page, provisions and summary disclosure statement of agreements for the lease of a distributed generation system. Sections 12-14 of this bill ~~prescribe~~ **set forth** the requirements for the cover page, provisions and summary disclosure statement of agreements for the purchase of a distributed generation system. Sections 15-17 of this bill ~~prescribe~~ **set forth** the requirements for the cover page, provisions and summary disclosure statement of agreements for the sale of the output of a distributed generation system, known as a power purchase agreement.

Section 18 of this bill ~~provides~~ **sets forth** the ~~description of~~ **disclosure relating to** utility rates that must be included with an agreement created pursuant to sections 9-17 if the agreement makes a written reference to the price of electricity that is provided by an electric utility. Section 19 of this bill sets forth the minimum warranty requirements for an agreement created pursuant to sections 9-17 concerning a distributed generation system.

Section 20 of this bill ~~makes~~ **establishes that it is** a deceptive trade practice if a person fails to comply with sections 2-20 of this bill. Section 20 additionally ~~provides immunity from legal action for good faith action by solar installation companies in the installation, maintenance and operation of a distributed generation system.~~ **establishes that it is consumer fraud if a person violates any provision of sections 2-20. Section 20 further requires that any document described in sections 9-19 be provided in: (1) English; or (2) Spanish, if any person so requests.**

Sections 22-25 of this bill create the Renewable Energy Bill of Rights that applies to each natural person who is a resident of this State.

**Existing law defines “net metering” as the measure of the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator that is fed back to the utility. (NRS 704.769) Section 27 of this bill requires electric utilities to file a request with the Public Utilities Commission of Nevada to establish an optional time-variant rate schedule for customers, including customer-generators that acquire an energy storage system. Section 27 further requires that such a request be designed to expand and accelerate the development and use of energy storage systems in this State. Section 27 additionally authorizes the Commission to approve any such request that the Commission finds to be in the public interest.**

**Section 28 of this bill requires a utility to charge a net metering adjustment charge to each customer-generator who accepts the offer of a utility for net metering. Section 28 requires that this net metering adjustment charge: (1) applies to each kilowatt-hour of excess electricity that is generated by a customer-generator; and (2) equals a percentage**

of the rate the customer-generator would have paid for a kilowatt-hour of electricity supplied by the utility at the time the customer-generator fed the kilowatt-hour of excess electricity back to the utility. Section 28 further provides that this percentage be tiered based on the amount of cumulative installed capacity and peak demand for electricity in this State.

Section 29 of this bill requires the Legislative Committee on Energy, in consultation with the Commission, to make certain recommendations to the Legislature within 6 months of the Commission determining that the cumulative installed capacity of all net metering systems in this State exceeds 800 megawatts and 10 percent of the peak demand for electricity in this State for the previous year.

Existing law requires each electric utility in this State to offer net metering to customer-generators operating in the service area of the utility until the date on which the cumulative capacity of all net metering systems in this State for which electric utilities have accepted completed applications is 235 megawatts. (NRS 704.773)

Section 31 of this bill amends existing law to require each electric utility to offer net metering to customer-generators operating within the service area of the utility. Section 31 further requires the utility to not: (1) charge the customer-generator any fee or charge that is different than that charged to other customers of the utility to which the customer-generator would belong if he or she did not have a net metering system; and (2) reduce the amount of the minimum monthly charge of the customer-generator based on the electricity the customer-generator feeds back to the utility. Section 31 additionally requires the Commission and a utility to allow the customer-generator to continue net metering at the location at which the system is originally installed for the life of the net metering system or for 20 years, whichever is longer.

Existing law sets forth that after the date on which the cumulative capacity is 235 megawatts, electric utilities are to offer net metering to customer-generators in accordance with a tariff filed by the utility and approved by the Commission. (NRS 704.7735) Section 33 of this bill repeals this provision.

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

**Section 1.** Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 20, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Commission” means the Public Utilities Commission of Nevada.*

**Sec. 3.5.** *“Disclosure” means a written statement.*

Sec. 4. “Distributed generation system” means a system or facility for the generation of electricity:

1. ~~That~~ That uses solar energy to generate electricity;
2. That is located on the property of a customer of an electric utility;
3. That is connected on the customer’s side of the electricity meter;
4. That provides electricity primarily to offset customer load on that property; and
5. The excess generation from which is periodically exported to the grid in accordance with the provisions governing net metering systems used by customer-generators pursuant to NRS 704.766 to 704.775, inclusive.

Sec. 5. “Host customer” means either:

1. The customer of record of an electric utility at the location where an energy system that uses photovoltaic cells and solar energy to generate electricity will be located; or
2. A person who has been designated by the customer of record of an electric utility in a letter to the utility explaining the relationship between that person and the customer of record.

Sec. 6. “Portfolio energy credit” has the meaning ascribed to it in NRS 704.7803.

Sec. 7. “Power purchase agreement” means an agreement in which ~~the~~ ~~1. A~~ a solar installation company:

~~1. Arranges for the design, installation, maintenance, and~~ ~~energy output and displacement standards~~ of a distributed generation system; and

~~2. Sells the electricity generated from a distributed generation system to the host customer, and~~

~~2. The host customer receives compensation from the solar installation company for use of the property of the host customer for the distributed generation system.~~

Sec. 8. 1. “Solar installation company” means any form of business organization or any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or unincorporated organization, that ~~installs, maintains and operates a~~ transacts business directly with a residential customer of an electric utility to:

(a) Sell and install a distributed generation system; or  
(b) Install a distributed generation system owned by a third party from whom the customer:

(1) Leases a distributed generation system; or  
(2) Purchases electricity generated by a distributed generation system.

2. The term does not include entities that are third party:

(a) Owners of a distributed generation system; or  
(b) Financiers of a distributed generation system who do not sell or install the distributed generation system.

Sec. 9. *An agreement for the lease of a distributed generation system must include a cover page that provides the following information in at least 10-point font:*

1. *The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.*
2. *An estimated timeline for the installation of the distributed generation system.*
3. *The estimated amount of the monthly payments due under the lease in the first year of operation of the distributed generation system.*
4. *The length of the term of the lease.*
5. *A description of any warranties.*
6. *The rate of any payment increases.*
7. *The identification of any state or federal tax incentives that are ~~available for leasing the distributed generation system.~~ included in calculating the amount of the monthly payments due under the lease.*
8. *The estimated production of the distributed generation system in the first year of operation.*
9. *A description of the terms for renewal or any other options available at the end of the term of the lease.*
10. *A description of any option to purchase the distributed generation system before the end of the term of the lease.*
11. *Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.*
12. *Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.*
13. *Contact information for the State Contractors' Board, including, without limitation, a telephone number.*

Sec. 10. *An agreement for the lease of a distributed generation system must include, without limitation, the following information in at least 10-point font:*

1. *The name, mailing address, telephone number and number of the contractor's license of the solar installation company.*
2. *The name, mailing address and telephone number of:*
  - (a) *The lessor of the distributed generation system; and*
  - (b) *The name, mailing address and telephone number of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company.*
3. *An estimated timeline for the installation of the distributed generation system.*
4. *The length of the term of the lease.*
5. *A general description of the distributed generation system.*
6. *The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.*
7. *A description of any warranties.*



8. *The amount of the:*

- (a) *Monthly payments due under the lease; and*
- (b) *Total payments due under the lease, excluding taxes.*

9. *A description of any other one-time or recurring charges, including, without limitation, a description of the circumstances that trigger any late fees.*

10. *A description of any obligation the lessor has regarding the installation, repair or removal of the distributed generation system.*

11. *A description of any obligation the lessor has regarding construction of and insurance for the distributed generation system.*

12. ~~*[The estimated amount]*~~ *A description of any:*

- (a) Taxes due at the commencement of the lease; and*
- (b) Estimation of taxes ~~known~~ known to be applicable during the term of the lease ~~to~~, subject to any change in the state or local tax rate or tax structure.*

13. *A copy of the warranty for the distributed generation system.*

14. *A disclosure notifying the lessee of the transferability of the obligations under the warranty to a subsequent lessee.*

15. ~~*The identification of any state or federal tax incentives that are available for leasing the distributed generation system.*~~ *included in calculating the amount of the monthly payments due under the lease.*

16. *A description of the ownership of any tax credits, tax rebates, tax incentives or portfolio energy credits in connection with the distributed generation system.*

17. *Any terms for renewal of the lease.*

18. *A description of any option to purchase the distributed generation system before the end of the term of the lease.*

19. *A description of all options available to the host customer in connection with the continuation, termination or transfer of the lease in the event of the:*

- (a) Sale of the property to which the distributed generation system is affixed; or*
- (b) Death of the lessee.*

20. *A description of any restrictions that the lease imposes on the modification or transfer of the property to which the distributed generation system is affixed.*

21. *The granting to the lessee of the right to rescind the lease for a period ending not less than 3 business days after the lease is signed.*

22. *An estimate of the amount of electricity that could be generated by the distributed generation system ~~to~~ in the first year of operation.*

23. *A signature block that is signed and dated by the lessor and the lessee of the distributed generation system.*

Sec. 11. 1. *An agreement for the lease of a distributed generation system must include a ~~written statement,~~ disclosure that is not more than 3 pages in length and is in at least 10-point font.*

2. ~~The written statement~~ disclosure described in subsection 1 must be separate from the cover page and agreement described in sections 9 and 10 of this act.

3. ~~The written statement~~ disclosure described in subsection 1 must include, without limitation:

(a) The name, mailing address, telephone number and electronic mail address of the lessor;

(b) The name, mailing address, telephone number, electronic mail address and number of the contractor's license of the person who installed the distributed generation system, if different from the solar installation company;

(c) The name, mailing address, telephone number, electronic mail address and the number of the contractor's license of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company;

(d) The length of the term of the lease;

(e) The amount of the monthly payments due under the lease in the first year of operation;

(f) The amounts due at the signing for and at the completion of the installation of the distributed generation system;

(g) The estimated amount of the total payments due under the lease, including, without limitation, any incentives that are included in the estimated lease payments;

(h) A description of any one-time or recurring fees, including, without limitation, a description of the circumstances that trigger:

(1) Any late fees;

(2) Estimated fees for the removal of the distributed generation system;

(3) Fees for a notice of removal and refiling pursuant to the Uniform Commercial Code;

(4) Fees for connecting to the Internet; and

(5) Fees for not enrolling in a program in which payments are made through an electronic transfer of money cleared through an automated clearinghouse;

(i) The total number of payments to be made under the lease;

(j) The due date of any payment and the manner in which the consumer will receive an invoice for such payments;

(k) The rate of any payment increases and the date on which the first increase in the rate may occur, if applicable;

(l) Assumptions concerning the design of the distributed generation system, including, without limitation:

(1) The size of the distributed generation system;

(2) The estimated amount of production for the distributed generation system in the first year of operation;

(3) *The estimated annual degradation to the distributed generation system; and*

(4) ~~*[Eligibility for net metering.] As specified by the lease at the time of installation, whether or not an electric utility must credit a customer of the electric utility for any excess energy that is generated by the distributed energy system;*~~

(m) *A disclosure notifying the lessee of the intent of the lessor to file a fixture filing, as defined in NRS 104A.2309, on the distributed generation system;*

(n) *A disclosure notifying the lessee if maintenance and repairs of the distributed generation system are included in the lease;*

(o) *A disclosure describing any warranty for the repair of any damage to the roof of the property owned by the lessee in connection with the installation or removal of the distributed generation system;*

(p) *A disclosure describing:*

(1) *The transferability of the lease; and*

(2) *Any conditions on transferring the lease in connection with the lessee selling his or her property;*

(q) *A description of any guarantees of the performance of the distributed generation system;*

(r) *A description of the basis for any estimates of savings that were provided to the lessee, if applicable; and*

(s) *A disclosure concerning the retention of any portfolio energy credits, if applicable.*

Sec. 12. *An agreement for the purchase of a distributed generation system must include a cover page that provides the following information in at least 10-point font:*

1. *The size of the distributed generation system.*

2. ~~*[The length of the term of the agreement.]*~~

~~3.~~ *The length of the term of the warranty for the distributed generation system.*

~~4.~~ *3. An estimated timeline for the installation of the distributed generation system.*

~~5.~~ *4. A description of any warranties.*

~~6.~~ *5. The total cost of the distributed generation system.*

~~7.~~ *6. The estimated value of any portfolio energy credits and rebates of any incentives ~~[that the consumer may be eligible for.]~~*

~~8.~~ *included in the calculation of the total cost of the distributed generation system.*

*7. The amounts due at the signing for and at the completion of the installation of the distributed generation system.*

~~9.~~ *8. The estimated production of the distributed generation system in the first year of operation.*

*9. Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.*

10. Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

11. Contact information for the State Contractors' Board, including, without limitation, a telephone number.

Sec. 13. An agreement for the purchase of a distributed generation system must include, without limitation, the following information in at least 10-point font:

1. The name, mailing address, telephone number, electronic mail address and number of the contractor's license of the solar installation company.

2. The name, mailing address, telephone number and electronic mail address of:

(a) The purchaser of the distributed generation system; and

(b) The name, mailing address, telephone number and electronic mail address of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company.

~~3. The length of the term of the agreement.~~

~~4. A description of the design and installation of the distributed generation system. Such a description must include, without limitation, the:~~

~~(a) The size of the distributed generation system;~~

~~(b) The estimated amount of production for the distributed generation system in the first year of operation; and~~

~~(c) The estimated annual degradation to the distributed generation system.~~

~~5. The total cost of the distributed generation system.~~

~~6. An estimated timeline for the installation of the distributed generation system.~~

~~7. A payment schedule, including, without limitation:~~

~~(a) The due dates for any deposit; and~~

~~(b) Any subsequent payments that are not to exceed the total system cost stated on the cover page pursuant to section 12 of this act.~~

~~8. A description of any other one time or recurring charges, including, without limitation, a description of the circumstances that trigger any late fees.~~

~~9. The granting to the purchaser the right to rescind the agreement for a period ending not less than 3 business days after the agreement is signed.~~

~~10. A copy of the warranty for the distributed generation system.~~

~~11. A disclosure notifying the purchaser of the transferability of the obligations under the warranty to a subsequent purchaser.~~

~~12. A description of the eligibility of the purchaser for any tax credits, tax rebates, tax~~

10. The identification of any incentives ~~for portfolio energy credits~~ included in ~~connection with~~ the calculation of the total cost of the distributed generation system.

~~13.~~ 11. A description of any guarantee of the performance of the distributed generation system.

~~14.~~ 12. A signature block that is signed and dated by the purchaser of the distributed generation system and the solar installation company.

13. A description of the basis for any estimates of savings that were provided to the purchaser, if applicable.

14. A disclosure concerning the retention of any portfolio energy credits, if applicable.

Sec. 14. 1. An agreement for the purchase of a distributed generation system must include a ~~written statement~~ disclosure that is not more than 3 pages in length and is in at least 10-point font.

2. The ~~written statement~~ disclosure described in subsection 1 must be separate from the cover page and agreement described in sections 12 and 13 of this act.

3. The ~~written statement~~ disclosure described in subsection 1 must include, without limitation:

(a) The name, mailing address, telephone number and electronic mail address of the solar installation company;

(b) The name, mailing address, telephone number, electronic mail address and number of the contractor's license of the person who installed the distributed generation system, if different from the solar installation company;

(c) The name, mailing address, telephone number, electronic mail address and the number of the contractor's license of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company;

(d) The purchase price of the distributed generation system;

(e) The payment schedule for the distributed generation system;

(f) The approximate start and completion dates for the installation of the distributed generation system;

(g) A disclosure notifying the purchaser of the responsible party for obtaining approval for connecting the distributed generation system to the electricity meter on the host customer's side;

(h) Assumptions concerning the design of the distributed generation system, including, without limitation:

(1) The size of the distributed generation system;

(2) The estimated amount of production for the distributed generation system in the first year of operation;

(3) The estimated annual degradation to the distributed generation system; and

(4) ~~Eligibility for net metering;~~ As specified by the agreement at the time of installation, whether or not an electric utility must credit a

customer of the electric utility for any excess energy that is generated by the distributed energy system;

(i) A disclosure notifying the purchaser if maintenance and repairs of the distributed generation system are included in the purchase;

(j) A disclosure describing any warranty for the repair of any damage to the roof of the property owned by the purchaser in connection with the installation or removal of the distributed generation system;

~~(k) [A disclosure describing the transferability of the distributed generation system in connection with the purchaser selling his or her property];~~

~~(l) A description of any guarantees of the performance of the distributed generation system;~~

~~(m) (l)~~ A description of the basis for any estimates of savings that were provided to the purchaser, if applicable; and

~~(n) (m)~~ A disclosure concerning the retention of any portfolio energy credits, if applicable.

Sec. 15. A power purchase agreement for the sale of the output of a distributed generation system must include a cover page that provides the following information in at least 10-point font:

1. ~~[Any factor that might cause an escalation in the price per kilowatt hour.]~~ The rate of any increase in the payments to be made during the term of the agreement and, if applicable, the date of the first such increase.

2. An estimated timeline for the installation of the distributed generation system.

3. The rate of electricity per ~~[kilowatt hour]~~ kilowatt-hour of electricity for the first year of the agreement.

4. The length of the term of the agreement.

5. The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

6. The estimated production of the distributed generation system in the first year of operation.

7. A description of the options available at the end of the term of the agreement.

8. A description of any option to purchase the distributed generation system before the end of the term of the agreement.

9. Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

10. Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

11. Contact information for the State Contractors' Board, including, without limitation, a telephone number.

Sec. 16. A power purchase agreement for the sale of the output of a distributed generation system must include, without limitation, the following information in at least 10-point font:

1. The name, mailing address, telephone number, electronic mail address and number of the contractor's license of the solar installation company.

2. The name, mailing address, telephone number and electronic mail address of:

(a) ~~The [lessor]~~ provider of the distributed generation system; and

(b) The name, mailing address, telephone number and electronic mail address of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company.

3. The length of the term of the agreement.

4. An estimated timeline for the installation of the distributed generation system.

5. ~~The [price per kilowatt-hour for]~~ payments made during the first year of the agreement ~~for~~ for the price of electricity, which includes, without limitation, the price per kilowatt-hour of electricity and the price per monthly system electrical output.

6. The estimated annual electrical output of the distributed generation system.

7. ~~[Any factor that might cause an escalation in the price per kilowatt-hour.]~~ The rate of any increase in the payments to be made during the term of the agreement and, if applicable, the date of the first such increase.

8. A description of any obligation the solar installation company has regarding construction and repair of and insurance for the distributed generation system.

9. A description of any one-time or recurring fees, including, without limitation, a description of the circumstances that trigger any late fees.

10. A description of any:

(a) Taxes due at the commencement of the agreement; and

(b) Estimation of taxes ~~[that would apply to]~~ known to be applicable during the term of the agreement ~~for~~, subject to a change in the state or local tax rate or tax structure.

11. A copy of the warranty for the distributed generation system.

12. A description of the ownership of any tax credits, tax rebates, tax incentives or portfolio energy credits in connection with the distributed generation system.

13. Any terms for renewal of the agreement.

14. A description of any option to purchase the distributed generation system before the end of the term of the agreement.

15. A description of all options available to the host customer in connection with the continuation, termination or transfer of the agreement in the event of the:

(a) Sale of the property to which the distributed generation system is affixed; or

(b) Death of the purchaser.

16. *The granting to the purchaser of the right to rescind the agreement for a period ending not less than 3 business days after the agreement is signed.*

17. *A description of any restrictions that the agreement imposes on the modification or transfer of the property to which the distributed generation system is affixed.*

18. *A description of any guarantees of the performance of the distributed generation system.*

19. *A disclosure notifying the host customer of the transferability of the obligations under the warranty to a subsequent purchaser.*

20. *A signature block that is signed and dated by the purchaser and the solar installation company.*

21. *A statement describing the due dates of any payments.*

Sec. 17. 1. *A power purchase agreement for the sale of output of a distributed generation system must include a ~~written statement~~ disclosure that is not more than 3 pages in length and is in at least 10-point font.*

2. *The ~~written statement~~ disclosure described in subsection 1 must be separate from the cover page and agreement described in sections 15 and 16 of this act.*

3. *The ~~written statement~~ disclosure described in subsection 1 must include, without limitation:*

(a) *The name, mailing address, telephone number and electronic mail address of the solar installation company;*

(b) *The name, mailing address, telephone number, electronic mail address and number of the contractor's license of the person who installed the distributed generation system, if different from the solar installation company;*

(c) *The name, mailing address, telephone number, electronic mail address and the number of the contractor's license of the person responsible for all maintenance of the distributed generation system if different from the solar installation company;*

(d) *The payment schedule for the distributed generation system, including, without limitation, any payments that are due, if applicable, at:*

(1) *Signing for the distributed generation system;*

(2) *Commencement of installation of the distributed generation system; and*

(3) *Completion of installation of the distributed generation system;*

(e) *A description of any one-time or recurring fees, including, without limitation, a description of the circumstances that trigger:*

(1) *Any late fees;*

(2) *Estimated fees for the removal of the distributed generation system;*

(3) *Fees for a notice of removal and refiling pursuant to the Uniform Commercial Code;*

(4) *Fees for connecting to the Internet; and*



(5) Fees for not enrolling in a program in which payments are made through an electronic transfer of money cleared through an automated clearinghouse;

(f) A statement that describes when payments are due;

(g) The rate of any payment increases and the date on which the first increase in the rate may occur, if applicable;

(h) Assumptions concerning the design of the distributed generation system, including, without limitation:

(1) The size of the distributed generation system;

(2) The estimated amount of production for the distributed generation system in the first year of operation;

(3) The estimated annual degradation to the distributed generation system; and

(4) ~~[Eligibility for net metering;]~~ As specified by the agreement at the time of installation, whether or not an electric utility must credit a customer of the electric utility for any excess energy that is generated by the distributed energy system;

(i) A disclosure notifying the purchaser of the intent of the owner of the distributed generation system to file a fixture filing, as defined in NRS 104A.2309, on the distributed generation system;

(j) A disclosure notifying the purchaser if maintenance and repairs of the distributed generation system are included in the agreement;

(k) A disclosure describing any warranty for the repair of any damage to the roof of the property owned by the purchaser in connection with the installation or removal of the distributed generation system;

(l) A disclosure describing the transferability of the distributed generation system in connection with the purchaser selling his or her property;

(m) A description of any guarantees of the performance of the distributed generation system;

(n) A description of the basis for any estimates of savings that were provided to the purchaser, if applicable; and

(o) A disclosure concerning the retention of any portfolio energy credits, if applicable.

Sec. 18. If an agreement for the lease or purchase of a distributed generation system or if a power purchase agreement makes a written reference to the price of electricity that is provided by an electric utility, the agreement or power purchase agreement, as applicable, must also provide, in 12-point font, a ~~[written statement]~~ disclosure in substantially the following form:

Actual utility rates may go up or down and actual savings may vary.  
For further information regarding rates, you may contact your local utility or the Public Utilities Commission of Nevada.

Sec. 19. 1. *An agreement for the lease or purchase of a distributed generation system and a power purchase agreement must include an express warranty for the installation of the distributed generation system and the penetration into the roof by the distributed generation system. Such warranties must:*

(a) *Be express and in writing; and*  
 (b) *Expire not earlier than 10 years after the installation of the distributed generation system.*

2. *An agreement for the lease of a distributed generation system and a power purchase agreement must include an express warranty that:*

(a) *Is in writing; and*  
 (b) *Does not expire earlier than 10 years after the installation of the distributed generation system.*

3. *An agreement for the purchase of a distributed generation system must include the following express warranties in writing for the component parts, including parts and labor, of the distributed generation system, either directly from the solar installation company or passed through from the manufacturer of the component parts:*

(a) *For collectors and storage units, not less than a 10-year warranty; and*  
 (b) *For inverters, not less than a 7-year warranty.*

4. *The provisions of this section that relate to a person who installs a distributed generation system do not apply to a person who installs a system on his or her own property.*

Sec. 20. 1. *The failure of a person to comply with sections 2 to 20, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.*

2. ~~*No cause of action may be brought against a solar installation company for installing, maintaining and operating a distributed generation system while the solar installation company acted in good faith and in accordance with the provisions of sections 2 to 20, inclusive, of this act. A violation of any provision of sections 2 to 20, inclusive, of this act constitutes consumer fraud for the purposes of NRS 41.600.*~~

3. *Any document described in sections 9 to 19, inclusive, of this act must be provided in:*

(a) *English; or*  
(b) *Spanish, if any person so requests.*

Sec. 21. Chapter 701 of NRS is hereby amended by adding thereto the provisions set forth as sections 22 to 25, inclusive, of this act.

Sec. 22. ~~*As used in sections 22 to 25, inclusive, of this act, unless the context otherwise requires, "community solar facility" means any shared facility at which electricity is generated using renewable energy.*~~ *(Deleted by amendment.)*

Sec. 23. *Sections 22 to 25, inclusive, of this act may be cited as the Renewable Energy Bill of Rights.*

Sec. 24. *The Legislature hereby declares that each natural person who is a resident of this State has the right to:*

1. *Generate, consume and ~~store~~ export renewable energy ~~and~~ reduce his or her use of electricity that is obtained from the grid.*

2. *Use technology to store energy at his or her residence.*

3. *If the person generates renewable energy pursuant to subsection 1, or stores energy pursuant to subsection 2, or any combination thereof, be allowed to connect his or her system that generates renewable energy or stores energy, or any combination thereof, with the electricity meter on the customer's side that is provided by an electric utility or any other person named and defined in chapters 704, 704A and 704B of NRS:*

(a) *In a timely manner; ~~and~~*

(b) *Without any unnecessary, burdensome or restrictive requirement ~~for~~*

~~3. Equitable treatment of; and~~

(c) *Without the permission of an electric utility or any other person named and defined in chapters 704, 704A and 704B of NRS if the system:*

(1) *Is not used for exporting renewable energy past the electric utility meter on the customer's side; and*

(2) *Meets reasonable safety requirements.*

4. *Fair credit for any energy exported to the grid.*

~~4.~~ 5. *Consumer protections in contracts for renewable energy pursuant to sections 2 to 20, inclusive, of this act.*

~~5. Certainty of the terms for interconnection and treatment of exported energy for the duration of the system.]~~

6. *Have his or her generation of renewable energy ~~be a resource of first choice for this State by giving it~~ given priority in planning and acquisition of energy resources by an electric utility.*

7. ~~Have access to a community solar facility.~~

~~8.]~~ *Remain within the existing broad rate class to which the resident would belong in the absence of a net metering system or a system that generates renewable energy or stores energy, or any combination thereof, without any fees or charges that are different than the fees and charges assessed to customers of the same rate class, regardless of the technologies on the customer's side of the electricity meter, including, without limitation, energy production, energy savings, energy consumption, energy storage or energy shifting technologies, provided that such technologies do not compromise the safety and reliability of the utility grid.*

Sec. 25. ~~[The Director shall cause:~~

~~1. To be prepared in simple, nontechnical terms a pamphlet setting forth the Renewable Energy Bill of Rights;~~

~~2. A copy of the pamphlet to be;~~

~~(a) Posted on the Internet website maintained by the Office of Energy; and~~

~~(b) Made available to any person upon request at the offices of the Office of Energy and the public libraries in each county of this State.]~~  
(Deleted by amendment.)

Sec. 26. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 27, 28 and 29 of this act.

Sec. 27. 1. An electric utility that primarily serves densely populated counties shall, on or before August 1, 2017, file with the Commission in a manner authorized by NRS 704.110 a request that the Commission establish an optional time-variant rate schedule for customers, including, without limitation, customer-generators who acquire an energy storage system.

2. An electric utility that primarily serves less densely populated counties shall, on or before January 16, 2018, file with the Commission in a manner authorized by NRS 704.100 a request that the Commission establish an optional time-variant rate schedule for customers, including, without limitation, customer-generators who acquire an energy storage system.

3. A request filed pursuant to subsection 1 or 2 must be designed to expand and accelerate the development and use of energy storage systems in this State.

4. The Commission:

(a) Shall review each request filed pursuant to subsection 1 or 2;

(b) May approve each request that the Commission finds to be in the public interest; and

(c) Not later than March 15, 2018, shall issue a written order approving or denying each request filed pursuant to subsection 1 or 2.

5. As used in this section:

(a) "Electric utility that primarily serves densely populated counties" has the meaning ascribed to it in NRS 704.110.

(b) "Electric utility that primarily serves less densely populated counties" has the meaning ascribed to it in NRS 704.110.

(c) "Energy storage system" means any commercially available technology that is capable of retaining energy, storing the energy for a period of time and delivering the energy after storage, including, without limitation, by chemical, thermal or mechanical means.

(d) "Time-variant rate schedule" means a rate schedule that incorporates different rates for different times of day during which electricity may be used by a customer or fed back to the utility by the customer.

Sec. 28. 1. A utility shall charge a net metering adjustment charge pursuant to this section to each customer-generator who, on or after the effective date of this section, accepts the offer of the utility for net metering.

2. The net metering adjustment charge required by this section applies to each kilowatt-hour of excess electricity governed by paragraph (c) of

subsection 2 of NRS 704.775 that is generated by a customer-generator described in subsection 1.

3. The net metering adjustment charge on each kilowatt-hour of excess electricity described in subsection 2 must equal a percentage, as set forth in subsection 4, of the rate the customer-generator would have paid for a kilowatt-hour of electricity supplied by the utility at the time the customer-generator fed the kilowatt-hour of excess electricity back to the utility.

4. The percentage to be used to determine the net metering adjustment charge pursuant to subsection 3 on each kilowatt-hour of excess electricity must equal:

(a) Five percent, if the customer-generator accepts the offer of the utility for net metering:

(1) On or after the effective date of this section; and

(2) Before the date on which the Commission determines and posts to its Internet website its determination that the cumulative installed capacity of all net metering systems in this State equals or exceeds:

(I) Four hundred and eighty megawatts; and

(II) Six percent of the peak demand for electricity in this State for the previous calendar year, as determined by the Commission pursuant to subsection 6;

(b) Ten percent, if the customer-generator accepts the offer of the utility for net metering:

(1) On or after the date the Commission determines, pursuant to subsection 6, that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (a) have been met; and

(2) Before the date on which the Commission determines and posts to its Internet website its determination that the cumulative installed capacity of all net metering systems in this State equals or exceeds:

(I) Six hundred and forty megawatts; and

(II) Eight percent of the peak demand for electricity in this State for the previous calendar year, as determined by the Commission pursuant to subsection 6;

(c) Fifteen percent, if the customer-generator accepts the offer of the utility for net metering:

(1) On or after the date the Commission determines, pursuant to subsection 6, that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (b) have been met; and

(2) Before the date on which the Commission determines and posts to its Internet website its determination that the cumulative installed capacity of all net metering systems in this State equals or exceeds:

(I) Eight hundred megawatts; and

(II) Ten percent of the peak demand for electricity in this State for the previous calendar year, as determined by the Commission pursuant to subsection 6; or

(d) Twenty percent, if the customer-generator accepts the offer of the utility for net metering on or after the date the Commission determines, pursuant to subsection 6, that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (c) have been met.

5. Each utility shall:

(a) On or before January 15 of each calendar year, report to the Commission the peak demand for electricity experienced by that utility each day of the immediately preceding calendar year; and

(b) On or before the 15th day of each calendar month, post on its Internet website and report to the Commission the cumulative installed capacity of the net metering systems for which a customer-generator has accepted the offer of that utility as of the close of business of the utility on the last business day of the immediately preceding calendar month.

6. The Commission shall:

(a) After January 15 of each calendar year and on or before the immediately succeeding January 31 of each calendar year, determine and post on its Internet website the peak demand for electricity in this State for the immediately preceding calendar year, based upon the information the Commission most recently received pursuant to paragraph (a) of subsection 5;

(b) For the purposes of subsection 4, during January of each calendar year, until the Commission determines and posts on its Internet website pursuant to paragraph (a) a new peak demand for electricity in this State, deem the peak demand for electricity in this State to continue to be the same peak demand for electricity in this State as was applicable during the immediately preceding December;

(c) On the first business day of each calendar month, determine and post on its Internet website the cumulative installed capacity of all net metering systems in this State, based upon the information the Commission most recently received pursuant to paragraph (b) of subsection 5; and

(d) Based upon the peak demand for electricity in this State determined pursuant to paragraph (a) or (b), as applicable, and the cumulative installed capacity of all net metering systems in this State determined pursuant to paragraph (c):

(1) On the first business day of each calendar month before the Commission determines that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (a) of subsection 4 have been met, determine and post on its Internet website the remaining capacity of net metering systems which may be installed in this State before those conditions are met;

(2) On the first business day of the calendar month on which the Commission determines that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (a) of subsection 4 have been met, post on its Internet website:

(I) A statement indicating that those conditions have been met; and

(II) A statement indicating that all offers for net metering accepted on or after this business day are governed by paragraph (b), (c) or (d) of subsection 4, as applicable, and are not governed by paragraph (a) of subsection 4;

(3) On the first business day of each calendar month after the date described in subparagraph (2) and before the Commission determines that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (b) of subsection 4 have been met, determine and post on its Internet website the remaining capacity of net metering systems which may be installed in this State before those conditions are met;

(4) On the first business day of the calendar month on which the Commission determines that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (b) of subsection 4 have been met, post on its Internet website:

(I) A statement indicating that those conditions have been met; and

(II) A statement indicating that all offers for net metering accepted on or after this business day are governed by paragraph (c) or (d) of subsection 4, as applicable, and are not governed by paragraph (a) or (b) of subsection 4;

(5) On the first business day of each calendar month after the date described in subparagraph (4) and before the Commission determines that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (c) of subsection 4 have been met, determine and post on its Internet website the remaining capacity of net metering systems which may be installed in this State before those conditions are met; and

(6) On the first business day of the calendar month on which the Commission determines that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (c) of subsection 4 have been met, post on its Internet website:

(I) A statement indicating that those conditions have been met; and

(II) A statement indicating that all offers for net metering accepted on or after this business day are governed by paragraph (d) of subsection 4 and are not governed by paragraph (a), (b) or (c) of subsection 4.

7. Except as otherwise provided in this subsection, a customer-generator shall be deemed to accept the offer of the utility for net metering on the date the customer-generator submits to the utility a complete application to install a net metering system within the service area of the utility. A customer-generator who accepted the offer of the utility for net metering before the effective date of this section may, but is not required to, submit a request to be treated for all purposes, including, without limitation, for the purposes of subsection 4, as a customer-generator who accepted the offer of the utility for net metering on the date of the request.

Sec. 29. Within 6 months after the date the Commission determines that the conditions set forth in sub-subparagraphs (I) and (II) of

subparagraph (2) of paragraph (c) of subsection 4 of section 28 of this act have been met, the Legislative Committee on Energy created by NRS 218E.805 shall, in consultation with the Commission, make recommendations to the Legislature concerning:

1. Whether the net metering adjustment charge required by section 28 of this act is adequate to offset any known impacts of customer-generators on the electricity grid, the system for distribution of electricity and the rates for electricity. The Legislative Committee on Energy, in consultation with the Commission, shall take into account any benefits to the electricity grid and any benefits to society that it determines are caused by the net metering systems of customer-generators.

2. Any revision to the net metering adjustment charge that is determined by the Legislative Committee on Energy to be appropriate.

3. Whether a different rate design or different compensation for excess electricity that is fed back to the utility by customer-generators would increase any benefits caused by the net metering systems of customer-generators to the electricity grid and to all customers of utilities in this State.

4. Any revision to the rate design or the compensation for excess electricity that is fed back to the utility by customer-generators that the Legislative Committee on Energy determines to be appropriate.

**Sec. 30. NRS 704.767 is hereby amended to read as follows:**

704.767 As used in NRS 704.766 to 704.775, inclusive, and sections 27, 28 and 29 of this act, unless the context otherwise requires, the words and terms defined in NRS 704.7675 to 704.772, inclusive, have the meanings ascribed to them in those sections.

**Sec. 31. NRS 704.773 is hereby amended to read as follows:**

704.773 1. A utility shall offer net metering ~~for~~  
~~—(a) In accordance with the provisions of [this section, NRS 704.774 and 704.775,]~~ NRS 704.766 to 704.775, inclusive, and sections 27, 28 and 29 of this act to the customer-generators operating within its service area .  
~~[until the date on which the cumulative capacity of all net metering systems for which all utilities in this State have accepted or approved completed applications for net metering is equal to 235 megawatts.~~

~~—(b) After the date on which the cumulative capacity requirement described in paragraph (a) is met, in accordance with a tariff filed by the utility and approved by the Commission pursuant to NRS 704.7735.]~~

2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than 25 kilowatts, the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.



(c) Except as otherwise provided in subsection ~~[5.]~~ 7 and section 28 of this act, shall not charge ~~[a] the~~ customer-generator any fee or charge that ~~[would increase the customer-generator's minimum monthly charge to an amount greater]~~ is different than that ~~[of]~~ charged to other customers of the utility in the ~~[same]~~ rate class ~~[as]~~ to which the customer-generator ~~[.] would belong if the customer-generator did not have a net metering system.~~

(d) Shall not reduce the minimum monthly charge of the customer-generator based on the electricity generated by the customer-generator and fed back to the utility.

3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than 25 kilowatts, the utility:

(a) May require the customer-generator to install at its own cost:

(1) An energy meter that is capable of measuring generation output and customer load; and

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) Except as otherwise provided in paragraph ~~[(c) and]~~ (d), subsection ~~[5.]~~ 7 and section 28 of this act, shall not charge the customer-generator any ~~[applicable]~~ fee or charge that is different than that charged to other customers of the utility in the ~~[same]~~ rate class ~~[as]~~ to which the customer-generator ~~[.] would belong if the customer-generator did not have a net metering system~~, including, without limitation, customer, demand and facility charges.

(c) Shall not reduce the minimum monthly charge of the customer-generator based on the electricity generated by the customer-generator and fed back to the utility.

(d) Shall not charge the customer-generator any standby charge.  
~~[.]~~

4. At the time of installation or upgrade of any portion of a net metering system, the utility must allow a customer-generator governed by ~~[this]~~ subsection 3 to pay the entire cost of the installation or upgrade of the portion of the net metering system.

~~[4.]~~ 5. Except as otherwise provided in subsections 2, 3 and 6 and section 28 of this act, the utility shall not for any purpose assign a customer-generator to a rate class other than the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system, including, without limitation, for the purpose of any fee or charge.

6. If the net metering system of a customer-generator is a net metering system described in paragraph (b) or (c) of subsection 1 of NRS 704.771 and:

(a) The system is intended primarily to offset part or all of the customer-generator's requirements for electricity on property contiguous to the property on which the net metering system is located; and

(b) The customer-generator sells or transfers his or her interest in the contiguous property,

↳ the net metering system ceases to be eligible to participate in net metering.

~~5.7~~ 7. A utility shall assess against a customer-generator:

(a) If applicable, the universal energy charge imposed pursuant to NRS 702.160; and

(b) Any charges imposed pursuant to chapter 701B of NRS or NRS 704.7827 or 704.785 which are assessed against other customers in the same rate class as the customer-generator. ~~It and~~

~~(c) The charges or rates, if any, which the Commission determines must be assessed against the customer-generator pursuant to any tariff submitted to and approved by the Commission pursuant to NRS 704.7735.]~~

↳ For any such charges calculated on the basis of a kilowatt-hour rate, the customer-generator must only be charged with respect to kilowatt-hours of energy delivered by the utility to the customer-generator.

~~6.]~~ 8. The Commission and the utility must allow a customer-generator who accepts the offer of the utility for net metering to continue net metering pursuant to NRS 704.766 to 704.775, inclusive, and sections 27, 28 and 29 of this act at the location at which the net metering system is originally installed for the life of the net metering system that is originally installed or for 20 years, whichever is longer. For the purposes of this subsection, "to continue net metering" includes, without limitation:

(a) Retaining the percentage set forth in subsection 4 of section 28 of this act to be used to determine the net metering adjustment charge applicable to the customer-generator; and

(b) Replacing the originally installed net metering system, as needed, at any time before 20 years after the date of the installation of the originally installed net metering system.

9. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

- (1) Metering equipment;
- (2) Net energy metering and billing; and
- (3) Interconnection,

↳ based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) A timeline for processing applications and contracts for net metering applicants.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.775, inclusive ~~of this act~~, and sections 27, 28 and 29 of this act.

Sec. 32. 1. For the purposes of compliance with section 28 of this act, from the effective date of section 28 of this act until the date in January 2018 on which the Public Utilities Commission of Nevada first determines the peak demand for electricity in this State pursuant to paragraph (a) of subsection 6 of section 28 of this act, the Commission shall deem the peak demand for electricity in this State for the previous calendar year to be 8,000 megawatts.

2. For the purposes of compliance with paragraph (a) of subsection 5 of section 28 of this act in January 2018, a utility to which section 28 of this act applies may, on or before January 15, 2018, report the peak demand for electricity experienced by the utility each day of calendar year 2017 beginning on the effective date of section 28 of this act and ending on December 31, 2017.

Sec. 33. NRS 704.7735 is hereby repealed.

~~{Sec. 26.}~~ Sec. 34. 1. This section and sections 26 to 33, inclusive, of this act ~~becomes~~ become effective upon passage and approval.

2. Sections 1 through 24 of this act become effective on ~~July~~ September 1, 2017.

#### TEXT OF REPEALED SECTION

704.7735 Utility required to offer net metering in accordance with tariff after certain cumulative capacity requirements are met.

1. Except as otherwise provided in subsection 3, each utility shall, in accordance with a tariff filed by the utility and approved by the Commission, offer net metering to customer-generators who submit applications to install net metering systems within its service territory after the date on which the cumulative capacity requirement described in paragraph (a) of subsection 1 of NRS 704.773 is met.

2. For the purposes of evaluating and approving any tariff filed with the Commission pursuant to subsection 1 and otherwise carrying out the provisions of this section, the Commission:

(a) May establish one or more rate classes for customer-generators.

(b) May establish terms and conditions for the participation by customer-generators in net metering, including, without limitation, limitations on enrollment in net metering which the Commission determines are appropriate to further the public interest.

(c) May close to new customer-generators a tariff filed pursuant to subsection 1 and approved by the Commission if the Commission determines that closing the tariff to new customer-generators is in the public interest.

**(d) May authorize a utility to establish just and reasonable rates and charges to avoid, reduce or eliminate an unreasonable shifting of costs from customer-generators to other customers of the utility.**

**(e) Shall not approve a tariff filed pursuant to subsection 1 or authorize any rates or charges for net metering that unreasonably shift costs from customer-generators to other customers of the utility.**

**3. In approving any tariff submitted pursuant to subsection 1, the Commission shall determine whether and the extent to which any tariff approved or rates or charges authorized pursuant to this section are applicable to customer-generators who, on or before the date on which the cumulative capacity requirement described in paragraph (a) of subsection 1 of NRS 704.773 is met, submitted a complete application to install a net metering system within the service territory of a utility.**

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 505.

Bill read second time and ordered to third reading.

Assembly Bill No. 506.

Bill read second time and ordered to third reading.

Assembly Bill No. 507.

Bill read second time and ordered to third reading.

Assembly Bill No. 509.

Bill read second time and ordered to third reading.

Senate Bill No. 37.

Bill read second time and ordered to third reading.

Senate Bill No. 81.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 724.

AN ACT relating to financial institutions; converting state-chartered savings and loan associations to savings banks; providing for the oversight and regulation of savings banks by the Commissioner of Financial Institutions and the Division of Financial Institutions of the Department of Business and Industry; establishing requirements for the operation of savings banks; establishing the powers of savings banks; providing for the liquidation, reopening and reorganization of savings banks; providing for the conversion of certain types of financial institutions to savings banks and of

savings banks to certain types of financial institutions; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides for the creation, operation and oversight of state-chartered savings and loan associations. (Chapter 673 of NRS) While savings and loan associations were generally subject to federal oversight by the Office of Thrift Supervision of the United States Department of the Treasury, the Dodd-Frank Wall Street Reform and Consumer Protection Act abolished that office and generally transferred the responsibility for oversight of savings and loan associations to the Office of the Comptroller of the Currency of the United States Department of the Treasury. (Pub. L. No. 111-203) This bill revises existing law to eliminate state-chartered savings and loan associations and instead provide for the creation, operation and oversight of state-chartered savings banks.

**Section 34** of this bill converts all savings and loan associations or other depository institutions chartered under chapter 673 of NRS to savings banks upon passage and approval of this bill. **Section 34** also requires the Commissioner of Financial Institutions to immediately issue a savings bank charter to each such entity. **Section 35** of this bill grants to each such converted entity the same powers, privileges, immunities and exceptions provided by this bill to savings banks.

**Section 52** of this bill prohibits carrying on the business of a savings bank without being incorporated as a state-chartered savings bank. **Sections 11 and 53-59** of this bill provide for the formation and organization of a savings bank and the establishment of its main office and any branch offices or service offices in a manner generally consistent with the existing provisions for a savings and loan association. **Sections 60-72** of this bill establish certain requirements relating to the officers, directors, employees and capital stockholders of a savings bank in a manner generally consistent with the existing provisions for a savings and loan association. **Sections 12 and 73-75** of this bill establish the powers and privileges of a savings bank. **Sections 76-78** of this bill establish requirements for the stocks and certificates of a savings bank in a manner generally consistent with the existing provisions for a savings and loan association. **Section 79** of this bill requires a savings bank to maintain a reserve for losses in a manner generally consistent with the existing provisions for a savings and loan association. **Sections 80-91** of this bill establish provisions relating to the investments and borrowing of a savings bank in a manner generally consistent with the existing provisions for a savings and loan association. In addition, **section 13** of this bill authorizes a savings bank to become a member of the Federal Reserve System, engage in certain related investments and borrowing, and exercise certain related powers. **Sections 93-98** of this bill establish provisions relating to loans issued by a savings bank. **Sections 101-110** of this bill establish provisions relating to the reports, examinations and audits of a savings bank. **Section 111** of this bill provides for the suspension or

revocation of the charter of a savings bank by the Commissioner. **Section 112** of this bill provides for the reorganization, merger or consolidation of a savings bank with another financial institution.

**Sections 14-31** of this bill provide for the liquidation of a savings bank. **Sections 32 and 33** of this bill provide for the reopening and reorganization of a savings bank. **Sections 114 and 115** of this bill establish provisions relating to the treatment of foreign savings banks which do business in this State. **Sections 116-128** of this bill establish provisions relating to the conversion of a savings bank into certain other financial institutions or the conversion of certain other financial institutions into a savings bank. **Section 129** of this bill grants federal savings banks and holders of shares or share accounts issued by a federal savings bank the same powers, privileges, exemptions and immunities granted to savings banks and holders of shares or share accounts issued by a savings bank. **Sections 130-132** of this bill establish prohibitions against the exploitation of older or vulnerable persons by a savings bank in a manner generally consistent with the existing provisions for a savings and loan association. **Sections 133-136** of this bill prohibit certain acts by a savings bank in a manner generally consistent with the existing provisions for a savings and loan association.

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

**Section 1.** Chapter 673 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 35, inclusive, of this act.

**Sec. 2.** *“Deposit account” means an account that holds deposits, whether in a commercial, demand, time, checking, savings or similar type of account, or which is evidenced by a certificate of deposit, investment certificate, certificate of indebtedness or other similar name, for which the savings bank is primarily liable.*

**Sec. 3.** *“Depository institution” means any state bank or savings bank, association, limited-liability company, corporation or other person organized for the purpose of conducting a banking business, whether chartered by this State, another state or the Federal Government, which:*

- 1. Holds or receives deposits, savings or share accounts;*
- 2. Issues certificates of deposit; or*
- 3. Provides to its customers other deposit accounts which are subject to withdrawal by checks, drafts or other instruments or by electronic means to effect payment to a third party.*

**Sec. 4.** *“Division of Financial Institutions” means the Division of Financial Institutions of the Department of Business and Industry.*

**Sec. 5.** *“Federal savings bank” means any type of federal savings association organized pursuant to the Home Owners’ Loan Act of 1933, 12 U.S.C. §§ 1461 to 1468, inclusive.*

**Sec. 6.** *“Insolvency” or “insolvent” means one or more of the following:*

1. When a savings bank cannot meet its deposit liabilities as they become due in the regular course of business.

2. When the actual cash market value of the assets of a savings bank is insufficient to pay its liabilities to depositors and other creditors.

3. When the reserves of a savings bank fall under the amount required by this chapter, and the savings bank fails to make good such reserve within 30 days after being required to do so by the Commissioner.

4. When the undivided profits and surplus of a savings bank are inadequate to cover losses of the savings bank and the stockholders' or members' equity in the savings bank has been reduced below the requirements of law.

Sec. 7. "Main office" means the office of a savings bank identified as such in the application submitted pursuant to subsection 4 of NRS 673.080 or the location to which the main office is changed pursuant to subsection 14 of NRS 673.080 or other applicable law.

Sec. 8. "Savings association" means a savings association, savings and loan association or other depository institution chartered under this chapter before the effective date of this act.

Sec. 9. "State bank" or "commercial bank" means a limited-liability company, corporation or other person organized for the purpose of conducting a banking business that is chartered by this State to conduct the business of banking and is organized pursuant to the provisions of chapter 659 of NRS.

Sec. 10. The Commissioner may, ~~for good cause, which will be determined at his or her sole discretion,~~ by regulation, waive, modify or alter any requirement of this chapter.

Sec. 11. Before a savings bank begins business, the savings bank must file with the Commissioner:

1. A statement, under oath by the president or a manager, containing the names of all the directors, managers and officers, with the date of their election or appointment, terms of office, primary residence and post office address of each, the amount of stock of which each is the owner in good faith and the amount of money paid in on account of the stock, or the contribution made. Nothing may be received in payment of stock or contribution except money.

2. Proof that the savings bank has obtained the approval of the Federal Deposit Insurance Corporation to insure its deposit accounts.

Sec. 12. 1. In addition to all powers, express or implied, that a savings bank has under this chapter, a savings bank has the powers, privileges and authorities that:

(a) A state bank has under title 55 of NRS; and

(b) A national bank has,

↪ except as may be expressly denied or limited by the Commissioner after notice and a hearing.

2. Any restriction, limitation or requirement applicable to a specific power, privilege or authority of a state bank or national bank applies to a savings bank exercising such a power, privilege or authority pursuant to this section to the extent that a savings bank exercises such a power, privilege or authority.

Sec. 13. 1. Any savings bank licensed pursuant to this chapter may subscribe to the stock of a Federal Reserve Bank and become a member of the Federal Reserve System.

2. Any savings bank licensed pursuant to this chapter which is, or which becomes, a member bank is, by this section, vested with all powers conferred upon member banks of the Federal Reserve System by the terms of the Federal Reserve Act as fully and completely as if such powers were specifically enumerated and described in this section, and all such powers must be exercised subject to all restrictions and limitations imposed by the Federal Reserve Act, or by regulations of the Board of Governors of the Federal Reserve System made pursuant thereto. The right, however, is expressly reserved to revoke or to amend the powers conferred in this section.

3. Compliance on the part of any such savings bank with the reserve requirements of the Federal Reserve Act shall be deemed to be full compliance with those provisions of the laws of this State which require savings banks to maintain cash balances in their vaults or with other banks, and no such savings bank need carry or maintain a reserve other than such as is required under the terms of the Federal Reserve Act.

4. Any such savings bank continues to be subject to supervision and examinations required by the laws of this State, except that the Board of Governors of the Federal Reserve System may, if it deems necessary, make examinations of the savings bank. The authorities of this State having supervision over such savings bank may disclose to the Board of Governors of the Federal Reserve System, or to examiners appointed by it, all information in reference to the affairs of any savings bank which has become, or desires to become, a member bank of the Federal Reserve System.

5. The provisions of this section shall not be construed to limit the ability of a savings bank to engage in any activity authorized by NRS 673.300.

6. As used in this section:

(a) "Board of Governors of the Federal Reserve System" means the Board of Governors of the Federal Reserve System created and described in the Federal Reserve Act.

(b) "Federal Reserve Act" means the Act of Congress, approved December 23, 1913, being c. 6, 38 Stat. 251, as amended.

(c) "Federal Reserve Bank" means the Federal Reserve Banks created and organized under authority of the Federal Reserve Act.



(d) *“Federal Reserve System” means, collectively, the Federal Reserve Banks and the Board of Governors of the Federal Reserve System.*

(e) *“Member bank” means any national bank, state bank, savings bank or banking and trust company which has become or which becomes a member of the Federal Reserve System.*

Sec. 14. 1. *Except as otherwise provided in this section, a savings bank may go into voluntary liquidation pursuant to the provisions of NRS 78.580 or 86.491.*

2. *If the voluntary liquidation of the savings bank results from a vote or agreement of the stockholders or members of the savings bank, a certified copy of all proceedings of the meeting at which that action is taken, verified by the oath of the president or a manager, must be transmitted to the Commissioner for the Commissioner’s approval. If the Commissioner approves the liquidation, the Commissioner shall issue to the savings bank, under the Commissioner’s seal, a permit for that purpose. No permit may be issued by the Commissioner until the Commissioner is satisfied that provision has been made by the savings bank to satisfy and pay off all depositors and all creditors of the savings bank. If the Commissioner is not satisfied, the Commissioner shall not issue a permit, but the Commissioner may take possession of the savings bank, its assets and business, and liquidate the savings bank in the manner provided by this chapter.*

3. *When the Commissioner approves the voluntary liquidation of a savings bank pursuant to subsection 2, the directors or managers of the savings bank shall cause to be published, in a newspaper in the city, town or county in which the main office of the savings bank is located, a notice that the savings bank is closing its affairs and going into liquidation, and that its depositors and creditors are to present their claims for payment.*

4. *When any savings bank is in the process of voluntary liquidation, it is subject to examination by the Commissioner, and the savings bank shall furnish such reports, from time to time, as may be called for by the Commissioner.*

5. *All unclaimed deposits and dividends remaining in the hands of the savings bank are subject to the provisions of this chapter.*

6. *Any savings bank that is in the process of voluntary liquidation may sell and transfer to any other state bank, national bank or federal savings bank all or any portion of its assets of every kind upon such terms as may be agreed upon and approved by the Commissioner and by a majority vote of the savings bank’s board of directors or of its managers. A certified copy of the minutes of any meeting at which that action is taken, under the oath of the president or a manager, and a copy of the contract of sale and transfer must be filed with the Commissioner.*

7. *If a voluntary liquidation or the sale and transfer of the assets of any savings bank is approved by the Commissioner, a certified copy of that approval under seal of the Commissioner, filed in the Office of the*

*Secretary of State, authorizes the cancellation of the articles of incorporation or organization of the savings bank, subject to its continued existence, as provided by law.*

*Sec. 15. 1. The Federal Deposit Insurance Corporation created by the Federal Deposit Insurance Act, 12 U.S.C. § 1811, may act without bond as receiver or liquidator of any savings bank which:*

*(a) Has been closed because of inability to meet the demands of its depositors; or*

*(b) Is insured by the Federal Deposit Insurance Corporation and has been taken possession of by the Commissioner pursuant to NRS 658.151.*

*2. The appropriate state authority having the right to appoint a receiver or liquidator of a savings bank may, upon such closing, tender to the Federal Deposit Insurance Corporation the appointment as receiver or liquidator of such savings bank. If the Federal Deposit Insurance Corporation accepts the appointment, it shall have and possess all the powers and privileges provided by the laws of this State with respect to a receiver or liquidator, respectively, of a savings bank, its depositors and other creditors, and is subject to all the duties of such receiver or liquidator, except insofar as such powers, privileges or duties are in conflict with the provisions of the Federal Deposit Insurance Act.*

*Sec. 16. Upon the acceptance of the appointment as receiver or liquidator by the Federal Deposit Insurance Corporation, the possession of and title to all the assets, business and property of such savings bank of every kind and nature shall pass to and vest in the Federal Deposit Insurance Corporation without the execution of any instruments of conveyance, assignment, transfer or endorsement.*

*Sec. 17. Among its other powers, the Federal Deposit Insurance Corporation, in the performance of its powers and duties as receiver or liquidator, may, upon the order of a court of record of competent jurisdiction, enforce the individual liability of the stockholders or members and directors or managers of any such savings bank.*

*Sec. 18. 1. When any state savings bank has been closed as provided in section 15 of this act, and the Federal Deposit Insurance Corporation pays, or makes available for payment, the insured deposit liabilities of such closed savings bank, the Federal Deposit Insurance Corporation, whether or not it has become receiver or liquidator of such closed savings bank, must be subrogated to all rights against such closed bank of the owners of such deposits in the same manner and to the same extent as subrogation of the Federal Deposit Insurance Corporation is provided for in the Federal Deposit Insurance Act in the case of the closing of a national bank.*

*2. The rights of depositors and other creditors of such closed savings bank will be determined in accordance with the applicable provisions of the laws of this State.*

*Sec. 19. 1. Any savings bank which is, or may hereafter be, closed on account of inability to meet the demands of its depositors, by action of the*

*Commissioner, by action of a court, by action of its directors or due to its insolvency or suspension, the Commissioner, or the receiver or liquidator of the savings bank with the permission of the Commissioner, may borrow from the Federal Deposit Insurance Corporation and furnish any part or all of the assets of the savings bank to the Federal Deposit Insurance Corporation as security for a loan from it, but where the Federal Deposit Insurance Corporation is acting as the receiver or liquidator, the order of a court of record of competent jurisdiction must be first obtained approving the loan.*

*2. The Commissioner, or the receiver or liquidator of any savings bank with the permission of the Commissioner, upon the order of a court of record of competent jurisdiction, may sell to the Federal Deposit Insurance Corporation any part or all of the assets of the savings bank.*

*3. The provisions of this section do not limit the power of any savings bank, the Commissioner, receivers or liquidators to pledge or sell assets in accordance with any other existing law.*

*Sec. 20. 1. The Commissioner shall furnish to the Federal Deposit Insurance Corporation, or to any official or examiner thereof, a copy of all examinations made of any savings bank and of all reports made by the savings bank. The Commissioner shall give access to and disclose to the Federal Deposit Insurance Corporation, or to any official or examiner thereof, all information possessed by the office of the Division of Financial Institutions with reference to the conditions or affairs of any savings bank.*

*2. Nothing in this section limits:*

*(a) The duty of any savings bank in this State from complying with the provisions of the Federal Deposit Insurance Act, its amendments or substitutions, or the requirements of the Federal Deposit Insurance Corporation relative to examinations and reports; or*

*(b) The powers of the Commissioner with reference to examinations and reports pursuant to the provisions of title 55 of NRS.*

*Sec. 21. All books, papers and records of a savings bank which has been finally liquidated must be deposited by the receiver in the Office of the Commissioner.*

*Sec. 22. 1. Except as otherwise provided in subsections 2 and 3, after the expiration of 10 years from the filing by the Commissioner of a final report of liquidation of any insolvent savings bank, the Commissioner, with the consent of the State Board of Finance, may destroy the records of any insolvent savings bank held in the Office of the Commissioner in connection with the liquidation of the savings bank.*

*2. If there are any unpaid dividends of the insolvent savings bank, the Commissioner shall preserve the deposit ledger or other evidence of indebtedness of the savings bank which refers to the unpaid dividends until the dividends have been paid.*

3. *The Commissioner may not destroy any of the formal records of liquidation or any of the records made in the Commissioner's office with reference to the liquidation of any insolvent savings bank.*

Sec. 23. 1. *Except as otherwise provided in subsection 2, if any savings bank has been or is appointed trustee in any indenture, deed of trust or other instrument of like character, executed to secure the payment of any bonds, notes or other evidences of indebtedness, is taken over for liquidation by the Commissioner, by the Federal Deposit Insurance Corporation or by any other legally constituted authority, the powers and duties of the savings bank as trustee cease upon the entry of an order of the district court appointing a successor trustee pursuant to a petition as provided for in sections 24 to 30, inclusive, of this act.*

2. *If an indenture, deed of trust or other instrument of like character that appoints a savings bank as trustee pursuant to subsection 1 includes a provision which provides for the appointment of a successor trustee if the savings bank is taken over for liquidation, the powers and duties of the savings bank as trustee cease upon being taken over by the Commissioner, the Federal Deposit Insurance Corporation or any other legally constituted authority and the successor trustee named, or whose selection is provided for, in the instrument immediately assumes the duties as trustee without appointment by the district court pursuant to sections 24 to 30, inclusive, of this act.*

Sec. 24. *In all cases to which subsection 1 of section 23 of this act is applicable, the district court for the county in which such indenture, deed of trust or other instrument of like character is recorded shall, upon the verified petition of any person interested in any such trust, either as trustee, beneficiary or otherwise, which interest must be set out in the petition, issue its order directing service on all interested parties, personally or by the publication in a newspaper published in the county, or in some adjoining county if no newspaper is published in the county where the application is made, of a notice directed to all persons concerned, commanding and requiring all persons having any interest in the trust, to appear in court on a day designated in the order and notice, not less than 30 days after the date of the order and notice, to show cause why a new trustee should not be appointed.*

Sec. 25. *Such notice must be published in the manner required by the Nevada Rules of Civil Procedure for service of summons by publication, and shall set forth the names of the parties to the indenture, deed of trust or other such instrument, the date thereof, and the place or places where such instrument is recorded.*

Sec. 26. *If, upon the day fixed in the order and notice, no person appears and objects to the appointment of a substitute trustee, the district court shall, upon such terms as it deems advisable to serve the best interest of all interested parties, appoint some competent person, or corporation authorized to act as a trustee, as a substitute trustee. Such appointed*

*trustee is vested with and shall exercise all the powers conferred upon the trustee named in the instrument.*

*Sec. 27. If, upon the day fixed in the order and notice, objection is made to the appointment of a new trustee, the court shall hear and determine the matter. An appeal may be taken from the decision of the court by any party who made an appearance in the proceeding.*

*Sec. 28. The final order of appointment of any such new trustee upon its entry must be recorded in the office of the county recorder in the county or counties in which the instrument under which such appointment has been made is recorded, and a minute of the same must be entered by the county recorder on the margin of the record where the original instrument is recorded.*

*Sec. 29. The petition and the order appointing such new trustee may include, relate to and apply to any number of indentures, deeds of trust or other instruments, wherein the same trustee is named.*

*Sec. 30. Sections 23 to 29, inclusive, of this act are in addition to and not in substitution for any other remedy provided by law.*

*Sec. 31. If the Commissioner, the Federal Deposit Insurance Corporation or any liquidating agent appointed pursuant to the provisions of sections 15 to 20, inclusive, of this act exercises the power of sale set up in any mortgage, deed of trust or other written instrument for the security of the payment of money in which any savings bank then in liquidation was named trustee, the exercise of the power of sale and the acts of resigning the trust, of the Commissioner, the Federal Deposit Insurance Corporation or the appointed liquidating agent have the same effect as if done by the savings bank named as trustee in the mortgage, deed of trust or other instrument.*

*Sec. 32. When the Commissioner or the Federal Deposit Insurance Corporation has taken possession of any savings bank, the savings bank may, with the consent of the Commissioner, resume business upon such terms and conditions as may be approved by the Commissioner and the Federal Deposit Insurance Corporation.*

*Sec. 33. 1. When any savings bank is authorized to dissolve and has taken the necessary steps to effect dissolution in accordance with the laws of this State or the laws of the United States, but before actual dissolution, a majority of the directors or managers of the savings bank, upon authority in writing of the owners of two-thirds of its stock or two-thirds of the members' interests and with the approval of the Commissioner, may execute articles of incorporation or organization as provided in this chapter for the organization of a new savings bank. The articles must further set forth the authority derived from the stockholders or members of the savings bank.*

*2. Upon the filing of articles of incorporation or organization in the same manner as provided for the organization of new savings banks, the reorganized savings bank is a savings bank under the laws of this State.*

*Upon reorganization, all assets, real and personal, of the dissolved savings bank, by operation of law, vest in and become the property of the reorganized savings bank, subject to all liabilities of the savings bank existing before the reorganization.*

**Sec. 34.** *Every savings association chartered under the laws of this State in existence on the effective date of this act is automatically converted, by operation of law, into a savings bank licensed under the laws of this State. The Commissioner shall issue a savings bank charter to each such entity immediately after the effective date of this act.*

**Sec. 35.** *Every savings bank that is converted from a savings association pursuant to section 34 of this act shall have all of the rights, powers, privileges, immunities and exceptions provided by this chapter to a savings bank.*

**Sec. 36.** NRS 673.001 is hereby amended to read as follows:

673.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 673.002 to 673.034, inclusive, **and sections 2 to 9, inclusive, of this act** have the meanings ascribed to them in those sections.

**Sec. 37.** NRS 673.002 is hereby amended to read as follows:

673.002 ~~["Association"]~~ **"Savings bank"** means a ~~{savings and loan association}~~ **depository institution** subject to the provisions of this chapter ~~{}~~ **to conduct the business of a savings bank.**

**Sec. 38.** NRS 673.0056 is hereby amended to read as follows:

673.0056 "Cooperative housing corporation" means a corporation organized under the laws of this **State or any other** state for the purpose of the cooperative ownership of real estate whereby each of the stockholders or members is entitled, through ownership of stock or a certificate of membership in the corporation, to occupy a house, apartment or other dwelling unit on real estate owned by the corporation.

**Sec. 39.** NRS 673.0057 is hereby amended to read as follows:

673.0057 "Deposit" means that part of the ~~{savings}~~ liability of ~~{an association}~~ **a savings bank** which is credited to the account of the holder thereof ~~{}~~ **and is eligible to be insured by the Federal Deposit Insurance Corporation.**

**Sec. 40.** NRS 673.008 is hereby amended to read as follows:

673.008 "Foreign," used in connection with an association, **limited-liability** company, ~~{or}~~ corporation ~~{}~~ **or other person organized for the purpose of conducting a banking business**, means an association, **limited-liability** company, ~~{or}~~ corporation **or person organized for the purpose of conducting a banking business that is** organized or incorporated under the laws of some government other than that of the State of Nevada. **The term includes any savings association, savings and loan association or other depository institution that specializes in accepting deposits and making mortgage and other loans pursuant to its charter, which is organized under the laws of another state or the United States.**

**Sec. 41.** NRS 673.016 is hereby amended to read as follows:

673.016 “Insured ~~[association]~~ **depository institution**” means ~~[an association]~~ **a depository institution** the ~~[savings]~~ **deposit** accounts of which are insured wholly or in part by the Federal Deposit Insurance Corporation.

**Sec. 42.** NRS 673.017 is hereby amended to read as follows:

673.017 1. “Investment certificate” means any certificate or contract, either paid up or purchasable on an installment basis, which is issued for the purpose of providing a means of investment or savings.

2. An accumulative investment certificate is an investment certificate, not full-paid and without an expressed date of maturity, upon which the holder has the option of making payments at such times and in such amounts as the holder elects and as the ~~[association]~~ **savings bank** permits.

3. A full-paid investment certificate is an investment certificate, with or without an expressed date of maturity, for which the ~~[association]~~ **savings bank** has received the principal amount thereof at or prior to the time of the issuance of the certificate.

4. A minimum term investment certificate is an investment certificate for which the ~~[association]~~ **savings bank** has received a single payment equal to the principal amount thereof and which has a date expressed therein before which notice of intention to withdraw cannot be given, or which requires written notice from the holder to the ~~[association]~~ **savings bank** for a period specified therein before the expiration of which period notice of intention to withdraw cannot be given. On and after such date, or upon and after the expiration of the specified period following such written notice, each such certificate ceases to be a minimum term investment certificate and becomes a full-paid investment certificate, subject to the same withdrawal rights and restrictions as a full-paid investment certificate.

**Sec. 43.** NRS 673.0185 is hereby amended to read as follows:

673.0185 “Merger” means that consolidation of corporate structures which results in the uniting of substantially all the assets and liabilities of one state-chartered ~~[association]~~ **savings bank** with those of another such ~~[association]~~ **savings bank or state bank** or with those of a federal ~~[association]~~ **savings bank or national bank, or other insured depository institution.**

**Sec. 44.** NRS 673.0321 is hereby amended to read as follows:

673.0321 “Service office” means any office or other place of business in this ~~[state operated by one or more savings and loan associations other than the principal office or a branch of an association, where activities are confined to processing and storing data and records, accounting, printing, storing of supplies, and such other activities as the Commissioner approves which involve no personal contact with the public. At a service office, payment on account of savings or loan may be processed, but the association shall have all payments which are initially received at a service office, rather than at the principal office or branch of the association, made by mail only and directed to a post office box and not to the address or location of the~~

service office. The Commissioner may require that an association's name not be displayed at or near a service office.] *State where the functions of a savings bank that do not involve receiving deposits, paying checks or lending money are performed.*

**Sec. 45.** NRS 673.034 is hereby amended to read as follows:

673.034 "Withdrawal value" means the amount credited to a ~~[savings]~~ *deposit* account, less lawful deductions therefrom, as shown by the records of the ~~[association.]~~ *savings bank.*

**Sec. 46.** NRS 673.03531 is hereby amended to read as follows:

673.03531 1. Except as provided in subsections 3 and 4, an officer or employee of the Division of Financial Institutions shall not:

(a) Be directly or indirectly interested in or act on behalf of any ~~[association.]~~ *savings bank;*

(b) Receive, directly or indirectly, any payment from ~~[an association.]~~ *a savings bank;*

(c) Be indebted to any ~~[association.]~~ *savings bank;*

(d) Engage in the negotiation of loans for others with any ~~[association.]~~ *savings bank;* or

(e) Obtain credit or services from ~~[an association]~~ *a savings bank* conditioned upon a fraudulent practice or undue or unfair preference over other customers.

2. An employee of the Division *of Financial Institutions* in the unclassified service of the State shall not obtain new extensions of credit from ~~[an association]~~ *a savings bank* while in office.

3. Any officer or employee of the Division of Financial Institutions may be indebted to ~~[an association]~~ *a savings bank* on the same terms as are available to the public generally upon:

(a) A mortgage loan upon his or her own real property.

(b) A secured installment debt.

(c) An unsecured debt.

4. Any officer or employee of the Division of Financial Institutions may establish and maintain savings deposits with ~~[associations]~~ *savings banks* to the greatest amount insured, receive interest on those deposits and borrow money secured by a pledge of those deposits.

5. If an officer or employee of the Division of Financial Institutions has a service, a preferred consideration, an interest or a relationship prohibited by this section at the time of his or her appointment or employment, or obtains it during his or her employment, he or she shall terminate it within 120 days after the date of his or her appointment or employment or the discovery of the prohibited act.

**Sec. 47.** NRS 673.039 is hereby amended to read as follows:

673.039 The Commissioner shall:

1. Keep in his or her office:

(a) For no less than 5 years, every report made by ~~[an association.]~~ *a savings bank.*



(b) The original application of every ~~{association}~~ **savings bank** in a permanent file.

(c) Other administrative documents in the manner provided by law or by appropriate regulations.

2. Provide a complete stenographic record of every hearing and proceeding conducted by his or her office and maintain, for no less than 5 years, a transcript of the hearing or proceeding, together with any regulation, order, decision, determination or consent entered in connection with the hearing or proceeding.

**Sec. 48.** NRS 673.040 is hereby amended to read as follows:

673.040 The Commissioner shall supervise and make all policy with regard to all foreign and domestic ~~{associations,}~~ **savings banks**, companies and corporations governed by this chapter and doing business in this state.

**Sec. 49.** NRS 673.043 is hereby amended to read as follows:

673.043 ~~{1.}~~ The Commissioner may adopt such regulations as may be reasonable or necessary to carry out the purposes of this chapter.

~~{2. The regulations as originally drafted, and as amended from time to time, must be printed and distributed by the Commissioner to all associations, and become effective not earlier than 30 days from the date of issuance, but before the regulations become effective and within that 30-day period any association may appeal to the Director as to the reasonableness and necessity of any of or all of the regulations.}~~

**Sec. 50.** NRS 673.045 is hereby amended to read as follows:

673.045 The Commissioner may, for reasonable cause and upon 15 days' notice, amend or alter any license issued by him or her, but the ~~{association}~~ **savings bank** may appeal the order of the Commissioner in the manner provided in this chapter.

**Sec. 51.** NRS 673.060 is hereby amended to read as follows:

673.060 Except as otherwise provided in NRS 673.080, 673.112 and ~~{673.595.}~~ **673.2176:**

1. All fees, charges for expenses, assessments and other money collected under the provisions of this chapter from foreign and domestic ~~{associations,}~~ **savings banks**, companies and corporations governed by this chapter must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

2. The compensation provided for by this chapter and all expenses incurred under this chapter must be paid from the money deposited in the State Treasury pursuant to the provisions of NRS 658.091.

**Sec. 52.** NRS 673.070 is hereby amended to read as follows:

673.070 1. Savings ~~{and loan associations,}~~ **banks**, except *state* banks ~~{}~~ and trust companies ~~{}~~ **organized pursuant to title 55 of NRS**, licensed brokers, small loan companies, thrift companies and credit unions, whose principal and primary business is to borrow, loan and invest money, shall be incorporated under the provisions of this chapter. For that purpose all of the provisions of chapter 78 of NRS (Private Corporations) which are not in conflict with this chapter are hereby adopted as parts of this chapter, and all

the rights, privileges and powers and all the duties and obligations of such domestic corporations and of the officers and stockholders thereof shall be as provided in chapter 78 of NRS except as otherwise provided in this chapter.

2. A person, firm, partnership, association or corporation except a savings ~~and loan association~~ **bank** incorporated under this chapter, ***an affiliate of a savings bank or an entity otherwise lawfully conducting business in this State pursuant to this chapter***, shall not conduct or carry on the business of soliciting or advertising ~~for savings deposits and loaning of such~~ ***the products or services of a savings*** ~~bank~~ ***bank***. This subsection does not apply to banks, trust companies, licensed brokers, thrift companies, credit unions and licensees under chapter 675 of NRS.

**Sec. 53.** NRS 673.080 is hereby amended to read as follows:

673.080 1. The Secretary of State shall not issue any certificate to ~~an association~~ ***a savings bank*** or company authorizing it to do business until the articles of association, agreement or incorporation are approved by the Commissioner.

2. No amendment to the articles of the organization may be filed by the Secretary of State without the written approval of the articles by the Commissioner.

3. No ~~association~~ ***savings bank*** may sell, offer for sale, negotiate for the sale of, take subscriptions for, or issue any of its common or preferred stock until it has first applied for and secured from the Commissioner approval of an application for permission to organize as provided for in this section.

4. Persons who desire to organize ~~an association~~ ***a savings bank*** in accordance with this chapter shall first execute in triplicate an application, in the form prescribed by the Commissioner, for permission to organize ~~an association~~ ***a savings bank*** before taking any other action in connection with the organization. Upon execution of an application for permission to organize by ~~seven~~ ***one or more*** responsible ~~citizens,~~ ***natural persons***, referred to in this section as "applicants," the original and two copies of the application must be submitted to the Commissioner. The applicants shall submit with their application the names and addresses of the applicants, the location of the proposed ***main*** office, an itemized account of the financial condition of the proposed ~~association~~ ***savings bank*** and of the applicants, the amount and character of the proposed stock, statements, exhibits, maps and such additional information as the Commissioner requires, together with an affidavit that the representations made thereby are consistent with the facts to the best of the applicants' information and belief. This data must be sufficiently detailed and comprehensive to enable the Commissioner to pass upon the application as to:

- (a) The character and responsibility of the applicants;
- (b) The need for the ~~association~~ ***savings bank*** in the community to be served;
- (c) The reasonable probability of its usefulness and success; and

(d) Whether such ~~[an association]~~ **a savings bank** can be established without undue injury to any properly conducted existing savings ~~[and loan institutions.]~~ **banks.**

5. If the Commissioner approves the application he or she shall, within 30 days, notify all ~~[associations]~~ **savings banks** within 100 miles of the community where the applicant intends to establish ~~[an association.]~~ **a savings bank.** Any ~~[association]~~ **savings bank** so notified may, within 20 days, protest in writing the granting of the application. Within 30 days after receipt by the Commissioner of a written protest, the Commissioner shall fix a date for a hearing upon the protest, and the hearing must be held not earlier than 30 days nor more than 60 days after the date of receipt of written notice by registered or certified mail by the parties. The Commissioner shall approve or deny the application within 90 days after the date of the conclusion of the hearing and give all parties written notice of his or her decision on or before that date.

6. If the Commissioner approves the application, he or she shall establish as conditions to be met before the issuance of a charter requirements as to:

(a) The minimum number of shares of common or preferred stock to be subscribed to the ~~[association's]~~ permanent capital ~~[.]~~ **of the savings bank;**

(b) The minimum amount of paid-in surplus;

(c) The minimum amount of investment certificates to be paid into the ~~[association's savings]~~ **deposit** accounts **of the savings bank** upon issuance of a charter to it; and

(d) Such other requirements as he or she deems necessary or desirable.

➡ At least 75 percent of the capital must be subscribed by bona fide residents of this State or a depository institution or holding company qualified **to control the savings bank** pursuant to the provisions of **this chapter or chapter 666 or 666A** of NRS . ~~[or NRS 666A.010 to 666A.400, inclusive.]~~ Approval of an application for permission to organize ~~[an association]~~ **a savings bank** does not in any manner obligate the Commissioner to issue a charter, except that when all requirements of this chapter and of the Commissioner have been fulfilled, he or she shall issue a charter.

7. The charter expires 180 days after issuance, unless, within that time, the ~~[association]~~ **savings bank** has obtained insurance of accounts from the Federal Deposit Insurance Corporation. The Commissioner may, for good cause, extend the time of the conditional expiration of the charter for an additional period or periods not exceeding 360 days in the aggregate.

8. ~~[An association]~~ **A savings bank** shall not sell or issue any of its permanent stock until it has first applied for and secured from the Commissioner a license authorizing it to operate as a savings ~~[and loan association]~~ **bank** pursuant to the laws of this State and until it has applied for and secured insurance of accounts in accordance with the regulations of the Federal Deposit Insurance Corporation. This insurance of accounts must be maintained at all times.

9. The Commissioner may extend the time for any hearing provided for in this section, to the time agreed upon by the parties.

10. The filing fees are:

(a) For filing an original application, not more than \$4,000 for the ~~principal~~ **main** office. The applicant shall also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary. All money received by the Commissioner pursuant to this paragraph must be placed in the Investigative Account *for Financial Institutions* created by NRS 232.545.

(b) If the license is approved for issuance, not more than \$2,000 for the ~~principal~~ **main** office before issuance.

11. The Commissioner may impose conditions requiring the impoundment of proceeds from the sale of any stock, limiting the expense in connection with the sale of stock, and such other conditions as are reasonable and necessary or advisable to insure the disposition of the proceeds from the sale of the stock in the manner and for the purposes provided in the permission to organize.

12. Every permission to organize issued by the Commissioner must recite in bold type that its issuance is permissive only and does not constitute a recommendation or endorsement of the organization or of the stock permitted to be issued.

13. Any corporation applying pursuant to this section or authorized to organize or authorized to establish a savings ~~and loan association~~ **bank** shall provide for a minimum par value of its permanent capital stock of at least \$1 in its articles of incorporation. Par value of permanent capital stock may not be reduced below \$1 without written permission of the Commissioner.

14. The removal of the ~~home~~ **main** office or of any branch office of ~~an association~~ **a savings bank** to any other location from its then existing location requires ~~prior approval of~~ **submission of written notice at least 30 days before relocation to** the Commissioner ~~and, if the Commissioner determines that his or her approval is necessary, approval of the Commissioner.~~ An application seeking approval, **if required by the Commissioner**, must be delivered to the Commissioner, together with a fee to cover expenses attendant upon the investigation required for the approval, which must be not less than \$200. All money received by the Commissioner pursuant to this subsection must be placed in the Investigative Account *for Financial Institutions* created by NRS 232.545.

15. ~~An association~~ **A savings bank** shall not pay any commissions or other compensation for the subscription to or sale of the original issue of its stock.

16. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section.

17. 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 the applicant otherwise withdraws the application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

**Sec. 54.** NRS 673.090 is hereby amended to read as follows:

673.090 The powers, privileges, duties and restrictions conferred and imposed upon any such ~~[association]~~ **savings bank**, company or corporation, whether foreign or domestic, existing or doing business under the laws of this state are hereby abridged, enlarged or modified, as each particular case may require, to conform to the provisions of this chapter, notwithstanding anything to the contrary in their respective articles of incorporation or charters.

**Sec. 55.** NRS 673.112 is hereby amended to read as follows:

673.112 1. A branch office is a legally established place of business of ~~[an association]~~ **a savings bank**, other than the ~~[home]~~ **main** office, which is authorized by the board of directors and approved by the Commissioner and at which any of the ~~[association's]~~ business **of the savings bank** may be conducted.

2. All branch offices are subject to direction from the ~~[home]~~ **main** office.

3. No ~~[association]~~ **savings bank** may establish or maintain a branch office without prior written approval of the Commissioner. Each application for approval of the establishment and maintenance of a branch office must:

(a) State the proposed location thereof, the need therefor, the functions to be performed therein, the estimated annual expense thereof and the mode of payment therefor.

(b) Be accompanied by a budget of the ~~[association]~~ **savings bank** for the current semiannual period and for the next succeeding semiannual period, which reflects the estimated additional expense of the maintenance of the branch office.

4. After receipt of an application the Commissioner shall determine:

(a) Whether the establishment and maintenance of the branch office will unduly injure any properly conducted existing ~~[association]~~ **savings bank** in the community where the branch office is proposed to be established or in any neighboring community; and

(b) Whether or not the establishment and maintenance of the branch office will serve the public interest.

5. Before issuance of a charter for a branch office, the Commissioner shall notify all ~~[associations]~~ **savings banks** doing business within a radius of 100 miles of the principal place of business of the applicant, and within a radius of 100 miles of the proposed branch office. Any ~~[association]~~ **savings bank** so notified may, within 20 days, protest in writing the granting of the

application. Within 30 days after receipt by the Commissioner of a written protest, the Commissioner shall fix a date for a hearing upon the protest. The hearing must be held not earlier than 60 days nor more than 90 days after the date of receipt of written notice by registered or certified mail by the parties.

6. If the Commissioner finds that no undue injury is likely to result, that the establishment and maintenance of the branch office is advisable and will serve the public interest, he or she may approve the application.

7. Approval of ~~{an association's}~~ **a savings bank's** application for a branch office charter permits the ~~{association}~~ **savings bank** to establish an operating office in a temporary or a permanent building, if the building is placed on or erected at the approved location within 12 months after the approval.

8. For good cause and after notice to the ~~{association,}~~ **savings bank**, the Commissioner may revoke his or her approval for the maintenance of a branch office. Failure to establish a branch office in the manner and within the time permitted under this section constitutes a good cause for revocation, unless a prior, written request for a waiver of the time limitation is sought by the ~~{association}~~ **savings bank** and an extension, in writing, is granted by the Commissioner.

9. ~~{An association}~~ **A savings bank** which maintains one or more branch offices shall give each branch office a specific designation by name and include in the designation the word "branch" and shall prominently display the designation at the place of business of the branch. When ~~{an association}~~ **a savings bank** is operating a branch office, all advertising of or by the branch office must state clearly the location of the ~~{principal}~~ **main** office of the ~~{association}~~ **savings bank**.

10. The filing fees are:

(a) For filing an original application, not more than \$400 for each branch office. The applicant shall also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary. All money received by the Commissioner pursuant to this subsection must be placed in the Investigative Account **for Financial Institutions** created by NRS 232.545.

(b) If the license is approved for issuance, not more than \$200 for each branch office before issuance.

11. The Commissioner shall adopt regulations establishing the amount of the filing fees required pursuant to this section.

**Sec. 56.** NRS 673.113 is hereby amended to read as follows:

673.113 1. Every ~~{association}~~ **savings bank** shall maintain bond coverage ~~{with a bonding company}~~ **in such amounts and form** which is acceptable to the Commissioner and the Federal Deposit Insurance Corporation . ~~{for an amount to be determined by the Commissioner not to exceed 5 percent of the total assets of the association, nor for an amount greater than \$3,000,000, covering all directors, officers, employees, agents, data processing service firms and all other operating hazards that are~~

~~normally covered under the bond. The bond must be in the form known as Standard Form No. 22, its equivalent or some other form which may be acceptable to the Federal Deposit Insurance Corporation and the Commissioner.]~~ The bond coverage may allow for a deductible amount or provision adopted under ~~[Title 12, Code of Federal Regulations, Section 563.19(a), (b) and (c), and under any subsequent amendments thereto.]~~ ***federal regulations applicable to federal savings banks.***

2. ~~[A true copy of the surety bond must be placed in the custody of the Commissioner and the original maintained in the office of the association at all times.~~

~~—3. The surety bond must provide that a cancellation thereof, either by the surety company or by the insured, does not become effective until 10 days' notice in writing is first given to the Commissioner, or unless he or she earlier approves the cancellation in writing.~~

~~—4.]~~ When requested by the Commissioner, the ~~[association]~~ ***savings bank*** shall provide a duplicate copy of the invoice showing that the bond premium has been paid or satisfied.

~~[5.]~~ 3. The face amount of the surety bond must comply with the requirements of the Federal Deposit Insurance Corporation.

**Sec. 57.** NRS 673.114 is hereby amended to read as follows:

673.114 1. ~~[No association may open.]~~ ***A savings bank organized under this chapter may establish and maintain one or [conduct a service office without approval from the Commissioner.] more service offices within or outside this State according to the needs of the savings bank.***

2. ~~[For good cause, and after notice to the association,]~~ ***A savings bank shall notify the Commissioner [may revoke his or her approval for the maintenance of a] in writing of the location of any service office [.] not later than 30 days after establishment of the service office.***

3. ***A service office does not constitute a branch office and is not subject to the issuance of any license, certificate or prior approval of the Commissioner, the Department of Business and Industry or the Division of Financial Institutions before establishment.***

**Sec. 58.** NRS 673.115 is hereby amended to read as follows:

673.115 1. ~~[An association]~~ ***A savings bank*** shall not issue or publish, or cause or permit to be issued or published, any advertisement that it is doing or is permitted to do any business which is prohibited by law to ~~[an association,]~~ ***a savings bank***, or which misrepresents the nature of its stock, investment certificates, savings deposits or the right of investors or depositors in respect thereto.

2. ~~[An association]~~ ***A savings bank*** may set forth in any of its advertisements any of the purposes for which it is organized.

3. ~~[An association]~~ ***A savings bank*** shall not issue, circulate or publish any advertisement after notice in writing from the Commissioner that in his or her opinion the advertisement is unauthorized, false, misleading or likely to deceive the public.

4. ~~[An association]~~ **A savings bank** shall not:

(a) State in any advertisement that it is under state supervision or control.  
 (b) Include in any advertisement or in any instrument used by it a replica of the Great Seal of the State of Nevada.

(c) ~~[State or imply in any advertisement that money may be invested with the association at any place other than the principal office or branch of the association.]~~

~~—(d)] Use the word “deposit” or “deposits” in any form of advertising [unless the use of that word is authorized in the advertising of a federal savings and loan association pursuant to] that would be prohibited under federal law.~~

~~[5. No association may offer or deliver any gift or premium to any investor or saver of an investment certificate or to any savings depositor in excess of basic cost to the association of \$2.50.]~~

**Sec. 59.** NRS 673.117 is hereby amended to read as follows:

673.117 1. ~~[Except as otherwise provided in NRS 673.110, a]~~ A licensee must obtain the approval of the Commissioner before using or changing a business name.

2. A licensee shall not:

(a) Use any business name which is identical or similar to a business name used by another licensee under this chapter ~~for~~ which may mislead or confuse the public.

(b) Use any printed forms which may mislead or confuse the public.

**Sec. 60.** NRS 673.207 is hereby amended to read as follows:

673.207 1. The business and affairs of every ~~[association]~~ **savings bank** must be managed and controlled by a board of not less than five nor more than 25 directors, **a majority** of which **must** not ~~[more than a minority, but not more than three, may]~~ be full-time officers of the ~~[association.]~~ **savings bank**. The persons designated in the articles of incorporation are the first directors.

2. Vacancies in the board of directors must be filled by vote of the stockholders at the annual meetings or at a special meeting called for that purpose. The board of directors may fill vacancies occurring on the board, such appointees to serve until the next annual meeting of the stockholders.

3. The board of directors of ~~[any association]~~ **a savings bank** may amend the bylaws of the ~~[association.]~~ **savings bank**.

**Sec. 61.** NRS 673.208 is hereby amended to read as follows:

673.208 No person is eligible to serve as a director of ~~[an association]~~ **a savings bank** without the written permission of the Commissioner if he or she:

1. Has been adjudicated ~~[a]~~ bankrupt or has taken the benefit of any assignment for the benefit of creditors or has suffered a judgment recovered against him or her for a sum of money to remain unsatisfied of record or not safeguarded by supersedeas bond on appeal for a period of more than 3 months.



2. Is a director, officer or employee of any other *unaffiliated* savings ~~and loan association.~~ **bank.**

3. Is an officer or employee of ~~a~~ **an unaffiliated** commercial bank in this state.

4. Is not an investor in the ~~association.~~ **savings bank or its holding company, if applicable**, owning in his or her own right or in a representative capacity as an executor, administrator, guardian or trustee stock in the ~~association~~ **savings bank or its holding company, if applicable**, of the par value of at least \$1,000, or full-paid investment certificates in the ~~association~~ **savings bank or its holding company, if applicable**, of the value of at least \$1,000. For the purpose of this chapter, a person who owns stock or investment certificates as a joint tenant with one other person shall be deemed to own, in his or her own right, one-half of the stock or investment certificates.

5. Sells or hypothecates all the stock or investment certificates owned by him or her, or so much thereof that he or she ceases to be the owner, free from encumbrances, of the amount of stock or investment certificates required by subsection 4.

**Sec. 62.** NRS 673.209 is hereby amended to read as follows:

673.209 If the Commissioner notifies the board of directors of any ~~association.~~ **savings bank**, in writing, that he or she has information that any director, officer or employee of the ~~association~~ **savings bank** is failing in the performance of his or her duties, the board of directors shall meet and consider the matter forthwith. The Commissioner must have notice of the time and place of the meeting. If the board of directors finds the Commissioner's objection to be well founded, the director, officer or employee shall be removed immediately.

**Sec. 63.** NRS 673.212 is hereby amended to read as follows:

673.212 Directors and officers of ~~an association shall be deemed to stand in a fiduciary relation to the association and~~ **a savings bank** shall discharge the duties of their respective positions in good faith and with the diligence, care and skill which ordinary, prudent persons would exercise under similar circumstances in a similar position.

**Sec. 64.** NRS 673.214 is hereby amended to read as follows:

673.214 ~~1.~~ The board of directors of ~~the association~~ **a savings bank** shall elect the officers named in the bylaws of the ~~association.~~ **savings bank**, which officers shall serve at the pleasure of the board of directors.

~~2. The principal officers' salaries shall be set by the board of directors.~~

**Sec. 65.** NRS 673.215 is hereby amended to read as follows:

673.215 1. The board of directors of each ~~association~~ **savings bank** shall hold a regular meeting at least once each quarter, at a time to be designated by it in accordance with its bylaws.

2. Special meetings of the board of directors may be held upon notice to each director sufficient to permit his or her attendance. The president or any

three members of the board of directors may call a meeting of the board of directors by giving notice to all of the directors.

3. At any meeting of the board of directors, a majority of the members constitutes a quorum for the transaction of business.

**Sec. 66.** NRS 673.216 is hereby amended to read as follows:

673.216 Every official communication by the Commissioner directed to the board of directors of ~~{an association}~~ **a savings bank** must be ~~{read}~~ **presented** at the next meeting of the board of directors and made a part of the minutes of the meeting.

**Sec. 67.** NRS 673.2176 is hereby amended to read as follows:

673.2176 1. ~~{An association}~~ **A savings bank** shall immediately notify the Commissioner of any change or proposed change in ownership of the ~~{association's}~~ stock **of the savings bank** which would result in any person, including a business trust, obtaining 5 percent or more of the ~~{association's}~~ outstanding capital stock ~~{ }~~ **of the savings bank**.

2. An application must be submitted to the Commissioner, pursuant to NRS 673.080, by a person who acquires:

(a) At least 25 percent of ~~{an association's}~~ **the** outstanding stock ~~{ }~~ **of the savings bank;** or

(b) Any outstanding stock of ~~{an association}~~ **a savings bank** if the change will result in a change in the control of the ~~{association}~~ **savings bank**.

↪ Except as otherwise provided in subsection 4, the Commissioner shall conduct an investigation to determine whether the character and responsibility of the applicant is such as to command the confidence of the community in which the ~~{association}~~ **main office of the savings bank** is located. If the Commissioner denies the application, he or she may forbid the applicant from participating in the business of the ~~{association}~~ **savings bank**.

3. The ~~{association}~~ **savings bank** with which the applicant is affiliated shall pay such a portion of the cost of the investigation as the Commissioner requires. 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.

4. A savings ~~{and loan association}~~ **bank** may submit a written request to the Commissioner to waive an investigation pursuant to subsection 2. The Commissioner may grant a waiver if the applicant has undergone a similar investigation by a state or federal agency in connection with the licensing of or his or her employment with a financial institution.

**Sec. 68.** NRS 673.218 is hereby amended to read as follows:

673.218 ~~{An association}~~ **A savings bank** may provide for pensions, retirement plans and other benefits for its officers and employees, and may contribute to the cost thereof in accordance with the plan adopted by its board of directors.

**Sec. 69.** NRS 673.219 is hereby amended to read as follows:

673.219 The board of directors shall approve the depository or depositories for funds of the ~~{association,}~~ **savings bank**.

**Sec. 70.** NRS 673.221 is hereby amended to read as follows:

673.221 1. It is unlawful for an officer, director, employee or capital stockholder of ~~{an association,}~~ **a savings bank**:

(a) To solicit, accept or agree to accept, directly or indirectly, from any person other than the ~~{association,}~~ **savings bank or an affiliate of the savings bank**, any gratuity, compensation or other personal benefit for any action taken by the ~~{association,}~~ **savings bank** or for endeavoring to procure any such action.

(b) To have any interest, direct or indirect, in the purchase at less than its face value of any evidence of a ~~{savings,}~~ **deposit** account or other indebtedness issued by the ~~{association,}~~ **savings bank**, excluding stock certificates and junior capital notes.

2. It is unlawful for any stockholder with more than 5 percent of the outstanding capital stock of ~~{an association,}~~ **a savings bank** or any director or principal officer, to have any interest, direct or indirect, in the proceeds of a loan or of a purchase or sale made by the ~~{association,}~~ **savings bank**, unless the loan, purchase or sale **complies with the provisions of NRS 673.3244 or** is **otherwise** authorized expressly by this chapter or by a resolution of the board of directors of the ~~{association,}~~ **savings bank**. The resolution must be approved by a vote of at least two-thirds of all the directors of the ~~{association,}~~ **savings bank**, and an interested director may not take part in the vote. The loan must also conform to federal regulations for the insurance of accounts.

3. Any violation of the provisions of this section is a misdemeanor.

**Sec. 71.** NRS 673.2211 is hereby amended to read as follows:

673.2211 Any ~~{association}~~ **savings bank** director, officer or other person who knowingly and willingly participates in any violation of the laws of this state relative to savings ~~{and loan associations}~~ **banks** is liable for all damage which the savings ~~{and loan association,}~~ **bank**, its stockholders, savings depositors or creditors sustain in consequence of such violation.

**Sec. 72.** NRS 673.222 is hereby amended to read as follows:

673.222 ~~[1. An association shall pay on behalf of or reimburse an officer, director or employee for the expenses of defending an action brought on behalf of the association or the savings account holders, other creditors or borrowers thereof, founded upon any act or acts performed or omitted by such person acting as such officer, director or employee under the following conditions:~~

~~—(a) If the person is adjudicated to be not liable, then all reasonable expenses of such litigation shall be paid by the association.~~

~~—(b) If the person is held to be liable on certain items and not liable on others, the association shall pay the proportion of the total reasonable~~

expense of the litigation which the items on which he or she is held to be not liable bear to all the items alleged.

~~— 2. If, in the opinion of the association, any such person is not liable upon the substantive issues alleged, the association is authorized to compromise and settle such claim or litigation in its discretion and to pay the entire expense thereof, including the compromise settlement, if the expense is reasonable. Any action taken by the association under this subsection requires approval by a vote of at least two thirds of all the directors of the association (an interested director taking no part in the vote), or by a majority vote of the stockholders.]~~ *Nothing in this chapter limits the authority of a savings bank to indemnify and defend, or to provide reimbursement for expenses of defending an action to, officers, directors, employees, agents or other parties as such authority may be provided under the laws of this State, if such indemnification does not violate the limitations on indemnification imposed by section 18(k) of the Federal Deposit Insurance Act, 12 U.S.C. § 1828(k), and the regulations issued thereunder by the Federal Deposit Insurance Corporation.*

**Sec. 73.** NRS 673.225 is hereby amended to read as follows:

673.225 1. Notwithstanding any other provision of this chapter, every ~~[company, association or corporation]~~ *savings bank* licensed under the provisions of this chapter whose accounts are insured by the Federal Deposit Insurance Corporation or its successor, ~~[or which is a member of a Federal Home Loan Bank or its successor as an insured association,]~~ has the same rights, powers, privileges, immunities and exceptions which are possessed by any ~~[federally chartered association unless]~~ *federal savings bank, including all such fiduciary powers that a federal savings bank is authorized to exercise, except as may be* expressly denied *or limited* by the Commissioner ~~[ ]~~ *after notice and a hearing.*

2. Whenever additional rights, powers, privileges or exceptions are granted to any ~~[federally chartered association, every company, association or corporation]~~ *federal savings bank, including under principles of federal preemption, every savings bank* licensed under the provisions of this chapter whose accounts are federally insured has those additional rights, powers, privileges or exceptions ~~[unless]~~ , *except as may be* expressly denied *or limited* by the Commissioner ~~[ ]~~ *after notice and a hearing.*

3. *If federal law conflicts with any of the provisions of this chapter, except as otherwise provided by the Commissioner, the provisions of federal law shall prevail as to such conflict, and satisfaction of any obligations imposed under federal law by the savings bank shall be deemed to also satisfy the obligations of the savings bank under state law.*

4. *In addition to all powers otherwise granted by this chapter, every savings bank licensed under the provisions of this chapter has the powers, privileges and authorities granted by regulations promulgated under the Federal Deposit Insurance Act for foreign savings banks, except as may be expressly denied or limited by the Commissioner after notice and hearing.*

**5. A savings bank shall have any power reasonably incident, convenient or useful to the accomplishment of the powers conferred upon the savings bank by this chapter.**

**Sec. 74.** NRS 673.227 is hereby amended to read as follows:

673.227 1. ~~{An association}~~ **A savings bank** may purchase or lease property for its office buildings or construct its office buildings on property purchased or leased by it, if the total cost of land and improvements does not exceed 70 percent of the sum of the ~~{association's}~~ capital, surplus and reserves ~~{ }~~ **of the savings bank.**

2. With the approval of the Commissioner, senior capital notes of the Federal Deposit Insurance Corporation may be included in capital for the purposes of this section.

**Sec. 75.** NRS 673.228 is hereby amended to read as follows:

673.228 1. ~~{An association may act as a trustee or custodian as provided by the Federal Employee Retirement Security Act of 1974, as amended or supplemented.~~

~~2. An association}~~ **A savings bank shall have the powers, privileges and authorities to engage in trust company business, including engaging in custodial activities and establishing common trust funds, either directly or indirectly through a subsidiary, that any state bank, foreign bank, foreign savings bank, national bank or federal savings bank may exercise, subject to the requirements and conditions for engaging in such business of a trust company set forth in this section.**

2. **Before engaging in trust company business, a savings bank shall apply to the Commissioner on such form as he or she shall determine and pay the same fee as required for a state bank to engage in trust company business. In considering such an application, the Commissioner shall determine whether:**

**(a) The management and personnel of the savings bank are qualified to conduct trust company business;**

**(b) Trust company business will be adequately conducted in compliance with the law; and**

**(c) The financial and managerial resources of the savings bank are sufficient to support the conduct of trust company business.**

3. **A savings bank** subscribing to trustee and custodial power authorized by this section shall be required to segregate all funds held in such fiduciary capacity from the general assets of the ~~{association}~~ **savings bank** and keep a separate set of books and records showing in proper detail all transactions engaged in under the authority of this section.

~~{3.}~~ 4. If individual records are kept of each self-employed individual retirement plan, all funds held in such trust or custodial capacity by the ~~{association}~~ **savings bank** may be commingled for appropriate purposes of investment.

~~{4.}~~ 5. No funds held in ~~{such}~~ **a fiduciary capacity by a savings bank** may be used by the ~~{association}~~ **savings bank** in the conduct of its business,

although such funds may be invested in the ~~[savings]~~ **deposit** accounts of the ~~[institution]~~ **savings bank** if the trust or custodial retirement plan does not prohibit the investment.

**6. As used in this section, “business of a trust company” or “trust company business” has the meaning ascribed to it in NRS 669.029.**

**Sec. 76.** NRS 673.250 is hereby amended to read as follows:

673.250 1. No ~~[association]~~ **savings bank** may sell or issue any of its common or preferred stock until it has first applied for and secured from the Commissioner a license authorizing it so to do as provided in NRS 673.080.

2. Every license must recite in bold type that the issuance of the license is permissive only and does not constitute a recommendation or endorsement of the stock permitted to be issued.

3. Before the sale of, or option to buy, any additional authorized but unissued common or preferred stock, the ~~[association]~~ **savings bank** must have the written approval of the Commissioner.

4. The Commissioner may impose conditions requiring the impoundment of the proceeds from the sale of any stock, limiting the expense in connection with the sale and such other conditions as are reasonable and necessary or advisable to ensure the disposition of the proceeds from the sale of the stock in the manner and for the purposes provided in the license.

**Sec. 77.** NRS 673.260 is hereby amended to read as follows:

673.260 1. The license specified in NRS 673.250 authorizes the company, ~~[association]~~ **savings bank** or corporation to whom it is issued to sell its approved securities and contracts within this State for the remainder of the fiscal year ending on June 30 next succeeding. Each license is renewable, under like restrictions, annually thereafter.

2. For the issuing of any license provided for in NRS 673.250 and for any renewal thereof, the fee of the Commissioner is:

- (a) For ~~[each home]~~ **the main** office, not more than \$400; and
- (b) For each branch office, not more than \$200.

3. The fees must accompany the license renewal application. A penalty of 10 percent of the fee payable must be charged for each month or part thereof that the fees are not paid after June 30 of each year.

4. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section. ~~[All sums received by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.]~~

**Sec. 78.** NRS 673.2755 is hereby amended to read as follows:

673.2755 1. ~~[An association]~~ **A savings bank** may issue investment certificates, with or without passbooks. The holders of investment certificates are not liable for debts or assessments, and are entitled upon liquidation of ~~[an association]~~ **a savings bank** to receive payment in full before any payment or distribution is made to stockholders. The holders of investment certificates have no right to participate in the profits of the ~~[association]~~ **savings bank**.

2. Investment certificates may be issued as fully paid investment certificates, accumulative investment certificates, minimum term investment certificates or other types of certificates approved by the Commissioner. The Commissioner shall not approve any certificates whose issuance would impair the insurance of the ~~{association's}~~ accounts *of the savings bank* by the Federal Deposit Insurance Corporation.

**Sec. 79.** NRS 673.2758 is hereby amended to read as follows:

673.2758 A reserve for losses shall be maintained by each ~~{association,}~~ *savings bank*, which shall allow for the write-down of assets to their fair market value in accordance with generally accepted accounting principles ~~{}~~ *to the same extent that such principles are used to determine compliance with federal regulations applicable to federal savings banks.*

**Sec. 80.** NRS 673.276 is hereby amended to read as follows:

673.276 ~~{An association}~~ *A savings bank* may invest in:

1. Without limit, obligations of, or obligations guaranteed as to principal and interest by, the United States or any state.
2. Obligations of the United States Postal Service, whether or not guaranteed as to principal and interest by the United States.
3. Stock of a Federal Home Loan Bank *or Federal Reserve Bank* of which the ~~{association}~~ *savings bank* is eligible to be a member.
4. Any obligations or consolidated obligations of any Federal Home Loan Bank or Banks ~~{}~~ *or any Federal Reserve Bank or Banks.*
5. Stock or obligations of the Federal Deposit Insurance Corporation.
6. Stock or obligations of a national mortgage association or any successor or successors thereto, including the Federal National Mortgage Association ~~{}~~ *or the Federal Home Loan Mortgage Corporation.*
7. Demand, time or savings deposits with any bank, credit union or trust company whose deposits are insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 678.755.
8. Stock or obligations of any corporation or agency of the United States or any state, or in deposits therewith to the extent that such a corporation or agency assists in furthering or facilitating the ~~{association's}~~ purposes or powers ~~{}~~ *of the savings bank.*
9. ~~{Savings}~~ *Deposit* accounts of any insured ~~{association}~~ *depository institution* licensed by the State and of any ~~{federal savings and loan association,}~~ *federally chartered depository institution*, if the accounts of ~~{the savings and loan association}~~ *such institution* are insured by the Federal Deposit Insurance Corporation.
10. Bonds, notes or other evidences of indebtedness which are general obligations of any city, town, county, school district or other municipal corporation or political subdivision of any state.
11. Any other investment at the discretion of the ~~{association's}~~ directors *of the savings bank* if, after the investment is made, the ~~{association's}~~

accounts *of the savings bank* remain insurable by the Federal Deposit Insurance Corporation.

**Sec. 81.** NRS 673.2765 is hereby amended to read as follows:

673.2765 ~~[1.—An association]~~ *A savings bank* may invest in the capital stock, obligations or other securities of a related service ~~corporation organized under the laws of this state, except a corporation organized for the underwriting or sale of insurance,~~ *company, operating subsidiary or financial subsidiary*, subject to any regulations concerning the insurability of the ~~[association's]~~ accounts *of the savings bank* by the Federal Deposit Insurance Corporation and to whatever regulations the Commissioner may impose in this regard, if the entire capital stock of the corporation is available for purchase by ~~[associations organized under the laws of this state only].~~

~~—2. No association may make the investment if its aggregate, outstanding investments, pursuant to subsection 1, would then be in excess of 1 percent of its assets.]~~ *insured depository institutions under any federal or state law.*

**Sec. 82.** NRS 673.2766 is hereby amended to read as follows:

673.2766 1. Any investment in real property for purposes of subdivision or for residential development must not exceed the market value or appraisal valuation as evidenced by an appraisal report prepared within 120 days of the investment by a member of the ~~[American Institute of Real Estate Appraisers, the Society of Real Estate Appraisers,]~~ *Appraisal Institute* or the *National Association of Independent Fee Appraisers*, ~~[Society,]~~ or by such other appraiser as may be approved by the Commissioner.

2. ~~[Within 30 days after the investment is made, the association shall provide the Commissioner with a certified copy of one or more appraisal reports on the real property involved and with a title insurance company report, reflecting the chain of title for a period of at least 3 years and the amount of consideration, as available, given for each title transfer that may have occurred during the reported period.]~~

~~—3.]~~ The Commissioner may require a statement from the ~~[association]~~ *savings bank* disclosing whether any director, officer or employee of the ~~[association]~~ *savings bank* has a direct or indirect interest in the real property involved or has had an interest at any time during the past 3 years. Stock ownership in an interested corporation may be considered the direct or indirect interest of the investor. Failure to make a required disclosure is unlawful.

**Sec. 83.** NRS 673.278 is hereby amended to read as follows:

673.278 The power of ~~[an association]~~ *a savings bank* to make loans shall include:

1. The power to purchase loans of any type that the ~~[association]~~ *savings bank* may make.

2. The power to make loans upon the security of loans of any type that the ~~[association]~~ *savings bank* may make.



**Sec. 84.** NRS 673.279 is hereby amended to read as follows:

673.279 ~~[An association]~~ A **savings bank** may invest its funds in the purchase of real property contracts under the following conditions only:

1. That it must acquire the merchantable title to the property covered by such contracts.

2. That the type of property be such as would be eligible for a mortgage or deed of trust loan under this chapter.

3. Before making any such purchase, the property shall be appraised *or evaluated* and the purchase approved ~~[ ] in the same manner~~ as in the case of *the purchase of loans secured using a mortgage or* deed of trust ~~loans, by the board or the executive committee of the association.]~~ *on real estate.*

**Sec. 85.** NRS 673.280 is hereby amended to read as follows:

673.280 Any savings ~~[and loan association]~~ **bank** may invest its funds, or money in its custody, ~~[in the bonds of the Home Owners' Loan Corporation or]~~ in the bonds of any Federal Home Loan Bank ~~[ ]~~ *or Federal Reserve Bank*, or in consolidated Federal Home Loan Bank *or Federal Reserve Bank* bonds, debentures or notes, or in farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks and federal intermediate credit banks under the authority of ~~[the Federal Farm Loan Act, formerly 12 U.S.C. §§ 636 to 1012, inclusive, and §§ 1021 to 1129, inclusive, and]~~ the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, as amended or supplemented, and the bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the Farm Credit Act, formerly 12 U.S.C. §§ 1131 to 1138e, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, as amended or supplemented.

**Sec. 86.** NRS 673.300 is hereby amended to read as follows:

673.300 1. Any savings ~~[and loan association]~~ **bank** which may now or hereafter be eligible to become a member of any Federal Home Loan Bank according to the terms of the Federal Home Loan Bank Act of 1932, 12 U.S.C. §§ 1421 to 1449, inclusive, as amended or supplemented, may:

(a) Subscribe for, purchase, own and hold stock in such Federal Home Loan Bank, and become a member thereof.

(b) Borrow money from any Federal Home Loan Bank pursuant to the Federal Home Loan Bank Act, as amended or supplemented.

(c) Invest in the bonds of any Federal Home Loan Bank.

(d) Give its obligations and pledge securities and conform to the provisions of the Federal Home Loan Bank Act, and to the rules and regulations from time to time fixed and prescribed either by the Federal Home Loan Bank Board or the Federal Home Loan Bank of which it is a member.

(e) Perform any acts and execute any instruments authorized or required by the Federal Home Loan Bank Act, as amended or supplemented, or by rules and regulations adopted pursuant to the Act.

2. All acts authorized by subsection 1 performed prior to March 18, 1935, are hereby validated and confirmed.

**Sec. 87.** NRS 673.301 is hereby amended to read as follows:

673.301 The power of ~~[an association]~~ **a savings bank** to borrow money and contract debts shall include the power to issue capital notes evidencing such borrowings and to subordinate the same to investment certificates and other liabilities. ~~[An association]~~ **A savings bank** may confer upon the holders of any capital notes, issued or to be issued by the ~~[association]~~ **savings bank**, such rights to vote in the election of directors and on any other matters as shall be stated and expressed in the articles of incorporation, or in any amendment thereto.

**Sec. 88.** NRS 673.302 is hereby amended to read as follows:

673.302 The aggregate amount of all borrowings of any ~~[association in force at any one time, excluding borrowings from the Federal Home Loan Banks, the Federal Deposit Insurance Corporation or other similar federal agencies, must not exceed 5 percent of the total assets of the association without the approval of the Commissioner. The Commissioner shall not approve any borrowing]~~ **savings bank shall not exceed an amount** which would impair the insurance of the ~~[association's]~~ accounts **of the savings bank** by the Federal Deposit Insurance Corporation.

**Sec. 89.** NRS 673.310 is hereby amended to read as follows:

673.310 1. Subject to such regulations as may be prescribed by the Federal Housing ~~[Administrator]~~ **Administration** or Department of Veterans Affairs, savings ~~[and loan associations]~~ **banks** may:

(a) Make such loans and advances of credit, and purchases of obligations representing the loans and advances of credit, as are eligible for insurance by the Federal Housing ~~[Administrator]~~ **Administration** or are guaranteed by the Department of Veterans Affairs, and to obtain such insurance.

(b) Make such loans secured by mortgages on real property as are eligible for insurance by the Federal Housing ~~[Administrator]~~ **Administration** or are guaranteed by the Department of Veterans Affairs, and to obtain such insurance.

(c) Purchase, invest in and dispose of notes or bonds secured by mortgages insured by the Federal Housing ~~[Administrator]~~ **Administration** or guaranteed by the Department of Veterans Affairs, securities of national mortgage associations, and debentures issued by the Department of Veterans Affairs or the Federal Housing ~~[Administrator]~~ **Administration**.

2. No law of this State, nor any articles of incorporation or bylaws of any savings ~~[and loan associations]~~ **bank**, prescribing the nature, amount or form of security or requiring security upon which loans or advances of credit may be made, prescribing or limiting interest rates upon loans or advances of credit, or prescribing or limiting the period for which loans or advances of credit may be made, applies to loans, advances of credit or purchases made pursuant to subsection 1.

3. All loans, advances of credit, and purchases of obligations described in this section made and insured pursuant to the terms of the National Housing Act ~~for Servicemen's Readjustment Act of 1944~~, *12 U.S.C. §§ 1701 et seq.*, are hereby validated and confirmed.

**Sec. 90.** NRS 673.315 is hereby amended to read as follows:

673.315 **1.** Notwithstanding any other provision of law, any savings ~~and loan association~~ **bank** organized under the laws of this State, which has as one of its principal purposes the making or purchasing of loans secured by real property mortgages, is authorized to sell such mortgage loans to the Federal National Mortgage Association ~~{ }~~ **or the Federal Home Loan Mortgage Corporation**, a corporation chartered by an Act of Congress, or any successor thereof, and in connection therewith to make payments of any capital contributions, required pursuant to law, in the nature of subscriptions for stock of the Federal National Mortgage Association **or the Federal Home Loan Mortgage Corporation, or any successor thereof, to receive stock evidencing such capital contributions, and to hold or dispose of such stock.**

**2.** *Any savings bank organized under the laws of this State, which engages in the making or purchasing of federally guaranteed student loans is authorized to sell such student loans to SLM Corporation, or any successor thereof, and in connection therewith to make payments of any capital contributions, required pursuant to law, in the nature of subscriptions for stock of SLM Corporation, or any successor thereof, to receive stock evidencing such capital contributions, and to hold or dispose of such stock.*

**Sec. 91.** NRS 673.316 is hereby amended to read as follows:

673.316 **1.** ~~{Nothing in this chapter requires any association to sell, transfer or dispose of any investment or loan made or purchased by the association before March 30, 1959. Any association may:~~

~~—(a) Renew, extend the time of payment of, or rewrite any loan made before that date.~~

~~—(b) }~~ **Any savings bank may:**

**(a)** Make additional advances or loans for the purpose of preserving the security of the loan or for the purpose of protecting the property securing the loan.

~~{(e)}~~ **(b)** Make any renewal, extension, advance or loan to the borrower or to any successor in interest in the property securing the loan.

~~{(d)}~~ **(c)** Make loans on property sold by ~~an association~~ **a savings bank** or extend credit thereon for the purpose of facilitating the sale of the property regardless of any other provision of this chapter.

**2.** No advance or loan may be made under the provisions of this section if the advance or loan would increase the total liability to the ~~association~~ **savings bank** making the advance or loan to ~~more than 2 percent of total assets, except with the approval of the Commissioner.~~ **a level that would be prohibited pursuant to regulations applicable to federally chartered banks as set forth by the Office of the Comptroller of the Currency.**

3. For the purpose of preserving the security of any loan or of protecting the property securing any loan made in compliance with this chapter, ~~[an association]~~ **a savings bank** may make additional advances or loans to the borrower or any successor in interest in the property securing the loan. Regardless of any other provision of this chapter ~~[an association]~~, **a savings bank** may make loans or extend credit for the purpose of facilitating the sale of property acquired by repossession, foreclosure or conveyance in lieu of foreclosure if that activity conforms to generally accepted accounting practices.

**Sec. 92.** NRS 673.318 is hereby amended to read as follows:

673.318 Every ~~[association]~~ **savings bank** shall appraise *or evaluate* each parcel of real estate at the time of acquisition thereof ~~[. The report of each appraisal must be submitted in writing to the board of directors and must be kept in the records of the association. The Commissioner may require the appraisal of real estate securing loans by an appraiser selected by the Commissioner. The association whose securities are appraised under this section shall pay the expense of the appraisal to the Commissioner upon demand. Money so received must be deposited in the State Treasury pursuant to the provisions of NRS 658.091. Copies of appraisals must be furnished to the association.]~~, *except where such appraisal or evaluation is not required under federal law.*

**Sec. 93.** NRS 673.324 is hereby amended to read as follows:

673.324 1. ~~[An association]~~ **A savings bank** may make any loan which:

- (a) Is secured by real property;
- (b) Is secured by personal property ~~[;]~~, *including, without limitation, stock or other securities;*
- (c) Results from a credit card issued by the ~~[association]~~ **savings bank**;
- (d) Is unsecured;
- (e) Is made to the United States, its agencies or any governmental agency of the State of Nevada; or
- (f) Is made at the discretion of the ~~[association's]~~ directors ~~[;]~~, *of the savings bank* if the loan will not impair the insurability of the ~~[association's]~~ accounts *of the savings bank* by the Federal Deposit Insurance Corporation.

2. Additional loans or advances on the same property, without intervening liens, shall be deemed to be first liens for the purpose of this chapter.

**Sec. 94.** NRS 673.3244 is hereby amended to read as follows:

673.3244 ~~[1. No association may make any loans to a:~~

- ~~—(a) Corporation if the majority of the stock is owned or controlled individually or collectively by any one or more of the directors, officers or majority stockholders of the association; or~~
- ~~—(b) Partnership if the limited or general partner is a director, officer or the majority owner of the association,~~

~~↪ unless the loan is expressly authorized by this chapter or by a resolution of the board of directors of the association. The resolution must be approved by~~

~~a vote of at least two thirds of all the disinterested directors of the association.~~

~~— 2. An association may make loans to any corporation or partnership in which a director or officer of the association is a minority stockholder or partner if the loan is authorized or confirmed, at a meeting held within 30 days after the loan is made, by the affirmative vote of all the disinterested directors of the association present at the meeting and if the affirmative vote constitutes a majority of all the directors of the association. The interested director or officer shall not vote or participate in any manner in the action of the board of directors upon the loan. The authorization or confirmation must be entered in the minutes of the association. The loan must in all other respects comply with the provisions covering the granting of loans.~~

~~— 3. If a loan is made to a corporation or partnership as set forth in subsection 2, and if the director or officer of the association owns more than 10 percent of the paid in capital of the corporation, or if any two or more officers or directors own more than 20 percent of the paid in capital of the corporation or if any one or more of the directors is a general partner, the association shall file reports with the Commissioner showing the following:~~

~~— (a) The fact of making the loan.~~

~~— (b) The names of the directors authorizing or confirming the loan.~~

~~— (c) The corporate or partnership name of the borrower.~~

~~— (d) The name of each director or officer of the association who is a stockholder, officer, director or partner of the corporation or partnership to which the loan was made.~~

~~— (e) The amount of stock held by the officer or director in the corporation.~~

~~— (f) The amount of the loan, the rate of interest thereon, the time when the loan becomes due, the amount, character and value of the security given therefor, and the fact of final payment when made.~~

~~— 4. All officers, directors or stockholders holding more than 10 percent of the paid in capital of the association shall disclose annually to the Commissioner their investments in any partnership or corporation to which a loan is made. If any changes in those investments occur, the Commissioner must be notified.] No savings bank may make any loan to a director, officer or principal shareholder of the savings bank or any company owned or controlled by the savings bank if such a loan would be prohibited for a bank that is subject to 12 C.F.R. Part 215, commonly known as Regulation O.~~

**Sec. 95.** NRS 673.3255 is hereby amended to read as follows:

673.3255 1. ~~[An association]~~ **A savings bank** may **make or** invest ~~[any of its money]~~ in a loan to finance a borrower's interest in or to refinance his or her existing interest in a cooperative housing corporation if the loan is secured by:

(a) A first security interest in stock or a certificate of membership in the cooperative housing corporation; and

(b) An assignment of or lien on the borrower's interest in the lease or other right of tenancy to a dwelling unit of the cooperative housing corporation.

2. A first security interest may exist even though a mortgage or deed of trust encumbers the property owned by the cooperative housing corporation if the stock or certificate of membership in the corporation and the borrower's lease or other right of tenancy are not encumbered with a prior security interest. For purposes of this chapter, additional loans or advances on the same interest in a cooperative housing corporation, without intervening liens, shall be deemed to be first security interests. For purposes of this chapter, the interest in a cooperative housing corporation which is encumbered by a security interest shall be deemed to be real property and security interest shall be deemed to be a mortgage on real property.

**Sec. 96.** NRS 673.3271 is hereby amended to read as follows:

673.3271 ~~[1.—An association]~~ **A savings bank** shall not make at one time loans to any one borrower, or under any one transaction, or applicable to any one project, or tract, if the ~~loans in the aggregate are in excess of~~ ~~whichever of the following is the lesser:~~

~~—(a) Ten percent of its total savings accounts, unless that requirement is waived by written approval of the Commissioner.~~

~~—(b) An amount equal to the sum of its capital, surplus, undivided profits, loan reserve, federal insurance reserve, capital notes and such other reserves as the Commissioner may prescribe.~~

~~2. For the purpose of this section, the term “one borrower” means:~~

~~—(a) Any person or entity that is, or that upon the making of a loan will become, obligor on a loan.~~

~~—(b) Nominees of the obligor.~~

~~—(c) All persons, trusts, partnerships, syndicates and corporations of which the obligor is a nominee or a beneficiary, partner, member, or stockholder of record or beneficial interest stockholder owning 10 percent or more of the capital stock of any corporation.~~

~~—(d) If the obligor is a trust, partnership, syndicate or corporation, all trusts, partnerships, syndicates and corporations of which any beneficiary, partner, member, or stockholder of record or beneficial interest stockholder owning 10 percent or more of the capital stock is also a beneficiary, partner, member or stockholder of record or beneficial interest stockholder owning 10 percent or more of the capital stock of the association.~~

~~3. For the purpose of this section, the term “loans to any one borrower” means the amount of the new loan plus the total balances of all outstanding loans owed to the association by the borrower. Notwithstanding any other limitations of this section, the loan may be made if the new loan when added to the total balances of all outstanding loans owed to the association by the borrower does not exceed \$250,000.~~

~~4. For the purpose of this section, the term “balances of all outstanding loans” means the original amounts loaned by the association plus any~~

~~additional advances and interest due and unpaid, less repayments and participating interests sold and exclusive of any loan on the security of real estate the title to which has been conveyed to a bona fide purchaser of the real estate.~~

~~— 5. If an association makes a loan to any one borrower in an amount which, when added to the total balances of all outstanding loans owed to the association by the borrower, exceeds \$250,000, the records of the association with respect to the loan must include documentation showing that the loan was made within the limitations of this chapter. For the purpose of that documentation, the association may require, and may accept in good faith, a certification by the borrower identifying the persons, entities and interests described in the definition of one borrower in subsection 2.] *savings bank would be prohibited from making such a loan under federal law applicable to federal savings banks pursuant to 12 C.F.R. § 32.3.*~~

**Sec. 97.** NRS 673.3272 is hereby amended to read as follows:

673.3272 1. ~~[An association]~~ **A savings bank** may pay:

- (a) Current or past-due taxes , ~~[or]~~ assessments **or other applicable fees** levied upon secured property;
- (b) Insurance premiums;
- (c) Life insurance premiums on policies that ~~[an association]~~ **a savings bank** may require to be assigned as additional collateral; or
- (d) ~~[Other]~~ **Any** similar **or other** charges required for the protection **or preservation** of its investments ~~[ ]~~ **or as necessary to discharge any lien.**

↪ Such payments shall be added to the unpaid loan balance and shall have the same secured status under the deed of trust provisions as the loan itself. No ~~[association]~~ **savings bank** may require, as a condition of loan approval or in the extension of any other service, that any kind of insurance coverage be purchased from or through the ~~[association]~~ **savings bank** or from any agency in which a director or officer of the corporation has any interest.

2. ~~[An association]~~ **A savings bank** may require advance monthly payments on:

- (a) Principal.
- (b) Interest.
- (c) Taxes.
- (d) Assessments.
- (e) Insurance premiums.
- (f) Other statutory charges accruing upon the secured property.

↪ ~~[Each]~~ **The amount of each such payment and the period over which payment will be made may be agreed upon by the parties. In the absence of such an agreement, each** such payment may be equivalent to one-twelfth of the estimated annual amount due. Monthly charges may be adjusted to provide a reasonable method for the payment of estimated taxes, assessments, insurance premiums and other charges. Upon receipt thereof such payments may be carried in a separate trust account or they may be applied to the loan account as a credit upon receipt and debit when disbursed.

**Sec. 98.** NRS 673.332 is hereby amended to read as follows:

673.332 1. ~~[An association]~~ A **savings bank** may hold, manage and convey real property, including apartments and other buildings:

(a) Acquired **at or** by foreclosure **of the real property** or a conveyance in lieu of foreclosure; or

(b) Developed or built by the ~~[association]~~ **savings bank**.

➔ Unless the ~~[association]~~ **savings bank** has received a written waiver from the Commissioner, the total of money which it has advanced or committed for property which it has developed or built may not exceed twice the sum of its capital, surplus, undivided profits, loan reserve, federal insurance reserve and any other reserves specified by the Commissioner.

2. When ~~[an association]~~ a **savings bank** acquires title to any real property pursuant to subsection 1, the document representing the transaction must be recorded . ~~[Immediately.]~~ This subsection does not require recordation of the evidences of any transfer of stock resulting from foreclosure of an interest in a cooperative housing corporation.

~~[3. An appropriate real estate owned account must be set up for the property acquired and a separate subsidiary ledger or other appropriate record must be maintained therefor. The amount carried in the account must be the sum of the unpaid principal balance of the loan plus foreclosure costs, less any advance payments and any money held in the loans in process account at the time of acquisition, together with:~~

~~—(a) Any amounts paid after acquisition for real property taxes which have accrued before acquisition;~~

~~—(b) Assessments due or delinquent at the time of acquisition; and~~

~~—(c) Necessary acquisition costs and costs of insurance premiums.~~

~~4. The subsidiary ledger record or other appropriate record on each property acquired must indicate:~~

~~—(a) The type and character of the property acquired.~~

~~—(b) All capitalized items of investment with related costs.~~

~~—(c) Former loan or contract of sale account numbers.]~~

**Sec. 99.** NRS 673.340 is hereby amended to read as follows:

673.340 1. Any savings ~~[and loan association and any federal savings and loan association operating in this state]~~ **bank** may issue ~~[savings]~~ **deposit** accounts or investment certificates to minors with the written consent of their parents, trustees or guardians, and to married persons, each in their own right.

2. Any payment thereon, or delivery thereof, or of any rights thereunder, to a minor of the age of 14 years or over, or to a married person, or a receipt or acquittance signed by the minor and parent, trustee or guardian or by a married person who holds such ~~[savings]~~ **deposit** accounts or investment certificates, is a valid and sufficient release and discharge of the ~~[association]~~ **savings bank** for any such payment or delivery.

**Sec. 100.** NRS 673.360 is hereby amended to read as follows:

673.360 1. A ~~[savings]~~ **deposit** account or investment certificate of any ~~[association, including a federal savings and loan association,]~~ **savings bank**



may be purchased and held by any person as administrator, executor, guardian, or as trustee or other fiduciary, in trust for a named beneficiary or beneficiaries.

2. Any person holding a ~~[savings]~~ **deposit** account as a fiduciary may make payments upon, and withdraw, in whole or in part, the ~~[savings]~~ **deposit** account or investment certificate.

3. The withdrawal value of any such ~~[savings]~~ **deposit** account or investment certificate and interest thereon, or other rights relating thereto, may be paid or delivered to the fiduciary, and the payment or delivery to the fiduciary or a receipt or acquittance signed by the fiduciary, to whom any payment or delivery of rights is made, is a valid and sufficient release and discharge of the ~~[association]~~ **savings bank** for the payment or delivery so made.

**Sec. 101.** NRS 673.430 is hereby amended to read as follows:

673.430 1. Each ~~[association]~~ **savings bank** doing business in this State shall file annually with the Commissioner on or before March 1, a ~~[sworn statement in two sections.]~~ **report containing the information set forth in subsection 2.**

2. ~~[One section of the]~~ **The** annual report must contain, in such form and detail as the Commissioner may prescribe, the following:

(a) The amount of authorized capital by classes and the par value of each class of stock.

(b) A statement of its assets, liabilities and capital accounts as of the immediately preceding December 31.

(c) Any other facts which the Commissioner requires.

~~[This section must be furnished in duplicate, one certified copy to be returned for publication at least two times in a newspaper having a general circulation in each county in which the association maintains an office. Publication must be completed on or before May 1, and proof of publication must be filed in the Office of the Commissioner.]~~

~~3. One section of the annual report must contain such other information as the Commissioner may require to be furnished. This section need not be published and, except as otherwise provided in NRS 239.0115, must be treated as confidential by the Commissioner.]~~

~~4.]~~ 3. The Commissioner may impose and collect a fee of not more than \$10 for each day the annual report is overdue. The Commissioner shall adopt regulations establishing the amount of the fee that may be imposed pursuant to this subsection. Every ~~[association]~~ **savings bank** shall pay to the Commissioner for supervision and examination a fee based on the rate established pursuant to NRS 658.101.

~~[5. All sums received by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.]~~

**Sec. 102.** NRS 673.440 is hereby amended to read as follows:

673.440 Each such foreign or domestic *savings bank*, association, company or corporation shall cause to be supplied to the Commissioner at any time, upon his or her demand, any information which he or she may require as to its condition, affairs or methods.

**Sec. 103.** NRS 673.450 is hereby amended to read as follows:

673.450 1. The Commissioner may conduct or cause to be conducted such hearings, investigations or examinations of the books and records, wherever they may be, relating to the affairs of such organizations as he or she may deem expedient and in aid of the proper administration of the provisions of this chapter.

2. *Except as otherwise provided in NRS 673.480, all examination reports and all information obtained by the Commissioner in conducting hearings, investigations or examinations under the provisions of this chapter, including all related correspondence and memoranda, and information obtained by the Commissioner from other state or federal bank regulatory authorities with whom the Commissioner has entered into agreements for the confidential sharing of such information, and information obtained by the Commissioner relating to the examination and supervision of any corporation which is an affiliate of a savings bank is confidential and privileged information and must not be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, court or other entity.*

3. *Any information submitted by a person to the Commissioner for any purpose under this chapter shall not be construed as waiving, destroying or otherwise affecting any privilege such person may claim with respect to such information under federal or state law as to any person or entity other than the Commissioner.*

4. In connection with the conduct of any hearing, investigation or examination, the Commissioner or other person designated by him or her to conduct it may:

- (a) Compel the attendance of any person by subpoena.
- (b) Administer oaths.
- (c) Examine any person under oath concerning the business and conduct of affairs of any ~~[association]~~ *savings bank* subject to the provisions of this chapter, and require the production of any books, papers, records, money and securities relevant to the inquiry. Any willful false swearing is perjury and is punishable as such.

~~{3.}~~ 5. The Commissioner shall conduct at least once every 2 years an examination of the books and records of each ~~[association]~~ *savings bank* licensed under this chapter.

**Sec. 104.** NRS 673.451 is hereby amended to read as follows:

673.451 1. For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his or her duly authorized representatives may at any time

investigate the business and examine the books, accounts, papers and records used therein of:

- (a) Any ~~[association]~~ **savings bank**;
- (b) Any other person engaged in an activity regulated pursuant to the provisions of this chapter; and
- (c) Any person whom the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.

2. For the purpose of examination, the Commissioner or his or her authorized representatives must have and be given free access to the offices and places of business, files, safes and vaults of such persons.

3. The Commissioner may require the attendance of any person and examine him or her under oath regarding:

- (a) Any transaction or business regulated pursuant to the provisions of this chapter; or
- (b) The subject matter of any audit, examination, investigation or hearing.

**Sec. 105.** NRS 673.455 is hereby amended to read as follows:

673.455 1. The Commissioner may, at the time of examining a savings ~~[and loan association]~~ **bank**, inspect the books, ledgers and minutes of any corporation which is registered or required to be registered under section ~~[408 of the National Housing Act]~~ **5 of the Bank Holding Company Act of 1956, 12 U.S.C. § 1844, or section 10 of the Home Owners' Loan Act of 1933, 12 U.S.C. § 1467a**, as a holding company whenever, in his or her discretion, he or she considers it advisable to ascertain facts which may relate to transactions between the holding company and the affiliated ~~[association]~~ **savings bank**. The provisions of NRS 673.450 apply to the examination of such corporation.

2. Upon making findings to that end, the Commissioner may order the discontinuance of borrowing or lending, selling or buying of assets, extending credit or guaranteeing obligations of the holding company which has been undertaken without the written approval of the Commissioner.

3. No unreasonable supervisory fees may be imposed upon any ~~[association]~~ **savings bank** by a holding company which controls ~~[an association]~~ **the savings bank**.

**Sec. 106.** NRS 673.460 is hereby amended to read as follows:

673.460 1. Whenever in connection with an examination it is necessary or expedient that the Commissioner or his or her ~~[deputy]~~ **designee**, or both, leave this State, there must be assessed against the organization under examination a fee of not more than ~~[\$50 per day]~~ **the per diem allowance and travel expenses provided for state officers and employees generally** for each person while ~~[without]~~ **outside** the State in connection with an examination, together with all actual and necessary expenses.

2. The fee charged must be remitted to the Commissioner . ~~[, who shall deposit the fees in the State Treasury pursuant to the provisions of NRS 658.091.~~

~~—3.]~~ The Commissioner shall adopt regulations establishing the amount of the fee required pursuant to this section.

**Sec. 107.** NRS 673.470 is hereby amended to read as follows:

673.470 In lieu of making any examination, the Commissioner may accept any examination of any ~~[association]~~ **savings bank** made by the **Board of Governors of the Federal Reserve System, any Federal Home Loan Bank [Board, any Federal Home Loan] or Federal Reserve Bank**, or the Federal Deposit Insurance Corporation, or may examine any such institution in conjunction with the **Board of Governors of the Federal Reserve System, a Federal Home Loan Bank [Board, a Federal Home Loan] or Federal Reserve Bank**, or the Federal Deposit Insurance Corporation.

**Sec. 108.** NRS 673.480 is hereby amended to read as follows:

673.480 **1. Before disclosing or furnishing any document, report or information under this section, the Commissioner must determine that such document, report or information shall receive protection from further disclosure comparable to the protections provided by this chapter.**

**2. The Commissioner, his or her agents and employees may furnish ~~to the Federal Home Loan Bank Board, or to any Federal Home Loan Bank, or to examiners appointed by the Federal Home Loan Bank Board or any Federal Home Loan Bank, or to any federal loan agency, copies of any instruments concerning, and may disclose any information with reference to, the conditions or affairs of any such foreign or domestic association, company or corporation.~~ all or any part of an examination report, work paper, supervisory agreement or directive, order or other information obtained in the conduct of a hearing, investigation or examination under the provisions of this chapter to:**

**(a) An agency of the Federal Government or of another state empowered to examine or supervise a savings bank, a bank holding company or savings and loan holding company owning a savings bank, or a subsidiary of such holding company;**

**(b) An official empowered to investigate criminal charges subject to legal process, valid search warrant or subpoena, provided that the Commissioner may only furnish that part of any document or report which is necessary and pertinent to the investigation, and the Commissioner may do this only after notifying the affected savings bank and any customer of the savings bank who is named in such part of the document or report ordered to be furnished unless the official requesting the document or report first obtains a waiver of the notice requirement from a court of competent jurisdiction for good cause;**

**(c) The examined savings bank or holding company thereof;**

**(d) A receiver or liquidator appointed pursuant to this chapter; or**

(e) *The court in a proceeding initiated by the Commissioner concerning the savings bank if the Commissioner first provides such notice to the savings bank as will afford the savings bank an opportunity to object or to seek a protective order.*

3. *Except as otherwise provided in subsections 4 and 5, all documents, reports and information furnished by the Commissioner pursuant to this section remain the property of the Division of Financial Institutions, and no person, agency or authority to whom such documents, reports or information are made available, or any officer, director or employee thereof, may disclose any of the documents, reports or information contained therein, except in published statistical material that does not disclose the affairs of any natural person or corporation.*

4. *An examination report made by the Division of Financial Institutions is designed for use in the supervision of a savings bank. The report shall remain the property of the Commissioner and will be furnished to the savings bank solely for its confidential use. The savings bank may disclose the report or relevant portions thereof to any of its directors, officers, employees, agents or affiliates as necessary and appropriate in the conduct of its affairs. Under no circumstances may the savings bank or any of its directors, officers, employees, agents or affiliates disclose or make public in any manner the report or any portion thereof to any person or organization not connected with the savings bank as officer, director, employee, attorney, auditor or candidate for executive office with the savings bank or its holding company. The savings bank may also, after execution of an agreement not to disclose information in the report, disclose the report or relevant portions thereof to a party proposing to acquire or merge with the savings bank.*

5. *Except for an examination report as provided in subsection 4, a savings bank may disclose any document, report or information provided by the savings bank to the Commissioner and any document, report or information received by the savings bank from the Commissioner to any of its directors, officers, employees, agents or affiliates as necessary and appropriate in the conduct of its affairs.*

6. *A savings bank, a bank holding company or a savings and loan holding company owning a savings bank, or a subsidiary of such a holding company, does not violate this section by complying with a duty to report to the Securities and Exchange Commission, including, without limitation, by disclosing any order of the Commissioner pursuant to such a duty.*

**Sec. 109.** NRS 673.483 is hereby amended to read as follows:

673.483 1. Each ~~[association]~~ **savings bank** shall, at least once each year, cause its books and accounts to be audited at its own expense by a certified public accountant or firm of such accountants selected by the ~~[association]~~ **savings bank** and approved by the Commissioner.

2. The Commissioner may prescribe the scope of the audit.

3. A certified copy of the audit, including the management and internal control letters relating to the audit, must be furnished to the Commissioner.

**Sec. 110.** NRS 673.4835 is hereby amended to read as follows:

673.4835 Each ~~[association]~~ **savings bank** shall pay the assessment levied pursuant to NRS 658.055 and cooperate fully with the audits and examinations performed pursuant thereto.

**Sec. 111.** 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]~~ **savings bank** 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 or 363C of NRS.

**Sec. 112.** NRS 673.4845 is hereby amended to read as follows:

673.4845 1. ~~[An association]~~ **A savings bank** may reorganize, merge or consolidate with another state or federal ~~[association]~~ **savings bank, national bank, state bank or other insured depository institution**, if the reorganization, merger or consolidation is based upon a plan which has been adopted by the board of directors and approved at a regular or special stockholders' meeting which has been called to consider the action. The approval must rest on a favorable vote of a majority of the voting power of the ~~[association]~~ **savings bank** as established by its articles.

2. Any such plan for reorganization, merger or consolidation must be approved by the Commissioner, who shall satisfy himself or herself that the plan, if approved, would be equitable for the stockholders of the affected ~~[association or associations]~~ **savings bank and other institutions subject to his or her jurisdiction** and would not impair the usefulness or success of other properly conducted ~~[associations]~~ **savings banks** in the community. In submitting an application for approval of any such plan, each ~~[association]~~ **savings bank** proposing to reorganize, merge or consolidate must provide a comprehensive review of its present financial statement and a projected view of the financial statement of the reorganized, merged or consolidated ~~[association]~~ **savings bank, bank or other depository institution**.

3. Unless its action is specifically authorized by or taken in conformity with this chapter, no ~~[association]~~ **savings bank** may, directly or indirectly:

(a) Reorganize, merge or consolidate.

(b) Assume liability to pay ~~[savings]~~ **deposit** accounts or other liabilities of any financial institution or any other organization, person or entity.

(c) Transfer assets to any financial institution or any other organization, person or entity in consideration of the transferee's assumption of liability for any portion of the transferor's ~~[savings]~~ **deposit** accounts, deposits or other liability.

(d) Acquire the assets of any financial institution or any other organization, person or entity.

4. Each application which is made under this section must be accompanied by a fee payment of not more than \$300. The responsibility for payment of the fee must be shared equally by the ~~[associations]~~ **savings bank** participating in each proposed plan.

5. The Commissioner shall adopt regulations establishing the amount of the fee required pursuant to this section.

**Sec. 113.** NRS 673.485 is hereby amended to read as follows:

673.485 1. If the Commissioner finds as the result of any examination or from any report made to him or her or to any ~~[association]~~ **savings bank** doing business in this state or from any report made to any of its investors that the ~~[association]~~ **savings bank** is violating the provisions of its articles of incorporation, charter, bylaws, or any law of this state, or is conducting its business in an unsafe or injurious manner, he or she may by an order addressed to such ~~[association]~~ **savings bank** direct a discontinuance of such violations or unsafe or injurious practices and a conformity with all the requirements of law.

2. If ~~[an association]~~ **a savings bank** does not comply with such order, the Commissioner may order the corporate secretary to call a special directors' meeting to consider the matter of noncompliance.

3. The meeting must be held no later than 60 days after issuance of the order to hold the meeting, unless otherwise restrained by court order or by the board. The business of the meeting must be limited to the matter of noncompliance and remedies therefor and the notice of such meeting must set forth in detail the Commissioner's discontinuance order and order to call a directors' meeting.

4. Action taken at the meeting is binding upon the officers of the ~~[association]~~ **savings bank**.

**Sec. 114.** NRS 673.595 is hereby amended to read as follows:

673.595 1. ~~[A foreign association]~~ ***Except as otherwise provided in this section, a foreign savings bank shall be considered a savings bank subject to the provisions of this chapter for the purpose of engaging in any activities for which a license or other approval by the Commissioner is required pursuant to this chapter, except that a foreign savings bank*** whose activities are limited to any one or more of those enumerated in NRS 80.015 need not be licensed under this chapter.

2. ~~[Except as otherwise provided in chapter 666 of NRS and NRS 666A.010 to 666A.400, inclusive, a foreign association may not solicit or accept deposits in this state, but if it was licensed before July 1, 1985, under the provisions of this section then in force, it may renew that license annually subject to all the provisions, and upon payment of the fee, then in force.] A foreign savings bank organized under the laws of another state or the United States which is insured by the Federal Deposit Insurance Corporation may operate in this State in accordance with the provisions of this chapter on the same terms as a savings bank organized under this chapter, but only to the extent that the laws of the state under which the~~

*foreign savings bank is organized permit a savings bank organized under this chapter to operate in accordance with the laws of that state on the same terms as the foreign savings bank.*

3. *A foreign savings bank organized under the laws of another state or the United States which is insured by the Federal Deposit Insurance Corporation may establish one or more service offices within this State as allowed by this chapter, but only to the same extent, and subject to the same restrictions, that the laws of the state under which the foreign savings bank is organized allows a savings bank organized under this chapter to establish and maintain one or more service offices within that state.*

**Sec. 115.** NRS 673.597 is hereby amended to read as follows:

673.597 1. If any *savings bank*, association, company or corporation organized or incorporated under the laws of any governing body other than the State of Nevada is doing business in this state under the provisions of this chapter, and the laws of the other governing body conflict with any of the provisions of this chapter, the provisions of the laws of this governing body prevail as to each conflict.

2. Whenever any foreign organization follows a course or performs any act which is forbidden to any domestic organization under the terms of this chapter, it shall report to the Commissioner all of the facts relating thereto.

**Sec. 116.** NRS 673.600 is hereby amended to read as follows:

673.600 Any savings ~~{and loan association eligible to become a member of the Federal Home Loan Bank,}~~ *bank* may convert itself into a federal savings ~~{and loan association}~~ *bank* pursuant to the Home Owners' Loan Act of 1933, 12 U.S.C. §§ 1461 to 1468, inclusive, *a national bank pursuant to the National Bank Act, 12 U.S.C. §§ 214 to 214d, inclusive, or a state bank pursuant to title 55 of NRS*, with the same effect as though originally incorporated under ~~{that}~~ *the act {,} or title, as applicable*, and the proceedings to effect the conversion shall be as outlined in NRS 673.610 to 673.640, inclusive.

**Sec. 117.** NRS 673.620 is hereby amended to read as follows:

673.620 1. At a meeting of the stockholders held as provided in NRS 673.610, the stockholders may, by the affirmative vote of the majority of the stockholders present, in person or by proxy, declare by resolution the determination to convert the ~~{state company, association or corporation}~~ *savings bank* into a federal savings ~~{and loan association}~~ *bank, national bank or state bank*.

2. A copy of the minutes of the meeting, verified by the affidavit of the president or vice president and the secretary of the meeting, must be filed in the Office of the Commissioner within 10 days after the date of the meeting. The sworn copy of the proceedings of the meeting, when so filed, is presumptive evidence of the holding and the action of the meeting.

**Sec. 118.** NRS 673.630 is hereby amended to read as follows:

673.630 1. After the holding of the meeting of stockholders, the ~~{state company, association or corporation}~~ *savings bank* shall take such action, in



the manner prescribed or authorized by the laws of the United States or the rules and regulations promulgated pursuant thereto, as shall make it a federal savings ~~[and loan association,]~~ **bank, national bank or state bank**, and there shall thereupon be filed in the Office of the Commissioner a copy of the charter of authorization issued to the ~~[association]~~ **institution** by the **appropriate** supervising ~~[federal]~~ regulatory body or a certificate showing the organization of the ~~[association]~~ **institution** as a federal savings ~~[and loan association,]~~ **bank, national bank or state bank, as applicable**, certified by the **appropriate** supervising ~~[federal]~~ regulatory body. Upon filing with the Commissioner, the ~~[association]~~ **institution** ceases to be a ~~[state]~~ savings ~~[and loan association,]~~ **bank**, but retains all rights, privileges and exemptions of a domestic ~~[association]~~ **institution** of the same kind and character ~~[.] of its resulting charter.~~

2. A fee of not more than ~~[\$40]~~ **\$100** must accompany the copy of the charter of authorization.

3. Federal ~~[associations]~~ **savings banks** so converted and their members are subject to the same form of taxation and on the same basis as ~~[state associations]~~ **savings banks and their stockholders, and national banks so converted and their members are subject to the same form of taxation and on the same basis as state banks** and their stockholders.

4. The Commissioner shall adopt regulations establishing the amount of the fee required pursuant to this section.

**Sec. 119.** NRS 673.640 is hereby amended to read as follows:

673.640 1. At the time when the conversion becomes effective, the ~~[company, association or corporation]~~ **savings bank** shall cease to be supervised by this state ~~[.] pursuant to this chapter,~~ but shall continue as a body corporate converted pursuant to the provisions of the Home Owners' Loan Act of 1933 , **the National Bank Act or title 55 of NRS, as applicable**, and subject to examination and regulation pursuant to ~~[that act.] the act or title, as applicable.~~

2. All the property of the ~~[state company, association or corporation,]~~ **savings bank**, including all its right, title and interest in and to all property of whatever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest and asset of any conceivable value of benefit then existing, belonging or pertaining to it, or which would inure to it, shall immediately by operation of law, and without any conveyance or transfer, and without any further act or deed be vested in and become the property of the federal savings ~~[and loan association. The federal savings and loan association]~~ **bank, national bank or state bank, as applicable. Such institution** shall have, hold and enjoy the same in its own right as fully and to the same extent as the same was possessed, held and enjoyed by the ~~[state company, association or corporation.] savings bank.~~

3. The federal savings ~~[and loan association]~~ **bank, national bank or state bank, as applicable**, as of the time of taking effect of such conversion

shall succeed to all the rights, obligations and relations of the ~~{state company, association or corporation.}~~ **savings bank.**

**Sec. 120.** NRS 673.650 is hereby amended to read as follows:

673.650 ~~{Any}~~ A federal savings ~~{and loan association}~~ **bank, national bank or state bank** may convert itself into a savings ~~{and loan association}~~ **bank** under the laws of this State upon a vote of 51 percent or more of the votes of members of the ~~{federal savings and loan association}~~ **converting institution** cast at any regular or special meeting called to consider the action.

**Sec. 121.** NRS 673.660 is hereby amended to read as follows:

673.660 At the meeting the members shall also vote upon the directors who shall be the directors of the savings ~~{and loan association}~~ **bank** after conversion takes effect, to hold office until the next annual meeting and until their successors are elected and qualified.

**Sec. 122.** NRS 673.670 is hereby amended to read as follows:

673.670 Copies of the minutes of the proceedings of the meeting, verified by the affidavit of the president or vice president and the secretary or an assistant secretary, must be filed in the Office of the Commissioner and, in duplicate, with the Federal Home Loan Bank **or Federal Reserve Bank** of which the ~~{association is a member,}~~ **savings bank is a member and, for a federal savings bank or national bank which converts to a savings bank, the Office of the Comptroller of the Currency,** within 10 days after the meeting.

**Sec. 123.** NRS 673.690 is hereby amended to read as follows:

673.690 1. After the meeting, the ~~{federal association}~~ **converting institution** shall take such action in the manner prescribed and authorized by the laws of this state as shall make it a savings ~~{and loan association}~~ **bank** of this state, and the directors elected at the meeting shall file such documents and follow such procedures as are required by the laws of this state in the case of the original incorporation of a savings ~~{and loan association.}~~ **bank.**

2. A savings ~~{and loan association}~~ **bank** incorporated by conversion from a federal savings ~~{and loan association}~~ **bank, national bank or state bank** shall not be required to comply with any of the provisions of law or any regulation adopted by the Commissioner relating to the minimum amounts of capital required to be subscribed in connection with the original incorporation of a savings ~~{and loan association}~~ **bank** under the laws of this state.

**Sec. 124.** NRS 673.700 is hereby amended to read as follows:

673.700 The directors may, if they so desire, insert in the articles of incorporation the following statement: "This ~~{association}~~ **savings bank** (company or corporation) is incorporated by conversion from a federal savings ~~{and loan association.}~~ **bank, national bank or state bank, as applicable."**

**Sec. 125.** NRS 673.710 is hereby amended to read as follows:

673.710 Within 10 days after the filing of the articles of incorporation with the Secretary of State, there shall be filed with the Federal Home Loan

Bank *or Federal Reserve Bank* of which such ~~[association]~~ *savings bank* is a member two copies of the articles of incorporation, certified by the Secretary of State.

**Sec. 126.** NRS 673.720 is hereby amended to read as follows:

673.720 Upon the filing of the articles of incorporation with the Secretary of State, the ~~[association]~~ *institution* ceases to be a federal savings ~~[and loan association]~~ *bank, national bank or state bank, as applicable*, and thereafter is a savings ~~[and loan association]~~ *bank*. All of the property of the ~~[association]~~ *savings bank*, including all of its right, title and interest in and to all property of every kind and character, whether real, personal or mixed, immediately by operation of law, without any conveyance or transfer and without any further act or deed, vests in the ~~[association]~~ *savings bank* under its new name and style as a savings ~~[and loan association]~~ *bank*, and under its new jurisdiction.

**Sec. 127.** NRS 673.730 is hereby amended to read as follows:

673.730 The savings ~~[and loan association]~~ *bank* shall have, hold and enjoy the property mentioned in NRS 673.720 in its own right as fully and to the same extent as the property was possessed, held and enjoyed by it as a federal savings ~~[and loan association]~~ *bank, national bank or state bank*, and the savings ~~[and loan association]~~ *bank* continues to be responsible for all of the obligations of the ~~[federal savings and loan association]~~ *institution before its conversion* to the same extent as though the conversion had not taken place. It is expressly declared that the savings ~~[and loan association]~~ *bank* is merely a continuation of the ~~[federal savings and loan association]~~ *institution before its conversion* under a new name, a new jurisdiction and such revision of its corporate structure as may be considered necessary for its proper operation under the new jurisdiction.

**Sec. 128.** NRS 673.740 is hereby amended to read as follows:

673.740 Every executor, administrator, trustee, guardian, receiver, fiduciary, public corporation, political subdivision, public instrumentality, charitable, educational and eleemosynary institution, bank, savings bank, trust company, financial institution, insurance company, or cemetery association, without the necessity of obtaining court approval, may:

1. Vote in person or by proxy in favor of converting a federal savings ~~[and loan association]~~ *bank, national bank or state bank* into a savings ~~[and loan association]~~ *bank*, or may approve the determination so to convert.

2. Exchange any shares, share accounts or other rights or claims for securities issued by the savings ~~[and loan association]~~ *bank*, and may continue to hold as a legal investment any securities so received.

**Sec. 129.** NRS 673.750 is hereby amended to read as follows:

673.750 Every federal savings ~~[and loan association]~~ *bank* incorporated under the provisions of the Home Owners' Loan Act of 1933, 12 U.S.C. §§ 1461 to 1468, inclusive, as amended or supplemented, having its principal place of business in the State of Nevada, and the holders of shares or share accounts issued by the ~~[association]~~ *federal savings bank*, respectively, have

all the rights, powers and privileges, and are entitled to the same exemptions and immunities granted, respectively, to savings ~~{and loan associations}~~ **banks** organized under the laws of this State and to the holders of ~~{savings}~~ **deposit** accounts, investment certificates or guaranty stock of ~~{state associations}~~ **savings banks**.

**Sec. 130.** NRS 673.777 is hereby amended to read as follows:

673.777 “Designated reporter” means a person designated by ~~{an association}~~ **a savings bank** to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to NRS 673.807.

**Sec. 131.** NRS 673.803 is hereby amended to read as follows:

673.803 1. Each ~~{association}~~ **savings bank** shall provide training concerning the identification and reporting of the suspected exploitation of an older person or vulnerable person to each director, officer and employee of the ~~{association}~~ **savings bank** who:

(a) May, as part of his or her regular duties for the ~~{association}~~ **savings bank**, come into direct contact with an older person or vulnerable person; or

(b) May review or approve the financial documents, records or transactions of an older person or vulnerable person in connection with providing financial services to the older person or vulnerable person.

2. The training required pursuant to subsection 1 must be provided as soon as reasonably practicable, but not later than 6 months after the director, officer or employee is employed by the ~~{association}~~ **savings bank** or assumes the position.

3. The training required pursuant to subsection 1 must include, without limitation:

(a) An explanation of the conduct which constitutes exploitation of an older person or vulnerable person;

(b) The manner in which exploitation of an older person or vulnerable person may be recognized;

(c) Information concerning the manner in which reports of exploitation are investigated; and

(d) Instruction concerning when and how to report known or suspected exploitation of an older person or vulnerable person.

4. A director, officer or employee who has observed or has knowledge of an incident that is directly related to a transaction or matter which is within his or her scope of practice and which reasonably appears to be exploitation of an older person or vulnerable person shall report the known or suspected exploitation to the designated reporter.

**Sec. 132.** NRS 673.807 is hereby amended to read as follows:

673.807 1. Each ~~{association}~~ **savings bank** shall designate a person or persons to whom a director, officer or employee of the ~~{association}~~ **savings bank** must report known or suspected exploitation of an older person or vulnerable person.

2. If a director, officer or employee reports known or suspected exploitation of an older person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. If a director, officer or employee reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable.

5. If the designated reporter knows or has reasonable cause to believe that the exploitation of the vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

6. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

7. A director, officer, employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

**Sec. 133.** NRS 673.810 is hereby amended to read as follows:

673.810 Any person who knowingly makes, utters, circulates or transmits to another, or others, any statement untrue in fact, derogatory to the financial condition of any such ~~[association]~~ **savings bank** doing business in this state, with intent to injure the ~~[association]~~ **savings bank**, or who counsels, aids, procures or induces another to originate, make, utter, transmit or circulate any such statement or rumor, with like intent, is guilty of a misdemeanor.

**Sec. 134.** NRS 673.820 is hereby amended to read as follows:

673.820 In addition to any other remedy or penalty:

1. Any ~~[association]~~ **savings bank** which violates any provisions of this chapter or fraudulently misrepresents the terms of any contract or of any securities, and thereby secures a sale therefor, shall be punished by an administrative fine of not more than \$10,000 and forfeiture and revocation of all licenses issued to it under the provisions of this chapter.

2. The Commissioner may impose an administrative fine of not more than \$10,000 upon a person who:

(a) Without a license, conducts any business or activity for which a license is required pursuant to the provisions of this chapter; or

(b) Violates any provision of this chapter or any regulation adopted pursuant thereto.

**Sec. 135.** NRS 673.840 is hereby amended to read as follows:

673.840 Any person doing business in this state, as described in NRS 673.070, who:

1. Sells or offers for sale within this state any securities of any company, ~~[association]~~ **savings bank** or corporation which has not received the license provided for in NRS 673.080 and 673.250; **or**

2. ~~[Fails to secure the license provided for in NRS 673.270; or~~

~~—3.—~~ Fails to pay a fee or penalty as provided in NRS 673.430,

↪ is guilty of a misdemeanor for each such violation.

**Sec. 136.** NRS 673.850 is hereby amended to read as follows:

673.850 The revocation of any license issued under any of the provisions of this chapter shall, from the date of such revocation, place the ~~[association]~~ **savings bank** to whom it was issued in the same legal status and subject to the same prohibitions and penalties as one to whom no license has been issued.

**Sec. 137.** NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 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, 130.712, 136.050, 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, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 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, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 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, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 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, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 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, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 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.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 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,~~ **673.450, 673.480,** 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.410, 681B.540, 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.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

**Sec. 138.** NRS 659.125 is hereby amended to read as follows:

659.125 1. A business entity may not be organized under the laws of this State with the words "bank" or "banking" as part of its name except corporations or limited-liability companies subject to regulation pursuant to chapters 657 to 668, inclusive, **673 or 677** of NRS, or corporations under the



regulation of the Commissioner of Insurance. A corporate or company name must not be amended to include the words “bank” or “banking” unless the corporation or company is under such regulation.

2. Except as otherwise provided in ~~subsections~~ **subsection 3**, ~~and 4~~ a natural person, association, firm or corporation domiciled within this State, except a national bank or a banking corporation subject to regulation pursuant to chapters 657 to 668, inclusive, **673 or 677** of NRS, or under the regulation of the Commissioner of Insurance, may not advertise or put forth any sign as bank, banking or banker or use the word “bank,” “banking” or “banker” as part of its name and title.

3. ~~[A savings and loan association subject to the provisions of chapter 673 of NRS may use the words “savings bank” or “bank” as part of its name and title if the use of those words is permitted by the Federal Home Loan Bank Board.~~

~~—4.]~~ A thrift company subject to the provisions of chapter 677 of NRS may use the words “savings bank” as part of its name if its deposits are federally insured.

~~{5.}~~ **4.** Any person who violates any of the provisions of this section shall be fined not more than \$500 for each offense.

**Sec. 139.** Section 11 of the Las Vegas Valley Water District Act, being chapter 167, Statutes of Nevada 1947, as last amended by chapter 368, Statutes of Nevada 1987, at page 842, is hereby amended to read as follows:

Sec. 11. 1. All money belonging to or in the custody of the Water District, other than money in the pension fund, must, so far as possible, be deposited in such state or national bank or banks in this state as the Treasurer or other officer of the Water District having legal custody of the money selects. The money is subject to withdrawal at any time on demand of the treasurer or other authorized officer, subject to his or her compliance with any order, directive or policy established by the Board.

2. To secure those deposits the depositary shall deliver to the Treasurer of the Water District a bond of a corporate surety qualified to act as sole surety on bonds or undertakings required by the laws of this state, and approved by the insurance commissioner as a company possessing the qualifications required for the purpose of the transacting a surety business within this state. The penal amount of the bond must at no time be less than the amount of money deposited by the Water District with the depositary. The bond must guarantee the full repayment to the water district or the payment to its order of all money so deposited, together with interest thereon. The premium for the bond may be paid out of the money so deposited or the Board of directors may require that it be paid by the depositary.

3. The depositary may, in lieu of corporate surety bond:

(a) Deposit with the Treasurer of the Water District treasury notes or United States bonds, or other securities which are legal investments for banks in this state, the market value of which must at all times equal the

amount of money deposited and the securities must be placed by the Treasurer in escrow in a bank other than the depository of the money of the District; or

(b) With the prior approval of the Board of Directors, pool the District's securities with those from other public agencies, to secure deposits if adequate securities are provided for the entire deposit.

4. If the depository fails to repay the money to the District on demand, or to pay the money to its order, the securities placed in escrow must be redelivered to the Treasurer and may be sold by the Treasurer with or without notice, and the proceeds thereof used to reimburse the District. The Treasurer, or other officer of the District having legal custody of its money, may deposit the money, in whole or in part, in any bank, ~~for~~ savings and loan association ~~or~~ **savings bank**, whose deposits are insured by an agency of the Federal Government. The Treasurer may deposit the money in the same manner and under the same conditions as may be applicable to the deposit of state, county or municipal money by the legal custodians thereof. The Treasurer or other officer shall at all times comply with any order, directive or policy determination with respect to those deposits which may be established by the Board.

**Sec. 140.** The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to the term "savings and loan association" to include "or savings bank."

2. In preparing supplements to the Nevada Administrative Code, appropriately:

(a) Substitute the term "savings bank" for the terms "savings and loan association" and "association" as previously used in chapter 673 of NAC; and

(b) Change any references to the term "savings and loan association" to include "or savings bank" in the remainder of the Nevada Administrative Code.

**Sec. 141.** NRS 673.005, 673.007, 673.009, 673.011, 673.012, 673.013, 673.014, 673.015, 673.0165, 673.019, 673.021, 673.022, 673.023, 673.024, 673.025, 673.026, 673.027, 673.031, 673.032, 673.042, 673.050, 673.110, 673.213, 673.217, 673.270, 673.273, 673.274, 673.275, 673.281, 673.317, 673.3171, 673.319, 673.3191, 673.320, 673.330, 673.331, 673.333, 673.336, 673.377, 673.380, 673.390, 673.420, 673.495, 673.497, 673.499, 673.515, 673.525, 673.535, 673.545, 673.565, 673.575, 673.576, 673.577, 673.580 and 673.590 are hereby repealed.

**Sec. 142.** This act becomes effective upon passage and approval.

#### LEADLINES OF REPEALED SECTIONS

**673.005** "Combination home and business structure" defined.

**673.007** "Dividend" defined.

- 673.009 “Gross income” defined.
- 673.011 “Home” defined.
- 673.012 “Home loan” defined.
- 673.013 “Home property” defined.
- 673.014 “Impaired condition” defined.
- 673.015 “Improved real estate” defined.
- 673.0165 “Interest” defined.
- 673.019 “Net earnings” defined.
- 673.021 “Net earnings available for dividends” defined.
- 673.022 “Operating expenses” defined.
- 673.023 “Operating income” defined.
- 673.024 “Other real estate loan” defined.
- 673.025 “Real estate expenses” defined.
- 673.026 “Real estate income” defined.
- 673.027 “Real estate loan” defined.
- 673.031 “Savings account” defined.
- 673.032 “Savings liability” defined.
- 673.042 Biennial report of Commissioner: Contents; distribution.
- 673.050 Proceedings in court to test validity of action by Commissioner or Director.
- 673.110 Procedure for removing “and loan” from name of domestic association.
- 673.213 Directors: Compensation and expenses.
- 673.217 Statement of purchases and sales of real estate and loans made or purchased to be considered at regular meeting and made part of minutes.
- 673.270 Licensing of salespersons and solicitors; fees; regulations; withdrawal of applications.
- 673.273 Stock, surplus, undivided profits and reserves to include percentage of value of outstanding investment certificates; dividends on permanent stock; stock dividends.
- 673.274 Acts prohibited when stock, surplus, undivided profits and reserves below amount specified.
- 673.275 Impairment of stock; levy of assessment to repair deficiency; reduction of stock.
- 673.281 Restrictions on transfer or encumbrance of note and other obligations held by association.
- 673.317 Approval of appraiser by Commissioner required; limitations; revocation; notice of termination of services.
- 673.3171 Appraisal of real estate required before granting loan; requirements.
- 673.319 Specific loss reserve; determination of values by Commissioner.
- 673.3191 Reserve for uncollected interest.
- 673.320 Associations empowered to insure accounts.

- 673.330 Limitation on charge for prepayment of loan.
- 673.331 Loans prohibited on security of association's own stock.
- 673.333 Apportionment of earnings and payment of interest; determination of percentage rate of declaration; classes of savings accounts; notice of change in method of calculating interest.
- 673.336 Restrictions on declaration of dividends.
- 673.377 Minimum required available cash, deposits and securities; making and purchasing loans prohibited when minimum not met.
- 673.380 Procedure when requests for withdrawals exceed amount available.
- 673.390 Order of payment of withdrawals.
- 673.420 Notice to Commissioner of inability to pay request for withdrawal on file more than 60 days.
- 673.495 Conservator: Appointment by Commissioner; district court confirmation.
- 673.497 Powers of conservator; limitations; expenses; compensation.
- 673.499 Receiver: Appointment by Commissioner; court confirmation; powers and authority; compensation.
- 673.515 Appeal from judgment enjoining Commissioner or dismissing action to enjoin; bond.
- 673.525 Penalty for failure to comply with Commissioner's demand for possession of property, business and assets.
- 673.535 Enforcement by sheriff of demand for possession of property, business and assets; written demand for assistance; duty to enforce.
- 673.545 Delivery of schedule of property, assets and collateral to Commissioner; examination of directors, officers or employees by Commissioner.
- 673.565 Appointment of custodian; bond.
- 673.575 Collection of money; preservation of assets.
- 673.576 Powers of Commissioner when in possession of business, property and assets.
- 673.577 Claims for damages from disaffirmance of executory contract or lease.
- 673.580 Procedure upon taking possession of insured association: Federal Deposit Insurance Corporation as liquidator or coliquidator.
- 673.590 Delivery of remaining assets to stockholders.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 138.

Bill read second time and ordered to third reading.

Senate Bill No. 165.

Bill read second time.

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

Amendment No. 746.

SENATOR DENIS

**JOINT SPONSOR: ASSEMBLYMAN OSCARSON**

AN ACT relating to public health; defining the term “obesity” as a chronic disease; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to prepare an annual report on obesity; requiring certain school districts to collect data concerning the height and weight of pupils; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law uses the term “obesity” in listing the benefits of breast-feeding, mandating training for child care providers and mandating public information and prevention programs of the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 201.232, 432A.1775, 439.517, 439.521) **Section 1** of this bill defines the term “obesity” in the preliminary chapter of NRS as a chronic disease having certain characteristics. **Sections 2 and 4-6** of this bill define the term “obesity” as used in those provisions of existing law. **Section 5** also requires the Division to prepare an annual report on obesity statistics in this State and the efforts to reduce obesity.

Existing law requires certain school nurses to conduct or supervise certain examinations of pupils in certain grades for scoliosis, visual and auditory problems or any gross physical defects. School authorities must provide notice of those examinations to the parent or guardian of a child before performing the examination, and each school nurse or designee of the nurse must report the results of those examinations to the Chief Medical Officer. (NRS 392.420) **Section 3** of this bill: (1) requires the board of trustees of each school district in a county whose population is 100,000 or more (currently Clark and Washoe counties) to use school nurses, health personnel and certain teachers and other personnel to conduct examinations of the height and weight of certain pupils; and (2) provides that, under certain circumstances, the school authorities are not required to provide notice to the parent or guardian of a child before conducting the examination. **Section 3** also requires the Division to: (1) compile a report of the results of those examinations specific to each region of this State for which the information is collected; (2) publish and disseminate the reports; and (3) submit a copy of the report to the superintendent of each school district located in a county whose population is 100,000 or more (currently Clark and Washoe Counties).

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

**Section 1.** The preliminary chapter of NRS is hereby amended by adding thereto a new section to read as follows:

**1. *Except as otherwise provided by specific statute or required by context, “obesity” means a chronic disease characterized by an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:***

- (a) A body mass index of 30 or higher in adults;***
- (b) A body mass index that is greater than two standard deviations above the World Health Organization’s growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;***
- (c) A body fat percentage greater than 25 percent for men or 32 percent for women; or***
- (d) A waist size of 40 inches or more for men or 35 inches or more for women.***

**2. *As used in this section, “chronic disease” means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.***

**Sec. 2.** NRS 201.232 is hereby amended to read as follows:

201.232 1. The Legislature finds and declares that:

(a) The medical profession in the United States recommends that children from birth to the age of 1 year should be breast fed, unless under particular circumstances it is medically inadvisable.

(b) Despite the recommendation of the medical profession, statistics reveal a declining percentage of mothers who are choosing to breast feed their babies.

(c) Many new mothers are now choosing to use formula rather than to breast feed even before they leave the hospital, and only a small percentage of all mothers are still breast feeding when their babies are 6 months old.

(d) In addition to the benefit of improving bonding between mothers and their babies, breast feeding offers better nutrition, digestion and immunity for babies than does formula feeding, and it may increase the intelligence quotient of a child. Babies who are breast fed have lower rates of death, meningitis, childhood leukemia and other cancers, diabetes, respiratory illnesses, bacterial and viral infections, diarrheal diseases, otitis media, allergies, obesity and developmental delays.

(e) Breast feeding also provides significant benefits to the health of the mother, including protection against breast cancer and other cancers, osteoporosis and infections of the urinary tract. The incidence of breast cancer in the United States might be reduced by 25 percent if every woman breast fed all her children until they reached the age of 2 years.

(f) The World Health Organization and the United Nations Children's Fund have established as one of their major goals for the decade the encouragement of breast feeding.

(g) The social constraints of modern society weigh against the choice of breast feeding and lead new mothers with demanding time schedules to opt for formula feeding to avoid embarrassment, social ostracism or criminal prosecution.

(h) Any genuine promotion of family values should encourage public acceptance of this most basic act of nurture between a mother and her baby, and no mother should be made to feel incriminated or socially ostracized for breast feeding her child.

2. Notwithstanding any other provision of law, a mother may breast feed her child in any public or private location where the mother is otherwise authorized to be, irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breast feeding.

**3. As used in this section:**

(a) *"Chronic disease" means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.*

(b) *"Obesity" means a chronic disease characterized by an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:*

*(1) A body mass index of 30 or higher in adults;*

*(2) A body mass index that is greater than two standard deviations above the World Health Organization's growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;*

*(3) A body fat percentage greater than 25 percent for men or 32 percent for women; or*

*(4) A waist size of 40 inches or more for men or 35 inches or more for women.*

**Sec. 3.** NRS 392.420 is hereby amended to read as follows:

392.420 1. In each school at which a school nurse is responsible for providing nursing services, the school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems:

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least one additional grade of the elementary schools; and

(3) In one grade of the middle or junior high schools and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

➡ Any person other than a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. *In addition to the requirements of subsection 1, the board of trustees of each school district in a county whose population is 100,000 or more shall direct school nurses, qualified health personnel employed pursuant to subsection 6, teachers who teach physical education or health or other licensed educational personnel who have completed training in measuring the height and weight of a pupil provided by the school district, to measure the height and weight of a representative sample of pupils who are enrolled in grades 4, 7 and 10 in the schools within the school district. The Division of Public and Behavioral Health of the Department of Health and Human Services, in consultation with the board of trustees of each school district and each local health district, as applicable, shall determine the number of pupils necessary to include in the representative sample.*

3. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, the child must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

~~{3-}~~ 4. A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that the child may have such a problem.

~~{4-}~~ 5. The school authorities shall notify the parent or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it. Any written notice provided to the parent or guardian of a child pursuant to this subsection must include, to the extent that information is available, a list of any resources that may be available in the community to provide such medical attention, including, without limitation, resources available at no charge or at a reduced cost. If such a list is provided, the principal, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring that the pupil receives such resources.



~~{5.}~~ 6. In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

~~{6.}~~ 7. The board of trustees of a school district may adopt a policy which encourages the school district and schools within the school district to collaborate with:

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

~~{7.—The}~~

8. *Except as otherwise provided in subsection 9, the* school authorities shall provide notice to the parent or guardian of a child before performing on the child the examinations required by this section. The notice must inform the parent or guardian of the right to exempt the child from all or part of the examinations. Any child must be exempted from an examination if the child's parent or guardian files with the teacher a written statement objecting to the examination.

~~{8.}~~ 9. *The school authorities are not required to provide notice to the parent or guardian of a child before measuring the child's height or weight pursuant to subsection 2 if it is not practicable to do so.*

10. Each school nurse or a designee of a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, shall report the results of the examinations conducted pursuant to this section in each school at which he or she is responsible for providing services to the Chief Medical Officer in the format prescribed by the Chief Medical Officer. Each such report must exclude any identifying information relating to a particular child. The Chief Medical Officer shall compile all such information the Officer receives to monitor the health status of children and shall retain the information.

11. *The Division of Public and Behavioral Health of the Department of Health and Human Services shall:*

(a) *Compile a report relating to each region of this State for which data is collected regarding the height and weight of pupils measured pursuant to subsection 2 and reported to the Chief Medical Officer pursuant to subsection 10;*

(b) *Publish and disseminate the reports not later than 12 months after receiving the results of the examinations pursuant to subsection 10; and*

(c) *Submit a copy of the report disseminated pursuant to paragraph (b) to the superintendent of each school district located in a county whose population is 100,000 or more.*

**Sec. 4.** NRS 432A.1775 is hereby amended to read as follows:

432A.1775 1. Each person who is employed in a child care facility that provides care for more than 12 children, other than in a facility that provides care for ill children, shall complete:

- (a) Before January 1, 2014, at least 15 hours of training;
- (b) On or after January 1, 2014, and before January 1, 2015, at least 18 hours of training;
- (c) On or after January 1, 2015, and before January 1, 2016, at least 21 hours of training; and
- (d) On or after January 1, 2016, 24 hours of training each year.

2. Except as otherwise provided in subsection 1, each person who is employed in any child care facility, other than in a facility that provides care for ill children, shall complete at least 15 hours of training each year.

3. At least 2 hours of the training required by subsections 1 and 2 each year must be devoted to the lifelong wellness, health and safety of children and must include training relating to childhood obesity, nutrition and physical activity.

**4. As used in this section:**

(a) *“Chronic disease” means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.*

(b) *“Obesity” means a chronic disease characterized by an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:*

- (1) A body mass index of 30 or higher in adults;*
- (2) A body mass index that is greater than two standard deviations above the World Health Organization’s growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;*
- (3) A body fat percentage greater than 25 percent for men or 32 percent for women; or*
- (4) A waist size of 40 inches or more for men or 35 inches or more for women.*

**Sec. 5.** NRS 439.517 is hereby amended to read as follows:

439.517 1. Within the limits of available money, the Division shall establish the State Program for Wellness and the Prevention of Chronic Disease to increase public knowledge and raise public awareness relating to wellness and chronic diseases and to educate the residents of this State about:

~~{1-}~~ (a) Wellness, including, without limitation, behavioral health, proper nutrition, maintaining oral health, increasing physical fitness, preventing obesity and tobacco use; and

~~{2-}~~ (b) The prevention of chronic diseases, including, without limitation, arthritis, asthma, cancer, diabetes, cardiovascular disease, stroke, heart disease and oral disease.

2. *As used in this section:*

(a) *“Chronic disease” means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.*

(b) *“Obesity” means a chronic disease characterized by an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:*

(1) *A body mass index of 30 or higher in adults;*

(2) *A body mass index that is greater than two standard deviations above the World Health Organization’s growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;*

(3) *A body fat percentage greater than 25 percent for men or 32 percent for women; or*

(4) *A waist size of 40 inches or more for men or 35 inches or more for women.*

**Sec. 6.** NRS 439.521 is hereby amended to read as follows:

439.521 **1.** To carry out the provisions of NRS 439.514 to 439.525, inclusive, the Division shall, within the limits of available money, and with the advice and recommendations of the Advisory Council:

~~{1-}~~ (a) Periodically prepare burden reports concerning health problems and diseases, including, without limitation, a lack of physical fitness, poor nutrition, tobacco use and exposure to tobacco smoke, ~~{obesity,}~~ chronic diseases, ***including, without limitation, obesity and diabetes,*** and other diseases, as determined by the Division, using the most recent information obtained through surveillance, epidemiology and research. As used in this ~~{subsection,}~~ ***paragraph,*** “burden report” means a calculation of the impact of a particular health problem or chronic disease on this State, as measured by financial cost, mortality, morbidity or other indicators specified by the Division.

~~{2-}~~ (b) ***Prepare an annual report on obesity pursuant to paragraph (a) which must:***

(1) ***Include, without limitation:***

(I) ***Current obesity rates in this State;***

(II) ***Information regarding obesity with regard to specific demographics;***

(III) ***Actions taken by the Division regarding obesity; and***

(IV) ***The State’s goals and achievements regarding obesity rates.***

(2) ***On or before March 15 of each year, be submitted to the Director of the Legislative Counsel Bureau for transmittal to:***

(I) ***The Legislative Committee on Health Care during even-numbered years; and***

(II) ***The Legislature during odd-numbered years.***

(c) Identify, review and encourage, in coordination with the Department of Education, the Nevada System of Higher Education and other appropriate state agencies, existing evidence-based programs related to nutrition, physical fitness and tobacco prevention and cessation, including, without limitation, programs of state and local governments, educational institutions, businesses and the general public.

~~{3-}~~ (d) Develop, promote and coordinate recommendations for model and evidence-based programs that contribute to reductions in the incidence of chronic disease in this State. The programs should encourage:

~~{a-}~~ (1) Proper nutrition, physical fitness and health among the residents of this State, including, without limitation, parents and children, senior citizens, high-risk populations and persons with special needs; and

~~{b-}~~ (2) Work-site wellness policies that include, without limitation, tobacco-free and breast feeding-friendly environments, healthy food and beverage choices and physical activity opportunities in schools, businesses and public buildings.

~~{4-}~~ (e) Assist on projects within this State as requested by, and in coordination with, the President's Council on Fitness, Sports and Nutrition.

~~{5-}~~ (f) Identify and review methods for reducing health care costs associated with tobacco use and exposure to tobacco smoke, ~~{obesity,}~~ chronic diseases , **including, without limitation, obesity and diabetes**, and other diseases, as determined by the Division.

~~{6-}~~ (g) Maintain a website to provide information and resources on nutrition, physical fitness, health, wellness and the prevention of ~~{obesity and}~~ chronic diseases ~~{-~~

~~{7-}~~ , **including, without limitation, obesity and diabetes.**

(h) Solicit information from and, to the extent feasible, coordinate its efforts with:

~~{a-}~~ (1) Other governmental agencies;

~~{b-}~~ (2) National health organizations and their local and state chapters;

~~{c-}~~ (3) Community and business leaders;

~~{d-}~~ (4) Community organizations;

~~{e-}~~ (5) Providers of health care;

~~{f-}~~ (6) Private schools; and

~~{g-}~~ (7) Other persons who provide services relating to tobacco use and exposure, physical fitness and wellness and the prevention of ~~{obesity,}~~ chronic diseases , **including, without limitation, obesity and diabetes**, and other diseases.

~~{8-}~~ (i) Establish, maintain and enhance statewide chronic disease surveillance systems.

~~{9-}~~ (j) Translate surveillance, evaluation and research information into press releases, briefs, community education and advocacy materials and other publications that highlight chronic diseases and the key risk factors of those diseases.

~~{10.}~~ (k) Identify, assist and encourage the growth of, through funding, training, resources and other support, the community's capacity to assist persons who have a chronic disease.

~~{11.}~~ (l) Encourage relevant community organizations to effectively recruit key population groups to receive clinical preventative services, including, without limitation:

~~{(a)}~~ (1) Screening and early detection of breast, cervical and colorectal cancer, diabetes, high blood pressure and obesity;

~~{(b)}~~ (2) Oral screenings; and

~~{(c)}~~ (3) Tobacco cessation counseling.

~~{12.}~~ (m) Promote positive policy, system and environmental changes within communities and the health care system based on, without limitation, the Chronic Care Model developed by the MacColl Center for Health Care Innovation and the Patient-Centered Medical Home Recognition Program of the National Committee for Quality Assurance.

~~{13.}~~ (n) Review and revise the Program as needed.

**2. As used in this section:**

(a) *“Chronic disease” means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.*

(b) *“Obesity” means a chronic disease characterized by an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:*

*(1) A body mass index of 30 or higher in adults;*

*(2) A body mass index that is greater than two standard deviations above the World Health Organization's growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;*

*(3) A body fat percentage greater than 25 percent for men or 32 percent for women; or*

*(4) A waist size of 40 inches or more for men or 35 inches or more for women.*

**Sec. 7.** The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

**Sec. 8.** This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 171.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 726.

AN ACT relating to pharmacies; requiring certain pharmacies in this State to post or provide written instructions for the safe disposal of unused drugs; **providing a penalty**; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides, in certain institutional settings, for the return of certain unused drugs to the dispensing pharmacy and the reissue or transfer of such drugs. (NRS 433.801, 435.700, 449.2485, 639.2675, 639.2676) Existing law also establishes programs for the donation, distribution and dispensing of drugs to treat HIV/AIDS and cancer. (Chapter 453B of NRS) This bill requires each retail community pharmacy in this State to post in a conspicuous place on the premises of the pharmacy or provide, upon request, written instructions for safely disposing of unused drugs. **This bill additionally provides that, upon violating such a requirement, the holder of a license of a retail community pharmacy and any pharmacist working for such a pharmacy are not: (1) guilty of a misdemeanor or felony; or (2) subject to suspension, revocation or probation of a certificate, license or permit held by such a licensee or pharmacist. This bill further authorizes the State Board of Pharmacy to discipline the holder of a license of a retail community pharmacy upon a violation of the requirement for posting or providing information concerning the disposal of unused drugs by one or both of the following methods: (1) public reprimand; or (2) a fine not to exceed \$200 that may be imposed not more than once every 6 months.**

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

**Section 1.** Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Each retail community pharmacy in this State shall post in a conspicuous place on the premises of the pharmacy or provide, upon the request of any person, written instructions concerning the safe disposal of unused drugs.*

*2. Notwithstanding any provision of this chapter to the contrary, upon a violation of subsection 1, the holder of a license of a retail community pharmacy and any pharmacist employed by the pharmacy are not:*

*(a) Guilty of a misdemeanor or felony; or*

*(b) Subject to:*

*(1) The suspension or revocation of a certificate, license or permit issued to the retail community pharmacy or pharmacist; or*

*(2) Probation.*

*3. Notwithstanding any provision of this chapter to the contrary, upon a violation of subsection 1, only the holder of a license of a retail community pharmacy may be disciplined by the Board, and only by one or both of the following methods:*

(a) Public reprimand; or

(b) Imposition of a fine not to exceed \$200 against the licensee. A fine may be imposed against the holder of a license of a retail community pharmacy pursuant to this section not more than once every 6 months.

4. As used in this section, “retail community pharmacy” means a pharmacy that is licensed by the Board and dispenses drugs directly to the general public at retail prices. The term does not include:

(a) A pharmacy that dispenses prescription medications to patients solely through the mail;

(b) A nonprofit pharmacy designated by the Board pursuant to NRS 639.2676;

(c) An institutional pharmacy;

(d) A pharmacy in a correctional institution; or

(e) A pharmacy owned or operated by a governmental entity.

Sec. 2. (Deleted by amendment.)

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 292.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 729.

SUMMARY—Exempts ~~[physicians]~~ certain professionals who are licensed in another jurisdiction from provisions governing the practice of ~~[medicine]~~ those professions for certain purposes relating to athletics. (BDR 54-319)

AN ACT relating to ~~[physicians];~~ professions; exempting ~~[physicians and osteopathic physicians]~~ certain professionals who hold a valid and unrestricted license to practice in another jurisdiction from provisions governing the practice of ~~[medicine or osteopathic medicine]~~ those professions for certain purposes relating to athletics; and providing other matters properly relating thereto.

#### **Legislative Counsel’s Digest:**

Existing law requires a person to be licensed by the Board of Medical Examiners, ~~for the~~ State Board of Osteopathic Medicine, Chiropractic Physicians’ Board of Nevada, State Board of Oriental Medicine, State Board of Physical Therapy Examiners or Board of Athletic Trainers before practicing ~~[medicine]~~ the profession regulated by the applicable board in this State. (NRS 630.160, 633.741 ~~or~~ , 634.227, 634A.230, 640.169, 640B.700) Sections 1, and 3, 5, 7, 9 and 11 of this bill provide for a temporary exemption from this requirement for a ~~[physician]~~

**professional** who holds a valid and unrestricted license to practice in another jurisdiction and is practicing ~~{medicine or osteopathic medicine}~~ **his or her profession** for certain purposes relating to athletic competition or training. Such an exemption lasts for 10 days, but may be extended for not more than 20 additional days upon application to the ~~{Board of Medical Examiners or the State Board of Osteopathic Medicine, as}~~ applicable ~~{ }~~ **board**. A ~~{physician}~~ **professional** who is practicing under such an exemption is prohibited from: (1) practicing ~~{medicine}~~ at a medical facility; ~~for~~ (2) providing services to persons outside the scope of the exemption ~~{ }~~ ; **or (3) practicing his or her profession under such an exemption for more than 60 days in a calendar year.** Sections 2, ~~{and}~~ 4, 6, 8, 10 and 12 of this bill provide that a person practicing ~~{medicine or osteopathic medicine}~~ **his or her profession** under such an exemption is not subject to regulation under chapter 630, ~~for~~ 633, **634, 634A, 640 or 640B** of NRS while practicing within the scope of the exemption.

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

**Section 1.** Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~{If}~~ **Except as otherwise provided in subsection 5, if a physician who holds a valid and unrestricted license to practice medicine in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of ~~{an}~~ a visiting athletic team or organization, ~~{and other persons affiliated with the team or organization}~~ the physician is temporarily exempt from licensure and may practice medicine in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization ~~for other persons affiliated with the team or organization}~~ who are present in this State for the purpose of engaging in ~~{, coaching, facilitating or traveling to or from}~~ competition or training.**

2. ~~{If}~~ **Except as otherwise provided in subsection 5, if a physician who holds a valid and unrestricted license to practice medicine in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in ~~{, coaching at or otherwise facilitating}~~ an athletic event or training sanctioned or operated by the organization, the physician is temporarily exempt from licensure and may practice medicine in this State while providing services to such persons.**

3. **Except as otherwise provided in this subsection ~~{,}~~ and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of a physician, the Board may grant an exemption of not more than 20 additional days for each competition or training session.**



4. A physician who is practicing medicine under an exemption described in this section shall not:

- (a) Practice medicine at a medical facility; ~~for~~
- (b) Provide services to persons who are not described in subsection 1 or 2, as applicable ~~for~~; or
- (c) Practice medicine under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 2. NRS 630.047 is hereby amended to read as follows:

630.047 1. This chapter does not apply to:

(a) A medical officer or perfusionist or practitioner of respiratory care of the Armed Forces or a medical officer or perfusionist or practitioner of respiratory care of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455;

(b) Physicians who are called into this State, other than on a regular basis, for consultation with or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside;

(c) Physicians who are legally qualified to practice in the state where they reside and come into this State on an irregular basis to:

(1) Obtain medical training approved by the Board from a physician who is licensed in this State; or

(2) Provide medical instruction or training approved by the Board to physicians licensed in this State;

(d) *Physicians who are temporarily exempt from licensure pursuant to section 1 of this act and are practicing medicine within the scope of the exemption;*

(e) Any person permitted to practice any other healing art under this title who does so within the scope of that authority, or healing by faith or Christian Science;

~~[(e)]~~ (f) The practice of respiratory care by a student as part of a program of study in respiratory care that is approved by the Board, or is recognized by a national organization which is approved by the Board to review such programs, if the student is enrolled in the program and provides respiratory care only under the supervision of a practitioner of respiratory care;

~~[(f)]~~ (g) The practice of respiratory care by a student who:

(1) Is enrolled in a clinical program of study in respiratory care which has been approved by the Board;

(2) Is employed by a medical facility, as defined in NRS 449.0151; and

(3) Provides respiratory care to patients who are not in a critical medical condition or, in an emergency, to patients who are in a critical medical condition and a practitioner of respiratory care is not immediately available to provide that care and the student is directed by a physician to provide respiratory care under the supervision of the physician until a practitioner of respiratory care is available;

~~[(g)]~~ **(h)** The practice of respiratory care by a person on himself or herself or gratuitous respiratory care provided to a friend or a member of a person's family if the provider of the care does not represent himself or herself as a practitioner of respiratory care;

~~[(h)]~~ **(i)** A person who is employed by a physician and provides respiratory care or services as a perfusionist under the supervision of that physician;

~~[(i)]~~ **(j)** The maintenance of medical equipment for perfusion or respiratory care that is not attached to a patient; and

~~[(j)]~~ **(k)** A person who installs medical equipment for respiratory care that is used in the home and gives instructions regarding the use of that equipment if the person is trained to provide such services and is supervised by a provider of health care who is acting within the authorized scope of his or her practice.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services outside of a medical school or medical facility by a person who is not a physician, perfusionist, physician assistant or practitioner of respiratory care in cases of emergency.

(b) The domestic administration of family remedies.

**Sec. 3.** Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[(1)]~~ ***Except as otherwise provided in subsection 5, if an osteopathic physician who holds a valid and unrestricted license to practice osteopathic medicine in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of an a visiting athletic team or organization, ~~and other persons affiliated with the team or organization,~~*** the osteopathic physician is temporarily exempt from licensure and may practice osteopathic medicine in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization ~~for other persons affiliated with the team or organization~~ who are present in this State for the purpose of engaging in ~~coaching, facilitating or traveling to or from~~ competition or training.

2. ~~[(2)]~~ ***Except as otherwise provided in subsection 5, if an osteopathic physician who holds a valid and unrestricted license to practice osteopathic medicine in another state or territory of the United States or another country has been invited by the governing body of a national organization***

to provide services to persons participating in ~~1, coaching at or otherwise facilitating~~ an athletic event or training sanctioned or operated by the organization, the osteopathic physician is temporarily exempt from licensure and may practice osteopathic medicine in this State while providing services to such persons.

3. Except as otherwise provided in this subsection ~~1,1~~ and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of an osteopathic physician, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. An osteopathic physician who is practicing osteopathic medicine under an exemption described in this section shall not:

- (a) Practice osteopathic medicine at a medical facility; ~~for~~
- (b) Provide services to persons who are not described in subsection 1 or 2, as applicable ~~1,1~~; or
- (c) Practice osteopathic medicine under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 4. NRS 633.171 is hereby amended to read as follows:

633.171 1. This chapter does not apply to:

(a) The practice of medicine or perfusion pursuant to chapter 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Osteopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside.

*(d) Osteopathic physicians who are temporarily exempt from licensure pursuant to section 3 of this act and are practicing osteopathic medicine within the scope of the exemption.*

2. This chapter does not repeal or affect any law of this State regulating or affecting any other healing art.

3. This chapter does not prohibit:

- (a) Gratuitous services of a person in cases of emergency.
- (b) The domestic administration of family remedies.

**Sec. 5. Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:**

**1. Except as otherwise provided in subsection 5, if a chiropractic physician who holds a valid and unrestricted license to practice chiropractic in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic team or organization, the chiropractic physician is temporarily exempt from licensure and may practice chiropractic in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.**

**2. Except as otherwise provided in subsection 5, if a chiropractic physician who holds a valid and unrestricted license to practice chiropractic in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the chiropractic physician is temporarily exempt from licensure and may practice chiropractic in this State while providing services to such persons.**

**3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of a chiropractor, the Board may grant an exemption of not more than 20 additional days for each competition or training session.**

**4. A chiropractic physician who is practicing chiropractic under an exemption described in this section shall not:**

- (a) Practice chiropractic at a medical facility;**
- (b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or**
- (c) Practice chiropractic under such an exemption for more than 60 days in a calendar year.**

**5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.**

**6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.**

**Sec. 6. NRS 634.227 is hereby amended to read as follows:**

634.227 1. A person who:

(a) Presents to the Board as his or her own the diploma, license or credentials of another;

(b) Gives false or forged evidence of any kind to the Board; or

(c) Practices chiropractic under a false or assumed name or falsely personates another licensee,

↪ is guilty of a misdemeanor.

2. Except as otherwise provided in NRS 634.105 and 634.1375, and section 5 of this act, a person who does not hold a license issued pursuant to this chapter and:

- (a) Practices chiropractic in this State;
- (b) Holds himself or herself out as a chiropractor;
- (c) Uses any combination, variation or abbreviation of the terms “chiropractor,” “chiropractic” or “chiropractic physician” as a professional or commercial representation; or
- (d) Uses any means which directly or indirectly conveys to another person the impression that he or she is qualified or licensed to practice chiropractic, ➤ is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 2, the Board may:

- (a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 2. An order to cease and desist must include a telephone number with which the person may contact the Board.
- (b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.
- (c) Assess against the person an administrative fine of not more than \$5,000.
- (d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

**Sec. 7. Chapter 634A of NRS is hereby amended by adding thereto a new section to read as follows:**

**1. Except as otherwise provided in subsection 5, if a doctor of Oriental medicine who holds a valid and unrestricted license to practice Oriental medicine in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic team or organization, the doctor of Oriental medicine is temporarily exempt from licensure and may practice Oriental medicine in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.**

**2. Except as otherwise provided in subsection 5, if a doctor of Oriental medicine who holds a valid and unrestricted license to practice Oriental**

medicine in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the doctor of Oriental medicine is temporarily exempt from licensure and may practice Oriental medicine in this State while providing services to such persons.

3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of a doctor of Oriental medicine, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. A doctor of Oriental medicine who is practicing Oriental medicine under an exemption described in this section shall not:

(a) Practice Oriental medicine at a medical facility;

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or

(c) Practice Oriental medicine under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 8. NRS 634A.025 is hereby amended to read as follows:

634A.025 1. This chapter does not apply to Oriental physicians who are ~~called~~ :

(a) Called into this State for consultation ~~[-]; or~~

(b) Temporarily exempt from licensure pursuant to section 7 of this act and are practicing Oriental medicine within the scope of the exemption.

2. This chapter does not apply to a practitioner of acupuncture:

(a) Who is employed by an accredited school of Oriental medicine located in this State;

(b) Who is licensed to practice acupuncture in another state or jurisdiction; and

(c) Whose practice of acupuncture in this State:

(1) Is limited to teaching, supervising or demonstrating the methods and practices of acupuncture to students in a clinical setting; and

(2) Does not involve the acceptance of payment from any patient for services relating to his or her practice of acupuncture.

3. This chapter does not prohibit:

(a) Gratuitous services of druggists or other persons in cases of emergency.

(b) The domestic administration of family remedies.

(c) Any person from assisting any person in the practice of the healing arts licensed under this chapter, except that such person may not insert needles into the skin or prescribe herbal medicine.

4. For the purposes of this section, “accredited school of Oriental medicine” means a school that has received at least candidacy status for institutional accreditation from the Accreditation Commission for Acupuncture and Oriental Medicine, or its successor organization.

**Sec. 9. Chapter 640 of NRS is hereby amended by adding thereto a new section to read as follows:**

**1. Except as otherwise provided in subsection 5, if a physical therapist who holds a valid and unrestricted license to practice physical therapy in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic team or organization, the physical therapist is temporarily exempt from licensure and may practice physical therapy in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.**

**2. Except as otherwise provided in subsection 5, if a physical therapist who holds a valid and unrestricted license to practice physical therapy in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the physical therapist is temporarily exempt from licensure and may practice physical therapy in this State while providing services to such persons.**

**3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of a physical therapist, the Board may grant an exemption of not more than 20 additional days for each competition or training session.**

**4. A physical therapist who is practicing physical therapy under an exemption described in this section shall not:**

- (a) Practice physical therapy at a medical facility;**
- (b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or**
- (c) Practice physical therapy under such an exemption for more than 60 days in a calendar year.**

**5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.**

**6. As used in this section, “visiting athletic team or organization” means an athletic team or organization which is primarily based at a location outside of this State.**

**Sec. 10. NRS 640.029 is hereby amended to read as follows:**

640.029 This chapter does not apply to ~~ten~~ :

1. An occupational therapist, occupational therapy assistant or athletic trainer who:

- ~~1-1~~ (a) Is licensed to practice in this state;
  - ~~1-2~~ (b) Practices within the scope of that license; and
  - ~~1-3~~ (c) Does not represent that he or she is a physical therapist or physical therapist's assistant, or that he or she practices physical therapy;
- or

2. A physical therapist who is temporarily exempt from licensure pursuant to section 9 of this act and is practicing physical therapy within the scope of the exemption.

Sec. 11. Chapter 640B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 5, if an athletic trainer who holds a valid and unrestricted license to practice athletic training in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic team or organization, the athletic trainer is temporarily exempt from licensure and may practice athletic training in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.

2. Except as otherwise provided in subsection 5, if an athletic trainer who holds a valid and unrestricted license to practice athletic training in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the athletic trainer is temporarily exempt from licensure and may practice athletic training in this State while providing services to such persons.

3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of an athletic trainer, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. An athletic trainer who is practicing athletic training under an exemption described in this section shall not:

- (a) Practice athletic training at a medical facility;
- (b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or
- (c) Practice athletic training under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.



**6. As used in this section, “visiting athletic team or organization” means an athletic team or organization which is primarily based at a location outside of this State.**

**Sec. 12. NRS 640B.145 is hereby amended to read as follows:**

640B.145 The provisions of this chapter do not apply to:

1. A person who is licensed pursuant to chapters 630 to 637, inclusive, or chapter 640 or 640A of NRS, when acting within the scope of that license.
2. A person who is employed by the Federal Government and engages in the practice of athletic training within the scope of that employment.
3. A person who is ~~employed as an~~ **temporarily exempt from licensure pursuant to section 11 of this act and is practicing** athletic ~~trainer outside this State when engaging in the practice of athletic~~ training within the scope of ~~that employment in connection with an athletic event held in this State.~~ **the exemption.**

~~[Sec. 5.]~~ **Sec. 13.** 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, and on January 1, 2018, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 308.

Bill read second time and ordered to third reading.

Senate Bill No. 356.

Bill read second time and ordered to third reading.

Senate Bill No. 396.

Bill read second time and ordered to third reading.

Senate Bill No. 437.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 732.

AN ACT relating to physical therapy; changing the name of the State Board of Physical Therapy Examiners to the Nevada Physical Therapy Board; authorizing the Board to appoint nonvoting advisory members to the Board; authorizing the Board to issue citations for certain violations; changing the designation of physical therapists' assistants and physical therapists' technicians; revising the membership and duties of the Board; requiring the Board to elect certain officers annually; amending provisions governing the supervision and authorized activities of physical therapist

technicians; **revising provisions governing the supervision of physical therapist assistants**; exempting certain providers of health care from the provisions governing the practice of physical therapy; revising terminology concerning the education of physical therapists and physical therapist assistants; combining similar provisions governing physical therapists and physical therapist assistants; authorizing the licensure by endorsement of physical therapist assistants; removing the requirement that the Board administer an examination to applicants for a license as a physical therapist; revising provisions prohibiting the use of certain names, titles and initials related to the practice of physical therapy; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law establishes the State Board of Physical Therapy Examiners to regulate physical therapists and physical therapist assistants. (NRS 640.030) **Section 29** of this bill repeals the requirement of existing law that the Board itself examine applicants for licensure as physical therapists, but **sections 10 and 23** of this bill leave in place existing requirements that applicants for licensure as physical therapists or physical therapist assistants pass an examination designated by the Board. (NRS 640.080, 640.230) **Section 1.5** of this bill changes the name of the Board to the Nevada Physical Therapy Board to reflect that the Board no longer administers, but merely designates, the examinations.

**Sections 1.2 and 4** of this bill authorize the Board to appoint nonvoting advisory members. Additionally, **section 4**: (1) revises the membership of the Board to include a physical therapist assistant; and (2) clarifies that the Board is subject to the provisions of law governing meetings of public bodies. **Section 5** of this bill requires the Board to elect new officers annually and specifies the officers whom the Board is required to elect. **Section 6** of this bill clarifies that only voting members of the Board are entitled to compensation. **Section 7** of this bill revises the duties of the Board. **Section 9** of this bill removes a requirement that the Board deposit administrative fines with the State Treasurer for credit in the State General Fund and instead requires the Board to deposit such fines directly in the State General Fund.

Existing law authorizes the Board to impose disciplinary action, after notice and a hearing, against a licensee who commits certain violations. (NRS 640.160) **Section 1.3** of this bill authorizes the Board to issue a citation for certain violations of statute or regulation. **Section 1.4** of this bill allows a person to whom a citation has been issued to contest the citation in a hearing conducted according to the provisions of law governing contested cases.

Existing law exempts from the law governing the licensure and regulation of physical therapists an occupational therapist, occupational therapy assistant and athletic trainer who is licensed to practice his or her profession in this State, practices within the scope of his or her profession and does not represent that he or she is a physical therapist or physical therapist assistant or is practicing physical therapy. (NRS 640.029) **Section 3** of this bill

extends this exemption to any provider of health care who is licensed to practice his or her profession in this State, who acts within the scope of his or her profession and who does not represent that he or she is a physical therapist or physical therapist assistant or is practicing physical therapy.

Existing law authorizes the Board to adopt regulations concerning treatments and other regulated procedures which may be performed by a physical therapist technician. (NRS 640.050) A physical therapist must provide immediate supervision of a physical therapist technician while the technician performs treatments related to physical therapy. (NRS 640.310) **Sections 7 and 26** of this bill instead require the Board to adopt regulations prescribing the activities that a physical therapist technician may perform only under the immediate supervision of a physical therapist. **Section 1.6** of this bill clarifies that a physical therapist who is supervising a physical therapist technician must be present on-site.

**Section 1.7** of this bill clarifies the definition of the term “physical therapist.” **Sections 1.8, 1.9, 2.5-4, 7, 18, 19, 21 and 23-26** of this bill standardize the terminology used to refer to physical therapist assistants and physical therapist technicians.

Existing law requires an applicant for a license as a physical therapist or physical therapist assistant to have completed an educational curriculum approved by the Board. (NRS 640.080, 640.230) **Sections 10 and 23** of this bill instead require the applicant to have completed a program of professional education for physical therapists or physical therapist assistants, as applicable, that has been approved by the Board.

Existing law provides similar procedures for licensing physical therapists and physical therapist assistants. (NRS 640.090-640.110, 640.150, 640.250-640.270, 640.280) Existing law also authorizes a person to: (1) obtain a temporary license to practice as a physical therapist or physical therapist assistant to assist in a medical emergency without examination; and (2) work without a license under the supervision of a physical therapist while satisfying clinical education requirements. (NRS 640.120, 640.275) **Sections 11-14, 17 and 29** of this bill combine and remove the duplication of those provisions.

Existing law prescribes the requirements for licensure by endorsement of a physical therapist who is licensed in another state. (NRS 640.145, 640.146) **Sections 15 and 16** of this bill extend those provisions to physical therapist assistants. **Section 29** repeals duplicative provisions authorizing the Board to license without examination a physical therapist or physical therapist assistant who is licensed in another state.

Existing law provides that a person who does not hold a license issued by the Board is guilty of a misdemeanor if he or she practices physical therapy or holds himself or herself out as a physical therapist or physical therapist assistant. (NRS 640.169, 640.170, 640.175) **Section 20** of this bill provides that a business entity that holds itself out as providing services constituting the practice of physical therapy is guilty of a misdemeanor unless those

services are provided by or under the supervision of a licensed physical therapist. **Sections 20 and 21** of this bill further authorize the Board to impose certain penalties on a person who violates this provision, including, without limitation, an administrative penalty of not more than \$5,000. Finally, **sections 20 and 21** require physical therapists and physical therapist assistants to use a certain designation.

Existing law authorizes the Board to seek an injunction in district court against a person who has engaged or is about to engage in an act that violates or will violate a provision of existing law governing physical therapists. (NRS 640.210) **Section 22** of this bill provides that if the Board is seeking an injunction against a person improperly holding himself or herself out as a licensed physical therapist or physical therapist assistant or as practicing physical therapy, the Board must only show that the person violated existing law to establish that immediate and irreparable injury, loss or damage will result from the person's continued action.

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

**Section 1.** NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means:

- (a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;
- (b) A physician assistant;
- (c) A dentist;
- (d) A licensed nurse;
- (e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;
- (f) A dispensing optician;
- (g) An optometrist;
- (h) A speech-language pathologist;
- (i) An audiologist;
- (j) A practitioner of respiratory care;
- (k) A ~~registered~~ **licensed** physical therapist;
- (l) An occupational therapist;
- (m) A podiatric physician;
- (n) A licensed psychologist;
- (o) A licensed marriage and family therapist;
- (p) A licensed clinical professional counselor;
- (q) A music therapist;
- (r) A chiropractor;
- (s) An athletic trainer;
- (t) A perfusionist;
- (u) A doctor of Oriental medicine in any form;
- (v) A medical laboratory director or technician;

- (w) A pharmacist;
- (x) A licensed dietitian;
- (y) An associate in social work, a social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;
- (z) An alcohol and drug abuse counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;
- (aa) An alcohol and drug abuse counselor or a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS; or
- (bb) A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.051, 629.061, 629.065 and 629.077, the term includes a facility that maintains the health care records of patients.

3. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

**Sec. 1.1.** Chapter 640 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2, 1.3 and 1.4 of this act.

**Sec. 1.2.** *The Board may, by majority vote, select any person, including, without limitation, a physical therapist or physical therapist assistant, to serve as an advisory member of the Board. The Board shall prescribe the term and duties of any advisory member it selects pursuant to this section. An advisory member may not vote on any matter before the Board. Advisory members serve without compensation.*

**Sec. 1.3. 1.** *After conducting an inspection pursuant to NRS 640.050, a member or agent of the Board may issue a citation to a licensee if the member or agent concludes that, based on a preponderance of the evidence, the licensee has violated:*

- (a) *Subsection 3 of NRS 640.110;*
- (b) *Any regulation of the Board that requires a licensee to provide his or her address to the Board, display his or her license or a copy thereof, practice only under the name listed on his or her license or document in the record of a patient any treatment provided to the patient; or*
- (c) *Any regulation of the Board establishing requirements for the supervision of an unlicensed person by a physical therapist or limiting the number of persons who may be supervised by a physical therapist.*

2. *A citation issued pursuant to this section may include, without limitation, an order to:*

- (a) *Take action to correct any condition resulting from any act that constitutes a violation of a provision set forth in subsection 1, at the cost of the person who committed the violation. If the citation contains such an order, the citation must:*

*(1) State the time permitted for compliance, which must be not less than 5 business days after the date the person receives the citation; and*

*(2) Specifically describe the corrective action to be taken.*

*(b) Pay an administrative fine not to exceed the amount prescribed pursuant to subsection 3.*

*(c) Reimburse the Board for any expenses incurred to investigate the violation, in an amount not to exceed \$150.*

*3. Any administrative fine imposed pursuant to this section must be:*

*(a) For a first violation, in the amount prescribed by regulation of the Board, which must be not less than \$100 or more than \$500;*

*(b) For a second violation, in the amount prescribed by regulation of the Board, which must be not less than \$250 or more than \$1,000; and*

*(c) For a third violation and for each additional violation, in the amount determined by the Board after the licensee appears before the Board.*

*4. The sanctions authorized by this section are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.*

*Sec. 1.4. 1. Except as otherwise provided in this subsection, to contest a citation issued pursuant to section 1.3 of this act, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation. The Board may, for good cause shown, extend the time to submit a request for a hearing.*

*2. If the person to whom a citation is issued files a timely written request for a hearing to contest the citation:*

*(a) The Board shall provide notice of and conduct the hearing in accordance with this chapter and the provisions of chapters 233B and 622A of NRS governing the adjudication of contested cases.*

*(b) At the hearing, the licensee may contest, without limitation:*

*(1) The facts forming the basis for the determination that the licensee has committed an act which constitutes a violation of a provision described in section 1.3 of this act;*

*(2) The time allowed to take any corrective action ordered;*

*(3) The amount of any administrative fine ordered;*

*(4) The amount of any payment ordered to reimburse the Board for the expenses incurred to investigate the violation; and*

*(5) Whether any corrective action described in the citation is reasonable.*

*3. If a person to whom a citation is issued pursuant to section 1.3 of this act does not file timely a written request for a hearing to contest the citation, the citation shall be deemed a final order of the Board and any assessed fine deemed due and payable and any corrective action deemed required.*

*4. For the purposes of this section, a citation issued pursuant to section 1.3 of this act shall be deemed to have been received by a person:*

*(a) On the date on which the citation is personally delivered to the person; or*

*(b) If the citation is mailed, 3 business days after the date on which the citation is mailed by certified mail to the last known business or residential address of the person.*

**Sec. 1.5.** NRS 640.013 is hereby amended to read as follows:

640.013 “Board” means the ~~{State Board of}~~ **Nevada Physical Therapy {Examiners} Board.**

**Sec. 1.6.** NRS 640.016 is hereby amended to read as follows:

640.016 “Immediate supervision” means that a person is present *on-site* and immediately available within the treatment area to give aid, direction and instruction to the person he or she is supervising.

**Sec. 1.7.** NRS 640.021 is hereby amended to read as follows:

640.021 “Physical therapist” means a person who is licensed *as such* in accordance with the provisions of this chapter.

**Sec. 1.8.** NRS 640.0213 is hereby amended to read as follows:

640.0213 “Physical ~~{therapist’s}~~ **therapist** assistant” means a person who assists in the practice of physical therapy under the supervision of a licensed physical therapist and who is licensed under the provisions of this chapter. ~~{The term is synonymous with “physical therapist assistant.”}~~

**Sec. 1.9.** NRS 640.0216 is hereby amended to read as follows:

640.0216 “Physical ~~{therapist’s}~~ **therapist** technician” means an unlicensed person who performs certain limited activities at the direction of the physical therapist.

**Sec. 2.** (Deleted by amendment.)

**Sec. 2.5.** NRS 640.026 is hereby amended to read as follows:

640.026 “Supervising physical therapist” means a physical therapist who supervises a physical ~~{therapist’s}~~ **therapist** assistant ~~{or}~~ , a physical ~~{therapist’s}~~ **therapist** technician ~~{,}~~ , *a student who is completing a program for physical therapists or physical therapist assistants or a graduate of such a program.*

**Sec. 3.** NRS 640.029 is hereby amended to read as follows:

640.029 **1.** This chapter does not apply to ~~{an occupational therapist, occupational therapy assistant or athletic trainer}~~ **a provider of health care** who:

~~{1-}~~ (a) Is licensed to practice in this state;

~~{2-}~~ (b) Practices within the scope of that license; and

~~{3-}~~ (c) Does not *use any letters, words or insignia listed in NRS 640.170 or 640.175 in connection with his or her name or otherwise* represent that he or she is a physical therapist or physical ~~{therapist’s}~~ **therapist** assistant, or that he or she practices physical therapy.

**2.** *As used in this section, “provider of health care” has the meaning ascribed to it in NRS 629.031.*

**Sec. 4.** NRS 640.030 is hereby amended to read as follows:

640.030 **1.** The ~~{State Board of}~~ **Nevada Physical Therapy {Examiners} Board**, consisting of five members appointed by the Governor,

*and any nonvoting advisory members appointed by the Board pursuant to section 1.2 of this act*, is hereby created.

2. The Governor shall appoint:

(a) ~~Four~~ **Three** members who are licensed physical therapists in the State of Nevada.

(b) **One member who is a licensed physical therapist assistant in the State of Nevada.**

(c) One member who is a representative of the general public. This member must not be:

(1) A physical therapist ~~or~~ a physical ~~therapist's~~ **therapist** assistant ; ~~for a physical therapist's technician;~~ or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a physical therapist ~~or~~ a physical ~~therapist's~~ **therapist** assistant . ~~for a physical therapist's technician.~~

3. No member of the Board may serve more than two consecutive terms.

4. The Governor may remove any **voting** member of the Board for incompetency, neglect of duty, gross immorality or malfeasance in office.

5. A majority of the **voting** members of the Board constitutes a quorum.

6. No member of the Board may be held liable in a civil action for any act which he or she has performed in good faith in the execution of his or her duties under this chapter.

**7. The Board shall comply with the provisions of chapter 241 of NRS, and all meetings of the Board must be conducted in accordance with that chapter.**

**Sec. 5.** NRS 640.035 is hereby amended to read as follows:

640.035 ~~The~~ **At the first meeting of each fiscal year, the** Board shall elect a Chair ~~and other officers~~ , **a Vice Chair and a Secretary-Treasurer** from among its members.

**Sec. 6.** NRS 640.045 is hereby amended to read as follows:

640.045 1. Each **voting** member of the Board is entitled to receive:

(a) A salary of not more than \$150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

**Sec. 7.** NRS 640.050 is hereby amended to read as follows:

640.050 1. The Board shall ~~examine and license qualified physical therapists and qualified physical therapist's assistants.~~ :

(a) **Enforce the provisions of this chapter and any regulations adopted pursuant thereto;**



(b) *Evaluate the qualifications and determine the eligibility of an applicant for a license as a physical therapist or physical therapist assistant and, upon payment of the applicable fee, issue the appropriate license to a qualified applicant;*

(c) *Investigate any complaint filed with the Board against a licensee; and*

(d) *Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices as a physical therapist or physical therapist assistant without a license.*

2. The Board may adopt reasonable regulations to carry this chapter into effect, including, but not limited to, regulations concerning the:

(a) Issuance and display of licenses.

(b) Supervision of physical ~~therapist's~~ **therapist** assistants and physical ~~therapist's~~ **therapist** technicians.

~~[(c) Treatments and other regulated procedures which may be performed by physical therapist's technicians.]~~

3. The Board shall ~~{keep}~~ **prepare and maintain** a record of its proceedings ~~{and a register of all persons licensed under the provisions of this chapter. The register must show:~~

~~—(a) The name of every living licensee.~~

~~—(b) The last known place of business and residence of each licensee.~~

~~—(c) The date and number of each license issued as a physical therapist or physical therapist's assistant.]~~ **, including, without limitation, any disciplinary proceedings.**

4. ~~{During September of every year in which renewal of a license is required, the}~~ The Board shall ~~{compile}~~ **maintain** a list of licensed physical therapists authorized to practice physical therapy and physical ~~therapist's~~ **therapist** assistants licensed to assist in the practice of physical therapy in this State. ~~{Any interested person in the State may obtain a copy of the list upon application to the Board and the payment of such amount as may be fixed by the Board, which amount must not exceed the cost of the list so furnished.}~~

5. The Board may:

(a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(c) Adopt a seal of which a court may take judicial notice.

6. Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices physical therapy or as a physical ~~therapist's~~ **therapist** assistant and inspect ~~{it}~~ **the premises** to determine whether a violation of any provision of this chapter **or any regulation adopted pursuant thereto** has occurred, including, without limitation, an inspection to determine whether

any person at the premises is practicing physical therapy or as a physical ~~therapist's~~ **therapist** assistant without the appropriate license issued pursuant to the provisions of this chapter.

7. Any **voting** member of the Board may administer an oath to a person testifying in a matter that relates to the duties of the Board.

**Sec. 8.** NRS 640.060 is hereby amended to read as follows:

640.060 For the ~~purpose~~ **purposes** of NRS 640.080 ~~and 640.230~~, the Board shall approve any school or ~~educational curriculum~~ **program of professional education for physical therapists and physical therapist assistants** taught at a school if the school is accredited by an accrediting agency recognized by the Board.

**Sec. 9.** NRS 640.070 is hereby amended to read as follows:

640.070 1. All fees collected under this chapter must be deposited by the Board in banks, credit unions or savings and loan associations in the State of Nevada.

2. All expenses incident to the operation of this chapter must be paid from the revenue derived therefrom.

3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter and impose and collect administrative fines therefor. If the Board so delegates its authority, the Board may deposit the money from the fines in banks, credit unions or savings and loan associations in this State for the support of the Board. In addition, the hearing officer or panel may assess a licensee against whom disciplinary action is taken any costs and fees incurred by the Board as a result of the hearing. The money from the reimbursed costs and fees may also be deposited for use by the Board.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3, the Board shall deposit the money collected from the imposition of administrative fines ~~with the State Treasurer for credit to~~ **in** the State General Fund. The Board may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

**Sec. 10.** NRS 640.080 is hereby amended to read as follows:

640.080 Except as otherwise provided in NRS 640.145 and 640.146, to be eligible for licensure by the Board as a physical therapist, an applicant must:

1. Be of good moral character;
2. Have graduated from a school in which he or she completed a ~~curriculum of~~ **program of professional education for** physical ~~therapy~~ **therapists** approved by the Board; and
3. Pass to the satisfaction of the Board an examination designated by the Board, unless he or she is entitled to licensure without examination as provided in NRS 640.120 . ~~for 640.140.~~

**Sec. 11.** NRS 640.090 is hereby amended to read as follows:

640.090 1. Unless he or she is entitled to licensure under NRS 640.120, ~~640.140,~~ 640.145 or 640.146, a person who desires to be licensed as a physical therapist ***or physical therapist assistant*** must:

(a) Apply to the Board, in ~~writing, on a~~ ***the*** form ~~furnished~~ ***prescribed*** by the Board;

(b) Include in the application evidence, under oath, satisfactory to the Board, that the person possesses the qualifications required by NRS 640.080 ***or 640.230, as applicable***, other than having passed the examination;

(c) Pay to the Board at the time of filing the application a fee set by a regulation of the Board in an amount not to exceed \$300 ~~for a license as a physical therapist or \$200 for a license as a physical therapist assistant;~~

(d) Submit to the Board with the application a complete set of fingerprints which the Board may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) Submit other documentation and proof the Board may require; and

(f) Submit all other information required to complete the application.

2. If an applicant submits an application for a license by endorsement pursuant to NRS 640.146, the Board shall collect not more than one-half of the fee specified in paragraph (c) of subsection 1 for the initial issuance of the license.

**Sec. 12.** NRS 640.095 is hereby amended to read as follows:

640.095 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license as a physical therapist ***or physical therapist assistant*** shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license as a physical therapist ***or physical therapist assistant*** shall submit to the Board 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 Board shall include the statement required pursuant to 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 Board.

3. A license as a physical therapist ***or physical therapist assistant*** may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) 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.

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 Board 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. 13.** NRS 640.110 is hereby amended to read as follows:

640.110 1. The Board shall license as a physical therapist *or physical therapist assistant* each applicant who proves to the satisfaction of the Board his or her qualifications for licensure.

2. The Board shall issue to each applicant who proves to the satisfaction of the Board his or her qualification for licensure ~~{ }~~:

(a) *As a physical therapist*, a license as a physical therapist. The license authorizes the applicant to represent himself or herself as a licensed physical therapist and to practice physical therapy in the State of Nevada subject to the conditions and limitations of this chapter.

(b) *As a physical therapist assistant, a license as a physical therapist assistant. The license authorizes the applicant to represent himself or herself as a licensed physical therapist assistant and to practice as a licensed physical therapist assistant subject to the conditions and limitations of this chapter.*

3. Each physical therapist shall display his or her current license in a location which is accessible to the public.

4. The Board may charge a fee, not to exceed \$25, ~~{to replace a lost license or}~~ to change a name on a license.

5. *A license as a physical therapist assistant remains valid while a supervising physical therapist continues to supervise the physical therapist assistant.*

**Sec. 14.** NRS 640.120 is hereby amended to read as follows:

640.120 1. The Board may issue, without examination, a license to practice *as a physical therapist or physical therapist assistant* for a period not to exceed 6 months to any person who meets *all* the *other* qualifications set forth in NRS 640.080 ~~{, except subsection 3 thereof,}~~ *or 640.230, as applicable*, upon certification that the person has been assigned to the State of Nevada on a temporary basis to assist in a medical emergency. Issuance of the temporary license is subject to such fees, not to exceed \$100, and conditions as the Board may require.

2. A student ~~{of physical therapy is not required to be licensed during his or her clinical training if the work is done under the direct supervision of a licensed physical therapist.}~~ *who is enrolled in a program of professional education for physical therapists or physical therapist assistants approved*

*by the Board is not required to be licensed to work under the supervision of a physical therapist who is present on-site to satisfy a requirement of that program.*

3. A person who has applied for licensure as a physical therapist *or physical therapist assistant* and who meets the qualifications set forth in NRS 640.080 ~~[-] or 640.230~~, except subsection 3 ~~[thereof,] of NRS 640.080 or subsection 4 of NRS 640.230, as applicable~~, is temporarily exempt from licensure and may practice physical therapy *or as a physical therapist assistant, as applicable*, during the period of the temporary exemption if:

(a) The person has submitted a completed application for licensure for the first time and the application has been approved by the Board;

(b) The Board has approved the person to sit for the examination required ~~[pursuant to] by NRS [640.100;] 640.080 or 640.230, as applicable;~~

(c) The person has not previously failed an examination for licensure as a physical therapist ~~[-] or physical therapist assistant;~~

(d) The person practices physical therapy *or as a physical therapist assistant, as applicable*, under the supervision of a licensed physical therapist and in accordance with the provisions of this chapter and the regulations of the Board; and

(e) The person complies with any other requirements of the Board to practice physical therapy *or as a physical therapist assistant, as applicable*, during the period of the temporary exemption.

4. The temporary exemption authorized by subsection 3 begins on the date on which the Board notifies the person that he or she may practice physical therapy *or as a physical therapist assistant, as applicable*, under the temporary exemption and continues until the date of the examination if the person does not take the examination or until the date on which the Board notifies the person of the results of the examination. During the period of the temporary exemption, the person:

(a) Shall not use as his or her title or professional credentials any words, letters or insignia except for the words “graduate of physical therapy ~~[-]~~,” *“P.T.A.” or “Physical Therapist Assistant,” as applicable.*

(b) Is subject to the regulatory and disciplinary authority of the Board to the same extent as a licensed physical therapist ~~[-] or licensed physical therapist assistant, as applicable.~~

**Sec. 15.** NRS 640.145 is hereby amended to read as follows:

640.145 1. The Board may issue a license by endorsement as a physical therapist *or physical therapist assistant* to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a physical therapist *or physical therapist assistant, as applicable*, in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined ~~for~~ **and is not currently being** investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a physical therapist ~~or~~ **physical therapist assistant**; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640.090;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) A fee in the amount of the fee set by a regulation of the Board pursuant to paragraph (c) of subsection 1 of NRS 640.090 for an application for a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement ~~as a physical therapist~~ pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement ~~as a physical therapist~~ to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,  
➡ whichever occurs later.

4. A license by endorsement ~~as a physical therapist~~ may be issued at a meeting of the Board or between its meetings by the Chair of the Board ~~or~~ **his or her designee**. Such an action shall be deemed to be an action of the Board.

**Sec. 16.** NRS 640.146 is hereby amended to read as follows:

640.146 1. The Board may issue a license by endorsement as a physical therapist **or physical therapist assistant** to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a physical therapist **or physical therapist assistant** in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined ~~for~~ **and is not currently being** investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a physical therapist ~~or physical therapist assistant~~; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640.090;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) A fee in the amount set by a regulation of the Board pursuant to paragraph (c) of subsection 1 of NRS 640.090 for an application for a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement ~~as a physical therapist~~ pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement ~~as a physical therapist~~ to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➡ whichever occurs later.

4. A license by endorsement ~~as a physical therapist~~ may be issued at a meeting of the Board or between its meetings by the Chair of the Board ~~or~~ **his or her designee**. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a physical therapist **or physical therapist assistant, as applicable**, in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

**Sec. 17.** NRS 640.150 is hereby amended to read as follows:

640.150 1. A license to practice ~~as a physical [therapy]~~ **therapist or physical therapist assistant** expires ~~[on July 31 of each year. A] 1 year after the date of its issuance or on the date prescribed by the Board, whichever is later. Except as otherwise provided in subsection 2, a physical therapist or physical therapist assistant~~ may renew a license before its expiration upon:

- (a) Presentation of proof of completion of a program of continuing ~~[education]~~ **competency** as required by subsection 3;
- (b) Payment of a renewal fee established by the Board; and
- (c) Submission of all information required to complete the renewal.

2. A license ~~[that is not renewed before July 31 of each year]~~ **may be renewed within 30 days after the date it expires.** An expired license **that is not renewed in a timely manner** may be reinstated, at the discretion of the Board, upon:

(a) Payment of the ~~[annual renewal fee and the annual expiration]~~ **reinstatement** fee established by **regulation of** the Board for each year **or portion thereof that** the license is expired; and

(b) ~~[Submission]~~ **Satisfaction of [all information required to complete]** the **requirements for renewal [prescribed by subsection 1].**

3. The Board shall require licensed physical therapists **and physical therapist assistants** to complete a program of continuing ~~[education]~~ **competency** as a requirement for the renewal of licenses. The Board shall, by regulation ~~[-~~

~~—(a) Prescribe the curriculum;~~

~~—(b) Approve the courses of study or training; and~~

~~—(c) Establish the fees;~~

~~→],~~ **establish requirements** for the program ~~[-] of continuing competency, which may include a requirement that any provider of such a program must be approved by the Board.~~

4. The Board ~~[may, pursuant to subsection 3,]~~ :

(a) **Shall establish a fee for reinstatement of an expired license, to be paid for each year or portion thereof that the license is expired.**

(b) **May** establish a fee of not more than \$150 to consider approval of a ~~[course]~~ **program of [study or training.] continuing competency.**

**Sec. 18.** NRS 640.1605 is hereby amended to read as follows:

640.1605 1. If the Board 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 person who is the holder of a license as a physical therapist or physical ~~[therapist's]~~ **therapist** assistant, the Board 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 Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.



2. The Board shall reinstate a license as a physical therapist or physical ~~therapist's~~ **therapist** assistant that has been suspended by a district court pursuant to NRS 425.540 if the Board 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. 19.** NRS 640.1695 is hereby amended to read as follows:

640.1695 Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice physical therapy or as a physical ~~therapist's~~ **therapist** assistant without the appropriate license issued pursuant to the provisions of this chapter.

**Sec. 20.** NRS 640.170 is hereby amended to read as follows:

640.170 *1. A person who is licensed under this chapter as a physical therapist shall use the words or letters "P.T." or "Physical Therapist" immediately following his or her name when representing himself or herself as a licensed physical therapist.*

*2. A person who is not licensed under this chapter as a physical therapist, or whose license has been suspended, revoked or has expired and who uses in connection with his or her name the words or letters "L.P.T.," "Licensed Physical Therapist," "R.P.T.," "Registered Physical Therapist," "P.T.," "Physical Therapist," or any other letters, words or insignia indicating or implying that the person is a licensed physical therapist, or who in any other way, orally, or in writing, or in print, by sign, directly or by implication, represents himself or herself as a licensed physical therapist, is guilty of a misdemeanor.*

*3. A sole proprietorship, corporation, limited-liability company, association, partnership or other form of business organization shall not:*

*(a) Use in connection with its name or business activities the words or letters "L.P.T.," "Licensed Physical Therapist," "R.P.T.," "Registered Physical Therapist," "P.T.," "Physical Therapist," "physical therapy," or any other letters, words or insignia indicating or implying that the sole proprietorship, corporation, limited-liability company, association, partnership or other form of business organization provides, through employees, agents, independent contractors or representatives, services constituting the practice of physical therapy; or*

*(b) Represent in any other way, orally, or in writing, or in print, by sign, directly or by implication, that the sole proprietorship, corporation, limited-liability company, association or partnership provides services constituting the practice of physical therapy,*

*↪ unless the services constituting the practice of physical therapy are provided by or under the supervision of a licensed physical therapist. A sole proprietorship, corporation, limited-liability company, association,*

*partnership or other form of business organization that violates this subsection is guilty of a misdemeanor.*

*4. In addition to any criminal penalty that may be imposed for a violation of subsection 2 or 3, the Board, after notice and hearing, may:*

*(a) Issue an order against any person who has violated subsection 2 or 3 imposing an administrative penalty of not more than \$5,000 for each violation. Any administrative penalty collected pursuant to this paragraph must be deposited in the State General Fund.*

*(b) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 2 or 3. An order to cease and desist must include a telephone number with which the person may contact the Board.*

*(c) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.*

*(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).*

**Sec. 21.** NRS 640.175 is hereby amended to read as follows:

640.175 **1.** *A person who is licensed under NRS 640.230 to 640.290, inclusive, as a physical therapist assistant shall use the words or letters "P.T.A." or "Physical Therapist Assistant" immediately following his or her name when representing himself or herself as a licensed physical therapist assistant.*

**2.** Any person:

~~{1-}~~ (a) Who is not licensed ~~[under NRS 640.230 to 640.290, inclusive,]~~ as a physical ~~[therapist's]~~ **therapist** assistant;

~~{2-}~~ (b) Whose license has been suspended or revoked; or

~~{3-}~~ (c) Whose license has expired and has not been reinstated,

➤ and who uses in connection with his or her name the words or letters "P.T.A." or "Physical ~~[Therapist's]~~ **Therapist** Assistant," or any other letters, words or insignia indicating or implying that he or she is a licensed physical ~~[therapist's]~~ **therapist** assistant, or who in any other way, orally, or in writing, or in print, by sign, directly, or by implication, represents himself or herself as a licensed physical ~~[therapist's]~~ **therapist** assistant, is guilty of a misdemeanor.

*3. In addition to any criminal penalty that may be imposed for a violation of subsection 2, the Board, after notice and hearing, may:*

*(a) Issue an order against any person who has violated subsection 2 imposing an administrative penalty of not more than \$5,000 for each*

*violation. Any administrative penalty collected pursuant to this paragraph must be deposited in the State General Fund.*

*(b) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 2. An order to cease and desist must include a telephone number with which the person may contact the Board.*

*(c) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.*

*(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).*

**Sec. 22.** NRS 640.210 is hereby amended to read as follows:

640.210 1. The Board shall investigate every supposed violation of this chapter coming to its notice and shall report to the proper district attorney all cases that in the judgment of the Board warrant prosecution.

2. Whenever any person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or any other order restraining such conduct. ~~Proceedings~~ *Except as otherwise provided in subsection 3, proceedings* under this subsection shall be governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking shall be required in any action commenced by the Board.

3. *In obtaining an injunction or any other order to restrain any conduct which constitutes or will constitute a violation of subsection 2 or 3 of NRS 640.170 or subsection 2 of NRS 640.175, the Board must only show that the person engaging or about to engage in the conduct violated subsection 2 or 3 of NRS 640.170 or subsection 2 of NRS 640.175 to establish that immediate and irreparable injury, loss or damage will result from the continued action of the person.*

**Sec. 23.** NRS 640.230 is hereby amended to read as follows:

640.230 ~~To~~ *Except as otherwise provided in NRS 640.145 and 640.146, to* be eligible for licensing by the Board as a physical ~~therapist's~~ *therapist* assistant, an applicant must:

1. Be at least 18 years old.
2. Be of good moral character.
3. ~~Have graduated from an approved high school.~~
- ~~4.] Have completed [an educational curriculum]~~ *a program of professional education* approved by the Board for a physical ~~therapist's~~ *therapist* assistant.

~~[5.]~~ 4. Pass an examination designated by the Board or be entitled to licensing without examination as provided in NRS ~~[640.270 or 640.275.]~~ **640.120.**

**Sec. 24.** NRS 640.240 is hereby amended to read as follows:

640.240 1. For the purposes of NRS 640.230, the Board shall not approve any ~~[educational curriculum]~~ **program of professional education** for a physical ~~[therapist's]~~ **therapist** assistant unless the ~~[curriculum]~~ **program** includes elementary or intermediate courses in clinical, anatomical, biological and physical sciences and is:

(a) At least a 2-year program requiring a minimum of 60 academic semester credits at a college accredited by a recognized accrediting agency; or

(b) A ~~[curriculum]~~ **program** which is provided by the Armed Forces of the United States.

2. The Board may refuse to approve any ~~[educational curriculum]~~ **program of professional education** for physical ~~[therapist's]~~ **therapist** assistants if the ~~[curriculum]~~ **program** does not include such courses in theory and procedures as determined by the Board to be necessary for these assistants.

**Sec. 25.** NRS 640.290 is hereby amended to read as follows:

640.290 A person licensed as a physical ~~[therapist's]~~ **therapist** assistant may assist in the practice of physical therapy only under the ~~[direct]~~ supervision of a supervising physical therapist, as regulated by the Board and subject to the conditions and limitations of ~~[NRS 640.175]~~ **this chapter** and ~~[640.230 to 640.290, inclusive.]~~ **any regulations adopted pursuant thereto.**

**Sec. 26.** NRS 640.310 is hereby amended to read as follows:

640.310 ~~[1.]~~ **The Board shall adopt regulations prescribing the activities that a physical therapist technician may perform only under the immediate supervision of a physical therapist.** A physical therapist shall provide immediate supervision of a physical ~~[therapist's]~~ **therapist** technician while the technician performs ~~[treatments related to physical therapy which have been directed by the physical therapist.]~~

~~2. As used in this section, "treatment" does not include secretarial, clerical or housekeeping activities, the transportation of a patient or the dressing or undressing of a patient.]~~ **any such activity.**

**Sec. 27.** Any regulations adopted before October 1, 2017, by the State Board of Physical Therapy Examiners pursuant to NRS 640.050 concerning the treatments and other regulated procedures which may be performed by a physical therapist technician remain in effect until the Nevada Physical Therapy Board adopts regulations pursuant to NRS 640.310, as amended by section 26 of this act, to replace those regulations.

**Sec. 28.** The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this

act for the name which the agency, officer or instrumentality previously used;  
and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency, officer or instrumentality of the State whose name is charged by this act for the name which the agency, officer or instrumentality previously used.

**Sec. 29.** NRS 640.100, 640.140, 640.250, 640.255, 640.260, 640.270, 640.275 and 640.280 are hereby repealed.

#### **LEADLINES OF REPEALED SECTIONS**

**640.100 Examination and reexamination of applicants; prohibition on participation in preparing, conducting or grading examination.**

**640.140 Licensing of physical therapist licensed in another state or territory.**

**640.250 Application for license: Contents; fees.**

**640.255 Payment of child support: Submission of certain information by applicant; grounds for denial of license; duty of Board.**

**640.260 Issuance and display of license; fee for replacement of lost license or to change name; duration of validity of license.**

**640.270 Licensing of physical therapist's assistant licensed in another state or territory.**

**640.275 Temporary license for medical emergency; temporary exemptions from licensing for certain students and applicants.**

**640.280 Renewal, expiration and reinstatement of license; continuing education; fees.**

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 462.

Bill read second time and ordered to third reading.

Senate Bill No. 499.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 12.

Resolution read second time and ordered to third reading.

#### **MOTIONS, RESOLUTIONS AND NOTICES**

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 52 and 471; Senate Bill No. 375 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 156, 162, and 400 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 127, 464, and 483 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 52.

Bill read third time.

The following amendment was proposed by Assemblyman Frierson:

Amendment No. 825.

AN ACT relating to water; defining certain terms relating to dissolved mineral resources; setting forth certain provisions relating to the drilling and operation of a dissolved mineral resource exploration well ; ~~and the operation of a dissolved mineral resource exploration project;~~ establishing certain requirements for an application to drill ~~for operate~~ a dissolved mineral resource exploration well ; ~~for wells;~~ providing that certain losses of water by a dissolved mineral exploration well or wells are not subject to certain appropriation procedures; requiring the Commission on Mineral Resources to establish a fee for the issuance of a permit to drill ~~for operate~~ a dissolved mineral resource exploration well; requiring the Commission, in coordination with the Division of Water Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources, to adopt certain regulations; providing a penalty; and providing other matters properly relating thereto.

#### Legislative Counsel's Digest:

This bill establishes provisions governing exploration for dissolved mineral resources. **Section 1.4** of this bill provides that the provisions of this bill apply only to the exploration for dissolved mineral resources and not the ownership of such resources. **Sections 3 ~~and 12-14~~ , 12 and 14** of this bill define the terms "dissolved mineral resource," "dissolved mineral resource exploration borehole," ~~"dissolved mineral resource exploration project"~~ and "dissolved mineral resource exploration well." **Sections 16 and 17** of this bill provide for the issuance by the Administrator of the Division of Minerals of the Commission on Mineral Resources of a permit to drill a dissolved mineral resource exploration well . ~~for operate a dissolved mineral resource exploration project.~~ **Section 18** of this bill provides that the reasonable loss of water of not more than 5 acre-feet during the testing and sampling of water pumped by a dissolved mineral resource exploration well or dissolved mineral resource exploration project is not subject to the appropriation procedures of chapters 533 and 534 of NRS, but a dissolved mineral resource exploration well or a dissolved mineral resource exploration

project that pumps more than 5 acre-feet of water is required to follow such procedures. **Section 18 also defines the term “dissolved mineral resource exploration project.”** **Section 19** of this bill requires the Commission on Mineral Resources to establish a fee of not more than \$1,500 for the issuance of a permit to drill a dissolved mineral resource exploration well. ~~for operate a dissolved mineral resource exploration project.~~ **Section 20** of this bill requires the Commission, in coordination with the Division of Water Resources **and the Division of Environmental Protection** of the State Department of Conservation and Natural Resources, to adopt regulations to carry out a program for regulating the drilling or operation of dissolved mineral resource exploration boreholes ~~and~~ **and** dissolved mineral resource exploration wells. ~~and dissolved mineral resource exploration projects.~~ **Section 21** of this bill provides that a person who violates any provision of this bill or any regulations adopted pursuant thereto or an order of the Division of Minerals is subject to a penalty.

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

**Section 1.** (Deleted by amendment.)

**Sec. 1.2.** Title 48 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 1.4 to 21, inclusive, of this act.

**Sec. 1.4. 1.** *The provisions of this chapter govern exploration for dissolved mineral resources.*

**2.** *Ownership of dissolved mineral resources is determined by the applicable federal and state laws or regulations.*

**3.** *Except as expressly provided, nothing in this chapter shall be construed to abrogate the provisions of chapter 445A, 519A, 533, 534 or 534A of NRS.*

**Sec. 1.6.** *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 2 to 15, inclusive, of this act have the meanings ascribed to them in those sections.*

**Sec. 2.** *“Administrator” means the Administrator of the Division of Minerals of the Commission on Mineral Resources.*

**Sec. 3.** *“Dissolved mineral resource” means all dissolved or entrained minerals that may be obtained from the naturally occurring liquid or brine in which they are found, including, without limitation, lithium. The term does not include a geothermal resource as defined in NRS 534A.010.*

**Sec. 4.** (Deleted by amendment.)

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

**Sec. 6.** (Deleted by amendment.)

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

**Sec. 8.** (Deleted by amendment.)

**Sec. 9.** (Deleted by amendment.)

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

Sec. 11. (Deleted by amendment.)

Sec. 12. *“Dissolved mineral resource exploration borehole” means a penetration in the ground that is made to sample or obtain water or chemical, geologic, geophysical or geotechnical information about a dissolved mineral resource and which cannot be pumped as a well.*

Sec. 13. ~~“Dissolved mineral resource exploration project” means a project, which may consist of one or more dissolved mineral resource exploration wells, that is conducted on:~~

~~1. Private land owned or controlled by a natural person or an exploration or mining company; or~~

~~2. Public land in relation to a mining claim.] (Deleted by amendment.)~~

Sec. 14. *“Dissolved mineral resource exploration well” means a well drilled to measure, test or sample water, including, without limitation, pumping tests, to determine whether dissolved mineral resources are present in concentrations and volumes sufficient to justify production.*

Sec. 15. *“Division” means the Division of Minerals of the Commission on Mineral Resources.*

Sec. 16. 1. A person may not drill a dissolved mineral resource exploration well ~~for operate a dissolved mineral resource exploration project~~ without first obtaining a permit from the Administrator and complying with the conditions of the permit.

2. To obtain a permit to drill a dissolved mineral resource exploration well ~~for operate a dissolved mineral resource exploration project,~~ a person must submit an application for a permit to the Administrator in the form and containing such information as prescribed by the Administrator ~~in accordance with regulations adopted pursuant to this chapter.~~

3. An application submitted pursuant to subsection 2 must include:

(a) The location, design and expected depth of the well ~~for wells;~~

(b) The materials of construction for the well ~~for wells;~~

(c) The status of the land on which the well ~~for wells~~ will be constructed; ~~and~~

(d) A plan for monitoring the well ~~for wells~~ and a plan for plugging and abandoning the well ~~for wells~~ in accordance with any regulations adopted pursuant to this chapter ~~in~~;

(e) A plan for managing any fluids generated as part of testing or sampling, which must include, without limitation, a description of how the fluids will be managed in accordance with the requirements of chapter 445A of NRS and as required by the Division of Environmental Protection of the State Department of Conservation and Natural Resources; and

(f) Any other reporting, information or analysis necessary to prevent the migration of fluids between aquifers and the degradation of the water quality in accordance with any regulations adopted pursuant to this chapter.

4. In addition to any other requirement of this section, a dissolved mineral resource exploration well or a dissolved mineral resource



exploration borehole must be drilled by a person who is licensed to drill wells pursuant to NRS 534.140.

5. A person ~~does~~ may not ~~need to obtain a permit pursuant to this section to~~ drill a dissolved mineral resource exploration borehole ~~or~~ without first obtaining a permit to drill a dissolved mineral resource exploration well.

6. The issuance of a permit pursuant to section 17 of this act does not authorize a person to produce dissolved mineral resources without a water right.

Sec. 17. 1. The Administrator shall approve or reject an application for a permit to drill a dissolved mineral resource exploration well ~~for~~ ~~operate a dissolved mineral resource exploration project~~ within 30 days after the Administrator receives an application in proper form, unless the Administrator determines that the application conflicts with the requirements of NRS 445A.300 to 445A.730, inclusive, and any regulations adopted pursuant thereto, or any other laws and regulations administered by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

2. A permit issued pursuant to this section must not be effective for more than 2 years, but may be extended one time by the Administrator for an additional 2 years if he or she determines that the permit complies with the requirements of this chapter and any regulations adopted pursuant thereto.

3. The Administrator and the Division of Minerals of the Commission on Mineral Resources may hold public hearings jointly or separately to gather such evidence or information as they deem necessary for a full understanding of all the rights involved and to properly guard the public interest. The Administrator must notify the applicant and the Administrators of the Division of Water Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources in advance of any hearing held pursuant to this section.

4. A permit issued pursuant to this section must include any conditions and reporting requirements deemed necessary by the Administrator.

5. The holder of any permit issued pursuant to this section must comply with the requirements of NRS 445A.300 to 445A.730, inclusive, and any regulations adopted pursuant thereto.

6. The Administrator shall post any permit which has been approved pursuant to this section on the Internet website of the Division of Minerals within 5 days after the permit has been approved.

Sec. 18. 1. The appropriation procedures of chapters 533 and 534 of NRS do not apply to the reasonable loss of water of not more than 5 acre-feet during the testing and sampling of water pumped by a dissolved mineral resource exploration well or dissolved mineral resource exploration project ~~, which is subject to the terms of a permit issued pursuant to section 17 of this act.~~

2. Any water pumped in excess of 5 acre-feet by a dissolved mineral resource exploration well or within a dissolved mineral resource exploration project is subject to the appropriation procedures of chapters 533 and 534 of NRS. An operator of a dissolved mineral resource exploration well or dissolved mineral resource exploration project must ensure that the well or project is in compliance with the appropriation requirements of chapters 533 and 534 of NRS before the well or project exceeds the threshold of 5-acre-feet.

3. As used in this section, "dissolved mineral resource exploration project" means a project, which may consist of one or more dissolved mineral resource exploration wells or boreholes or both, that is conducted on:

(a) Private land owned or controlled by a natural person or an exploration or mining company; or

(b) A mining claim on public land that is identified in an approved notice or plan required pursuant to 43 C.F.R §§ 3809.300 to 3809.336, inclusive, or 3809.400 to 3809.434, inclusive.

Sec. 19. 1. The Commission on Mineral Resources shall, by regulation, establish a fee to be collected by the Division for examining and filing an application for a permit to drill a dissolved mineral exploration well ~~for operate a dissolved mineral resource exploration project.~~ The fee must not exceed \$1,500.

2. The money collected pursuant to this section:

(a) Must be deposited with the State Treasurer for credit to the Account for the Division of Minerals created in the State General Fund pursuant to 513.103.

(b) May be used only to administer the provisions of this chapter.

Sec. 20. The Commission on Mineral Resources:

1. Shall, in coordination with the Division of Water Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources, adopt regulations to carry out a program for regulating the drilling and operation of dissolved mineral resource exploration wells ~~for dissolved mineral resource exploration projects~~ and dissolved mineral resource exploration boreholes; and

2. May adopt any other regulations necessary to carry out the provisions of this chapter.

Sec. 21. Any person who willfully violates any provision of this chapter or any regulation adopted pursuant thereto or an order of the Division issued pursuant to this chapter is subject to a penalty of not more than \$1,000 for each act or violation and for each day that the violation continues.

Sec. 22. This act becomes effective:

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

2. On January 1, 2018, for all other purposes.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 471.

Bill read third time.

The following amendment was proposed by Assemblyman Yeager:

Amendment No. 819.

AN ACT relating to cybersecurity; creating the Nevada Office of Cyber Defense Coordination within the Department of Public Safety; providing for the powers and duties of the Office; requiring the Nevada Commission on Homeland Security to consider a certain report of the Office when performing certain duties; providing for the confidentiality of certain information regarding cybersecurity; requiring certain state agencies to comply with the provisions of certain regulations adopted by the Office; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

This bill creates the Nevada Office of Cyber Defense Coordination within the Department of Public Safety, to be headed by an Administrator, who is appointed by the Director of the Department and is ex officio a nonvoting member of the Nevada Commission on Homeland Security. Under **section 10** of this bill, the Office must: (1) periodically review the information systems of state agencies; (2) identify risks to the security of those systems; and (3) develop strategies, standards and guidelines for preparing for and mitigating risks to, and otherwise protecting, the security of those systems. The Office must also: (1) coordinate performance audits and assessments of state agencies; and (2) coordinate statewide programs for awareness and training regarding risks to the security of information systems of state agencies.

Under **section 11** of this bill, the Office must establish partnerships with local governments, agencies of the Federal Government, the Nevada System of Higher Education and private entities that have expertise in cybersecurity or information systems, must consult with the Division of Emergency Management of the Department of Public Safety and the Division of Enterprise Information Technology Services of the Department of Administration regarding strategies to prepare for and mitigate risks to, and otherwise protect, the security of information systems and must coordinate with the Investigation Division of the Department of Public Safety regarding gathering intelligence on and initiating investigations of cyber threats and incidents.

**Section 12** of this bill requires the Office to establish policies and procedures for notifications to and by the Office of specific threats to information systems. **Section 12** also requires the Administrator of the Office to appoint a cybersecurity incident response team or teams and requires the Office to establish policies and procedures for the Administrator to convene such a team in the event of a specific threat to the security of an information system.

**Section 13** of this bill requires the Office to prepare and make publicly available a statewide strategic plan that outlines policies, procedures, best practices and recommendations for preparing for and mitigating risks to, and otherwise protecting, the security of information systems in this State. Under **section 22** of this bill, the first such plan must be prepared and made available not later than January 1, 2018, and under **section 13**, the plan must be updated every 2 years. Under **section 21** of this bill, the Nevada Commission on Homeland Security must consider the most recent plan when performing certain duties.

**Section 14** of this bill requires the Office to prepare an annual report on the activities of the Office.

**Section 15** of this bill provides that certain information of any state agency, including the Office, or local government which identifies the detection of, the investigation of or a response to a suspected or confirmed threat to or attack on the security of an information system is not a public record and may be disclosed **by the Administrator** only under certain circumstances.

**Section 16** of this bill authorizes the Office to adopt any regulations necessary to carry out the provisions of this bill.

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

**Section 1.** Chapter 480 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

**Sec. 2. *The Legislature hereby finds and declares that:***

**1. *The protection and security of information systems, and the coordination of efforts to promote the protection and security of information systems, are essential to protecting the health, safety and welfare of the people of this State.***

**2. *The continued development of technologies relating to information systems and the expanding and diverse applications of those technologies pose significant implications for the functioning of any infrastructure in this State that is critical to the health, safety and welfare of the people of this State, particularly in the areas of transportation, health care, energy, education, law enforcement and commercial enterprises.***

**3. *Information systems and the application of information systems relating to the operation of State Government and local governments make up a statewide cyberinfrastructure that is integral to the delivery of***

*essential services to the people of this State and the essential functions of government that ensure the protection of the health, safety and welfare of the people of this State.*

*4. Protecting and securing the statewide cyberinfrastructure requires the identification of the areas in which information systems may be vulnerable to attack, unauthorized use or misuse or other dangerous, harmful or destructive acts.*

*5. Protecting and securing the statewide cyberinfrastructure requires an ability to identify and eliminate threats to information systems in both the public and private sectors.*

*6. Protecting and securing the statewide cyberinfrastructure requires a strategic statewide plan for responding to incidents in which information systems are compromised, breached or damaged, including, without limitation, actions taken to:*

*(a) Minimize the harmful impacts of such incidents on the health, safety and welfare of the people of this State;*

*(b) Minimize the disruptive effects of such incidents on the delivery of essential services to the people of this State and on the essential functions of government that ensure the protection of the health, safety and welfare of the people of this State; and*

*(c) Ensure the uninterrupted and continuous delivery of essential services to the people of this State and the uninterrupted and continuous operations of the essential functions of government that ensure the protection of the health, safety and welfare of the people of this State.*

*7. Protecting and securing the statewide cyberinfrastructure depends on collaboration and cooperation, including the voluntary sharing of information and analysis regarding cybersecurity threats, among local, state and federal agencies and across a broad spectrum of the public and private sectors.*

*8. Institutions of higher education play a critical role in protecting and securing statewide cyberinfrastructure by developing programs that support a skilled workforce, promote innovation and contribute to a more secure statewide cyberinfrastructure.*

*9. It is therefore in the public interest that the Legislature enact provisions to enable the State to prepare for and mitigate risks to, and otherwise protect, information systems and statewide cyberinfrastructure.*

*Sec. 3. As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

*Sec. 4. “Administrator” means the Administrator of the Office of Cyber Defense Coordination appointed pursuant to section 9 of this act.*

*Sec. 5. “Information system” means any computer equipment, computer software, procedures or technology used to communicate, collect, process, distribute or store information.*

Sec. 6. *“Office” means the Nevada Office of Cyber Defense Coordination of the Department of Public Safety.*

Sec. 7. *“Security of an information system” includes, without limitation, the security of:*

- 1. The physical infrastructure of an information system; and*
- 2. Information, including, without limitation, personal information, that is stored on, transmitted to, from or through, or generated by an information system.*

Sec. 8. *“State agency” means every public agency, bureau, board, commission, department or division of the Executive Branch of State Government.*

Sec. 9. *The Nevada Office of Cyber Defense Coordination is hereby created and is composed of:*

- 1. The Administrator of the Office, who is appointed by the Director; and*
- 2. Within the limits of legislative appropriations, a number of employees which the Director determines to be sufficient to carry out the duties of the Office.*

Sec. 10. *1. The Office shall:*

- (a) Periodically review the information systems that are operated or maintained by state agencies.*
- (b) Identify risks to the security of information systems that are operated or maintained by state agencies.*
- (c) Develop and update, as necessary, strategies, standards and guidelines for preparing for and mitigating risks to, and otherwise protecting, the security of information systems that are operated or maintained by state agencies.*
- (d) Coordinate performance audits and assessments of the information systems of state agencies to determine, without limitation, adherence to the regulations, standards, practices, policies and conventions of the Division of Enterprise Information Technology Services of the Department of Administration that are identified by the Division as security-related.*
- (e) Coordinate statewide programs for awareness and training regarding risks to the security of information systems that are operated or maintained by state agencies.*

*2. Upon review of an information system that is operated or maintained by a state agency, the Office may make recommendations to the state agency and the Division of Enterprise Information Technology Services regarding the security of the information system.*

Sec. 11. *The Office shall:*

- 1. Establish partnerships with:*
  - (a) Local governments;*
  - (b) The Nevada System of Higher Education; and*
  - (c) Private entities that have expertise in cyber security or information systems,*

↪ *to encourage the development of strategies to prepare for and mitigate risks to, and otherwise protect, the security of information systems that are operated or maintained by a public or private entity in this State.*

2. *Establish partnerships to assist and receive assistance from local governments and appropriate agencies of the Federal Government regarding the development of strategies to prepare for and mitigate risks to, and otherwise protect, the security of information systems.*

3. *Consult with the Division of Emergency Management of the Department and the Division of Enterprise Information Technology Services of the Department of Administration regarding the development of strategies to prepare for and mitigate risks to, and otherwise protect, the security of information systems.*

4. *Coordinate with the Investigation Division of the Department regarding gathering intelligence on and initiating investigations of cyber threats and incidents.*

Sec. 12. 1. *The Office shall establish policies and procedures for:*

(a) *A state agency to notify the Office of any specific threat to the security of an information system operated or maintained by the state agency;*

(b) *Any other public or private entity to voluntarily notify the Office of any specific threat to the security of an information system;*

(c) *The Office to notify state agencies, appropriate law enforcement and prosecuting authorities and any other appropriate public or private entity of any specific threat to the security of an information system of which the Office has been notified; and*

(d) *The Administrator to convene a cybersecurity incident response team appointed pursuant to subsection 2 upon notification of the Office of a specific threat to the security of an information system.*

2. *In consultation with appropriate state agencies, local governments and agencies of the Federal Government, the Administrator shall appoint a cybersecurity incident response team or teams.*

3. *A cybersecurity incident response team appointed pursuant to subsection 2 shall convene at the call of the Administrator and, subject to the direction of the Administrator, shall assist the Office and any appropriate state agencies, local governments or agencies of the Federal Government in responding to the threat to the security of an information system.*

4. A private entity may, in its discretion, use the services of a cybersecurity incident response team appointed pursuant to subsection 2.

Sec. 13. 1. *The Office shall prepare and make publicly available a statewide strategic plan that outlines policies, procedures, best practices and recommendations for preparing for and mitigating risks to, and otherwise protecting, the security of information systems in this State and for recovering from and otherwise responding to threats to or attacks on the security of information systems in this State.*

2. *The statewide strategic plan must include, without limitation, policies, procedures, best practices and recommendations for:*

(a) *Identifying, preventing and responding to threats to and attacks on the security of information systems in this State;*

(b) *Ensuring the safety of, and the continued delivery of essential services to, the people of this State in the event of a threat to or attack on the security of an information system in this State;*

(c) *Protecting the confidentiality of personal information that is stored on, transmitted to, from or through, or generated by an information system in this State;*

(d) *Investing in technologies, infrastructure and personnel for protecting the security of information systems; and*

(e) *Enhancing the voluntary sharing of information and any other collaboration among state agencies, local governments, agencies of the Federal Government and appropriate private entities regarding protecting the security of information systems.*

3. *The statewide strategic plan must be updated at least every 2 years.*

4. *A private entity may, in its discretion, make use of the information set forth in the statewide strategic plan.*

Sec. 14. 1. *The Office shall annually prepare a report that includes, without limitation:*

(a) *A summary of the progress made by the Office during the previous year in executing, administering and enforcing the provisions of sections 2 to 16, inclusive, of this act and performing such duties and exercising such powers as are conferred upon it pursuant to sections 2 to 16, inclusive, of this act and any other specific statute;*

(b) *A general description of any threat during the previous year to the security of an information system that prompted the Administrator to convene a cybersecurity incident response team pursuant to section 12 of this act, and a summary of the response to the threat;*

(c) *A summary of the goals and objectives of the Office for the upcoming year;*

(d) *A summary of any issues presenting challenges to the Office; and*

(e) *Any other information that the Administrator determines is appropriate to include in the report.*

2. *The report required pursuant to subsection 1 must be submitted not later than July 1 of each year to the Governor ~~to the Information Technology Advisory Board created by NRS 242.122~~ and to the ~~Director of Legislative Counsel Bureau~~ Nevada Commission on Homeland Security created by NRS 239C.120.*

Sec. 15. 1. *Any record of a state agency, including the Office, or a local government which identifies the detection of, the investigation of or a response to a suspected or confirmed threat to or attack on the security of an information system is not a public record and may be disclosed by the Administrator only to another state agency or local government, a*



*cybersecurity incident response team appointed pursuant to section 12 of this act and appropriate law enforcement or prosecuting authorities and only for the purposes of preparing for and mitigating risks to, and otherwise protecting, the security of information systems or as part of a criminal investigation.*

**2. The Office shall not require any private entity to provide any information or data that, in the sole discretion of the private entity, would compromise any information system of the private entity if such information or data were made public.**

**Sec. 16. 1. The Office may adopt any regulations necessary to carry out the provisions of sections 2 to 16, inclusive, of this act.**

**2. Every state agency shall, to the extent practicable, comply with the provisions of any regulations adopted by the Office pursuant to sections 2 to 16, inclusive, of this act.**

**Sec. 17.** NRS 480.130 is hereby amended to read as follows:

480.130 The Department consists of:

1. An Investigation Division;
2. A Nevada Highway Patrol Division;
3. A Division of Emergency Management;
4. A State Fire Marshal Division;
5. A Division of Parole and Probation;
6. A Capitol Police Division;
7. **A Nevada Office of Cyber Defense Coordination;**
8. A Training Division; and
- ~~{8.}~~ 9. A General Services Division.

**Sec. 18.** NRS 480.140 is hereby amended to read as follows:

480.140 The primary functions and responsibilities of the divisions of the Department are as follows:

1. The Investigation Division shall:

(a) Execute, administer and enforce the provisions of chapter 453 of NRS relating to controlled substances and chapter 454 of NRS relating to dangerous drugs;

(b) Assist the Secretary of State in carrying out an investigation pursuant to NRS 293.124; and

(c) Perform such duties and exercise such powers as may be conferred upon it pursuant to this chapter and any other specific statute.

2. The Nevada Highway Patrol Division shall, in conjunction with the Department of Motor Vehicles, execute, administer and enforce the provisions of chapters 484A to 484E, inclusive, of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to NRS 480.360 and any other specific statute.

3. The Division of Emergency Management shall execute, administer and enforce the provisions of chapters 414 and 414A of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapters 414 and 414A of NRS and any other specific statute.

4. The State Fire Marshal Division shall execute, administer and enforce the provisions of chapter 477 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 477 of NRS and any other specific statute.

5. The Division of Parole and Probation shall execute, administer and enforce the provisions of chapters 176A and 213 of NRS relating to parole and probation and perform such duties and exercise such powers as may be conferred upon it pursuant to those chapters and any other specific statute.

6. The Capitol Police Division shall assist in the enforcement of subsection 1 of NRS 331.140.

7. ***The Nevada Office of Cyber Defense Coordination shall:***

***(a) Serve as the strategic planning, facilitating and coordinating office for cybersecurity policy and planning in this State; and***

***(b) Execute, administer and enforce the provisions of sections 2 to 16, inclusive, of this act and perform such duties and exercise such powers as may be conferred upon it pursuant to sections 2 to 16, inclusive, of this act and any other specific statute.***

8. The Training Division shall provide training to the employees of the Department.

~~{8-}~~ 9. The General Services Division shall:

(a) Execute, administer and enforce the provisions of chapter 179A of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 179A of NRS and any other specific statute;

(b) Provide dispatch services for the Department and other agencies as determined by the Director;

(c) Maintain records of the Department as determined by the Director; and

(d) Provide support services to the Director, the divisions of the Department and the Nevada Criminal Justice Information System as may be imposed by the Director.

**Sec. 19.** NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 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, 130.712, 136.050, 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, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,

228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 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, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 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, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 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, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 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, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 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.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 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.410, 681B.540, 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.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 15 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. 20.** NRS 239C.120 is hereby amended to read as follows:

239C.120 1. The Nevada Commission on Homeland Security is hereby created.

2. The Governor shall appoint to the Commission 16 voting members that the Governor determines to be appropriate and who serve at the Governor's pleasure, which must include at least:

(a) The sheriff of each county whose population is 100,000 or more.

(b) The chief of the county fire department in each county whose population is 100,000 or more.

(c) A member of the medical community in a county whose population is 700,000 or more.

(d) An employee of the largest incorporated city in each county whose population is 700,000 or more.

(e) A representative of the broadcaster community. As used in this paragraph, "broadcaster" has the meaning ascribed to it in NRS 432.310.

(f) A representative recommended by the Inter-Tribal Council of Nevada, Inc., or its successor organization, to represent tribal governments in Nevada.

3. The Governor shall appoint:

(a) An officer of the United States Department of Homeland Security whom the Department of Homeland Security has designated for this State;

(b) The agent in charge of the office of the Federal Bureau of Investigation in this State; ~~and~~

(c) The Chief of the Division ~~[-]~~; *and*

*(d) The Administrator of the Nevada Office of Cyber Defense Coordination appointed pursuant to section 9 of this act,*

↪ as nonvoting members of the Commission.

4. The Senate Majority Leader shall appoint one member of the Senate as a nonvoting member of the Commission.

5. The Speaker of the Assembly shall appoint one member of the Assembly as a nonvoting member of the Commission.

6. The term of office of each member of the Commission who is a Legislator is 2 years.

7. The Governor or his or her designee shall:

(a) Serve as Chair of the Commission; and

(b) Appoint a member of the Commission to serve as Vice Chair of the Commission.

**Sec. 21.** NRS 239C.160 is hereby amended to read as follows:

239C.160 The Commission shall, within the limits of available money:

1. Make recommendations to the Governor, the Legislature, agencies of this State, political subdivisions, tribal governments, businesses located within this State and private persons who reside in this State with respect to actions and measures that may be taken to protect residents of this State and visitors to this State from potential acts of terrorism and related emergencies.

2. ~~Make~~ *Upon consideration of the most recent statewide strategic plan prepared by the Nevada Office of Cyber Defense Coordination pursuant to section 13 of this act, make* recommendations to the Governor, through the Division, on the use of money received by the State from any homeland security grant or related program, including, without limitation, the State Homeland Security Grant Program and Urban Area Security Initiative, in accordance with the following:

(a) The Division shall provide the Commission with program guidance and briefings;

(b) The Commission must be provided briefings on existing and proposed projects, and shall consider statewide readiness capabilities and priorities for the use of money, administered by the Division, from any homeland security grant or related program;

(c) The Commission shall serve as the public body which reviews and makes recommendations for the State's applications to the Federal Government for homeland security grants or related programs, as administered by the Division; and

(d) The Commission shall serve as the public body which recommends, subject to approval by the Governor, the distribution of money from any homeland security grant or related program for use by state, local and tribal government agencies and private sector organizations.

3. Propose goals and programs that may be set and carried out, respectively, to counteract or prevent potential acts of terrorism and related emergencies before such acts of terrorism and related emergencies can harm or otherwise threaten residents of this State and visitors to this State.

4. With respect to buildings, facilities, geographic features and infrastructure that must be protected from acts of terrorism and related emergencies to ensure the safety of the residents of this State and visitors to this State, including, without limitation, airports other than international airports, the Capitol Complex, dams, gaming establishments, governmental buildings, highways, hotels, information technology infrastructure, lakes, places of worship, power lines, public buildings, public utilities, reservoirs, rivers and their tributaries, and water facilities:

(a) Identify and categorize such buildings, facilities, geographic features and infrastructure according to their susceptibility to and need for protection from acts of terrorism and related emergencies; and

(b) Study and assess the security of such buildings, facilities, geographic features and infrastructure from acts of terrorism and related emergencies.

5. Examine the use, deployment and coordination of response agencies within this State to ensure that those agencies are adequately prepared to protect residents of this State and visitors to this State from acts of terrorism and related emergencies.

6. Assess, examine and review the use of information systems and systems of communication used by response agencies within this State to determine the degree to which such systems are compatible and interoperable. After conducting the assessment, examination and review, the Commission shall:

(a) Establish a state plan setting forth criteria and standards for the compatibility and interoperability of those systems when used by response agencies within this State; and

(b) Advise and make recommendations to the Governor relative to the compatibility and interoperability of those systems when used by response agencies within this State, with particular emphasis upon the compatibility and interoperability of public safety radio systems.

7. Assess, examine and review the operation and efficacy of telephone systems and related systems used to provide emergency 911 service.

8. To the extent practicable, cooperate and coordinate with the Division to avoid duplication of effort in developing policies and programs for preventing and responding to acts of terrorism and related emergencies.

9. Submit an annual briefing to the Governor assessing the preparedness of the State to counteract, prevent and respond to potential acts of terrorism and related emergencies, including, but not limited to, an assessment of

response plans and vulnerability assessments of utilities, public entities and private business in this State. The briefing must be based on information and documents reasonably available to the Commission and must be compiled with the advice of the Division after all utilities, public entities and private businesses assessed have a reasonable opportunity to review and comment on the Commission's findings.

10. Perform any other acts related to their duties set forth in subsections 1 to 9, inclusive, that the Commission determines are necessary to protect or enhance:

- (a) The safety and security of the State of Nevada;
- (b) The safety of residents of the State of Nevada; and
- (c) The safety of visitors to the State of Nevada.

**Sec. 22.** The Nevada Office of Cyber Defense Coordination shall prepare and make available to the public the statewide strategic plan required pursuant to section 13 of this act not later than January 1, 2018.

**Sec. 23.** ~~[The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.] (Deleted by amendment.)~~

**Sec. 24.** This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 375.

Bill read third time.

Remarks by Assemblymen Bilbray-Axelrod and Ohrenschall.

Potential conflict of interest declared by Assemblyman Ohrenschall.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Senate Bill 375 authorizes the Governor or his or her designee to enter into agreements with tribal governments within this state to facilitate cooperation in the implementation of state laws and tribal laws governing the use of marijuana. An agreement may address matters including, but not limited to criminal law and law enforcement; regulatory matters concerning possession, delivery, production, processing, or use of marijuana products; medical and pharmaceutical research; taxation; immunity, preemption, or conflicts of law; and dispute resolution. This bill is effective upon passage and approval.

ASSEMBLYMAN OHRENSCHALL:

Under Order of Business 15, I have a disclosure to make. Because we are considering Senate Bill 375 which proposes to make changes relating to medical marijuana and marijuana establishments, I would like to advise this Chamber that my wife is employed as the executive director of the Nevada Dispensary Association, a trade association consisting of medical marijuana dispensaries and medical marijuana cultivators, which actively lobbies the Legislature and other governmental entities on issues affecting its members. I have sought the advice of our Legislative Counsel, and although Senate Bill 375 does not affect the members of the trade association that my wife is employed with any differently than other medical marijuana dispensary owners and medical marijuana cultivators, I am making this disclosure and I am abstaining from voting on Senate Bill 375 out of an abundance of caution.

Roll call on Senate Bill No. 375:

YEAS—37.

NAYS—Krasner, McArthur, Wheeler—3.

NOT VOTING—Ohrenschall.

EXCUSED—Ellison.

Senate Bill No. 375 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 141.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 141 renames the Office of Minority Health to the Office of Minority Health and Equity and moves the Office from the Office of Consumer Health Assistance to the Department of Health and Human Services.

Assembly Bill 141 places the manager of the office in the unclassified service of the state and requires the manager to provide administrative support to the advisory committee established. Assembly Bill 141 defines the membership of the advisory committee and expands its duties and further defines the term “minority group.”

Roll call on Assembly Bill No. 141:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Assembly Bill No. 141 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 276.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 276 prohibits an employer with 15 or more employees, an employment agency, or a labor organization from discriminating against a person’s employment or membership for inquiring about, discussing, or voluntarily disclosing information about his or her wages. This provision does not apply to any person who has access to wage information of other persons as part of their job function and discloses such information to a person who does not have access, except as ordered by the Labor Commissioner or a court of competent jurisdiction. Finally, the measure adds requirements governing noncompetition covenants, including when the covenant is considered void and unenforceable.

Roll call on Assembly Bill No. 276:

YEAS—37.

NAYS—Krasner, Marchant, McArthur, Titus—4.

EXCUSED—Ellison.

Assembly Bill No. 276 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.



Assembly Bill No. 480.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Assembly Bill 480 authorizes the Administrator of the Purchasing Division of the Department of Administration to assess an administrative fee, not to exceed 4 percent of the total cost, to be paid by vendors from whom the Administrator has obtained supplies, materials, equipment, and services.

The bill also authorizes the Purchasing Division to use this fee to offset operating expenses, including the cost of establishing and maintaining an online bidding system or a computer system to assist with the procurement process.

Roll call on Assembly Bill No. 480:

YEAS—39.

NAYS—Krasner, Wheeler—2.

EXCUSED—Ellison.

Assembly Bill No. 480 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 486.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 486, as amended, revises the provisions governing the Governmental Services Tax state proceeds to be distributed in the 2017-2019 biennium. Assembly Bill 486, as amended, would revise this distribution by providing the State General Fund with 25 percent of the proceeds and the State Highway Fund with 75 percent of the proceeds in the 2017-2019 biennium.

Roll call on Assembly Bill No. 486:

YEAS—40.

NAYS—McArthur.

EXCUSED—Ellison.

Assembly Bill No. 486 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 494.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 494 makes a supplemental appropriation to the Division of Health Care Financing and Policy of the Department of Health and Human Services for a projected shortfall resulting from the increase in the Medicaid caseload over the amount approved for Fiscal Years 2015-2016 and 2016-2017. The numbers, as amended, are \$5,800,224 from the General Fund and authorizes \$124,074,692 not appropriated from the General Fund or Highway Fund for a projected shortfall.

Roll call on Assembly Bill No. 494:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Assembly Bill No. 494 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 38.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Senate Bill 38 authorizes local and other government entities to use the services of the Central Mailing Room operated by the Division of State Library, Archives and Public Records. A government entity choosing to use these services must pay the cost of such services. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 38:

YEAS—30.

NAYS—Paul Anderson, Hambrick, Hansen, Krasner, Marchant, McArthur, Oscarson,  
Pickard, Titus, Tolles, Wheeler—11.

EXCUSED—Ellison.

Senate Bill No. 38 having received a constitutional majority, Mr. Speaker  
declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 59.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Senate Bill 59 requires a law enforcement officer who has probable cause to believe that any of certain violations concerning prescribed controlled substances has occurred or who receives a report of a stolen prescription for a controlled substance while acting in an official capacity in the regular course of an investigation to report certain information to his or her employer. A coroner, medical examiner, or chief deputy who determines a person died as the result of using a prescribed controlled substance must upload certain information to the state's prescription monitoring program database or report such information to someone who can upload it. The employer of a law enforcement officer, coroner, or medical examiner who receives such a report must upload the report to the database as soon as practicable and may postpone uploading it if such action will interfere with an active criminal investigation. A law enforcement officer, coroner, or medical examiner who makes a good faith effort to comply with these requirements is immune from civil and criminal liability for any act or omission relating to the transmission of this information. Finally, the bill expands the scope of the prescription monitoring program to also track each prescription for a controlled substance listed in schedule V. This measure is effective on July 1, 2017.

Roll call on Senate Bill No. 59:

YEAS—34.

NAYS—Kramer, Krasner, Marchant, McArthur, Titus, Wheeler, Woodbury—7.

EXCUSED—Ellison.

Senate Bill No. 59 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 101.

Bill read third time.

Remarks by Assemblyman Hambrick.

ASSEMBLYMAN HAMBRICK:

The bill addresses whether or not medical assistants or anyone other than a physician or a physician assistant will be allowed to inject Botox—in hearing they did not want to use that term, and I am not about to try and pronounce the technical term for Botox. The bill would limit who can and cannot inject Botox into the face in dental practice. I urge the body to support the bill.

Roll call on Senate Bill No. 101:

YEAS—30.

NAYS—Paul Anderson, Benitez-Thompson, Bilbray-Axelrod, Frierson, Hansen, Kramer, Marchant, McArthur, Pickard, Titus, Wheeler—11.

EXCUSED—Ellison.

Senate Bill No. 101 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 118.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Senate Bill 118 creates the Nevada Task Force on Financial Security, consisting of nine voting members, to conduct a comprehensive examination during the 2017-2018 Legislative Interim of the financial security of individuals and families in Nevada, including their opportunities to build assets and reduce debt. The costs of the Task Force will be paid only from gifts, grants, and donations received by the Task Force. Additionally, the Task Force must submit a report of its findings and recommendations to the Legislative Counsel Bureau on or before September 1, 2018.

This bill is effective upon passage and approval for the purpose of appointing the voting members to the Task Force and on July 1, 2017, for all other purposes. The bill expires by limitation on June 30

Roll call on Senate Bill No. 118:

YEAS—39.

NAYS—Marchant, McArthur—2.

EXCUSED—Ellison.

Senate Bill No. 118 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 145.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Senate Bill 145 establishes as part of the Solar Energy Systems Incentive Program an incentive program for the installation of energy storage systems, which include (1) energy storage systems by a customer of an electric utility and (2) energy storage systems that have a nameplate capacity of at least 100 kilowatts but not more than 1,000 kilowatts. The measure also creates the Electric Vehicle Infrastructure Demonstration Program and requires the Public Utilities Commission of Nevada [PUC] to adopt regulations concerning the Program. Each utility is authorized to recover the costs of carrying out the Program.

The available money for the existing Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program, and the Waterpower Energy Systems Demonstration Program are combined into a single pool of money from which the PUC may authorize the payment of an incentive to a Program.

For the period beginning on January 1, 2018, and ending on December 31, 2023, the PUC must authorize the payment of incentives in an amount of not more than \$1 million per year for the installation of solar energy systems and distributed generation systems at locations throughout the service territories of electric utilities that benefit low-income customers. The measure also repeals the provisions requiring each electric utility to create a Lower Income Solar Energy Pilot Program.

Roll call on Senate Bill No. 145:

YEAS—36.

NAYS—Hansen, Marchant, McArthur, Titus, Wheeler—5.

EXCUSED—Ellison.

Senate Bill No. 145 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 159.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 159 prohibits a person from knowingly selling or offering to sell a substance containing dextromethorphan, a common ingredient in cough syrup, to a minor under certain circumstances. It also prohibits a minor from knowingly purchasing a substance containing the drug. A retail establishment must, before selling such a substance, demand a valid identification if the purchaser appears to be under 25 years of age.

Roll call on Senate Bill No. 159:

YEAS—29.

NAYS—Bustamante Adams, Carlton, Diaz, Hansen, Kramer, Krasner, Marchant, McArthur, Neal, Pickard, Titus, Wheeler—12.

EXCUSED—Ellison.

Senate Bill No. 159 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 163.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 163 expands upon the current exceptions to the requirement that a professional entity only provide one type of professional service by authorizing practitioners in the fields of

medicine, homeopathy, osteopathy, and psychology to join together in any combination to offer their services through a single entity. Further, the measure prohibits an owner of such a professional entity from engaging in certain acts relating to the professional services provided by practitioners, including any act that interferes with their professional judgment. This bill is effective on October 1, 2017.

Roll call on Senate Bill No. 163:

YEAS—29.

NAYS—Bustamante Adams, Carlton, Diaz, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler, Woodbury—12.

EXCUSED—Ellison.

Senate Bill No. 163 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 191.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Senate Bill 191 establishes a standard for evidence of eligibility for any benefit, program, or assistance provided to a veteran with a military service-connected disability. The bill makes conforming changes to relevant chapters of the *Nevada Revised Statutes* concerning bid preferences for purchasing and public works contracts, certain special license plates, hunting and fishing licenses, and tax exemptions.

Roll call on Senate Bill No. 191:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 191 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 204.

Bill read third time.

Remarks by Assemblyman Brooks.

ASSEMBLYMAN BROOKS:

Senate Bill 204 requires the Public Utilities Commission of Nevada [PUCN] to investigate and determine, on or before October 1, 2018, whether it is in the public interest to establish by regulation biennial targets for the procurement of energy storage systems by an electric utility. In making this determination, the PUCN must consider whether energy storage systems will achieve certain purposes. The measure further provides that in measuring the benefits and costs of energy storage systems, the PUCN be required to consider all known and measurable benefits and costs. If the PUCN determines the benefits of the procurement of energy storage systems exceed the costs, the PUCN must establish by regulation biennial targets for the procurement of energy storage systems by an electric utility.

Roll call on Senate Bill No. 204:

YEAS—39.

NAYS—Carlton, Diaz—2.

EXCUSED—Ellison.

Senate Bill No. 204 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 215.

Bill read third time.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Senate Bill 215 sets forth various events under which a person must and may change his or her full legal name on a driver's license or identification card. The bill provides the types of documentation required as evidence of an applicable event. To assist in implementing these changes, the bill removes the requirement for the Director of the Department of Motor Vehicles to define the term "full legal name" and instead defines the term in statutes for purposes of obtaining driver's licenses, instruction permits, driver authorization cards, identification cards, and motorcycle driver's licenses.

Roll call on Senate Bill No. 215:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 215 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 245.

Bill read third time.

Remarks by Assemblyman McArthur.

ASSEMBLYMAN MCARTHUR:

Senate Bill 245 expands the method by which the facsimile signature of a county treasurer is authorized to be produced to allow use of the most efficient device or other method of facsimile reproduction reasonably available and imposes requirements for the safekeeping of any facsimile image or impression or any registered key, password, or other securing device or procedure if severable from the device or other method of facsimile reproduction.

Roll call on Senate Bill No. 245:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 245 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 255.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Senate Bill 255 eliminates the specific methods for delivering to unit owners in a common-interest community a copy of a change to the governing documents of a unit-owners' association and instead allows delivery in a manner generally required by other provisions of law.

The measure authorizes a purchaser of a unit in a common-interest community to deliver a notice of cancellation of sale to a seller by electronic transmission. It also adds to the information statement provided as part of a purchase of a unit in a common-interest community a statement concerning a purchaser's option to deliver a notice of cancellation of a contract of purchase by electronic transmission.

Roll call on Senate Bill No. 255:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 255 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 258.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Senate Bill 258 authorizes an executive board of a common-interest community to send a written notice to cure a violation without imposing a fine and requires that the notice meet several requirements. Specifically, the notice must explain any applicable provisions that form the basis for the alleged violation, describe the alleged violation and proposed cure, provide a clear photograph of the violation, if applicable, and provide the unit owner and, if different, the person responsible for curing the alleged violation a reasonable opportunity to cure the violation before taking further action.

Roll call on Senate Bill No. 258:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 258 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 273.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

I hope everyone enjoyed and appreciated the preview I gave you of this bill last week. I will start by simply saying that Senate Bill 273 provides additional procedures for the dismissal of a probationary school district employee.

Following arbitration, if the superintendent files a recommendation to dismiss the employee, the board of trustees must determine whether to accept this recommendation. The board of trustees must then provide written notice of its decision and realize the decision is not subject to judicial review or appeal.

Roll call on Senate Bill No. 273:

YEAS—39.

NAYS—Daly, Neal—2.

EXCUSED—Ellison.

Senate Bill No. 273 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 279.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Senate Bill 279 authorizes a mayor of a city that is organized under general law to perform a marriage, and for a mayor of a city that is organized under special charter to perform a marriage, if authorized to do so by the city's governing body. Aside from a gift of nominal value, a mayor may not accept any fee, gift, honorarium, or anything of value for performing a marriage. A mayor who violates these provisions is guilty of a misdemeanor. A

mayor who violates these provisions is guilty of a misdemeanor. A

This bill is effective on July 1, 2017.

Roll call on Senate Bill No. 279:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 279 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 295.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 295 makes various changes to cemetery endowment care funds. It provides that each cemetery required to establish and maintain an endowment care fund must also operate as an endowment care cemetery and adhere to requirements applicable to such a cemetery. The trustee of an endowment care fund must make monthly distributions from the fund if no other instruction is provided by the cemetery authority. In addition, the bill authorizes a cemetery authority to (1) operate an endowment care fund as a unitrust or to cease operating the fund as such and (2) change the method, rate, or frequency of the distributions from the fund.

Roll call on Senate Bill No. 295:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 295 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 305.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Senate Bill 305 requires the court to appoint an attorney to represent a child who is alleged to have been abused or neglected in civil child protection proceedings and in proceedings to terminate parental rights. A child is deemed to be a party to such proceedings. The bill provides for the compensation of the appointed attorney and prohibits the court from appointing



an attorney who also serves as the child's guardian ad litem. In addition, S.B. 305 increases from \$3 to \$6 the maximum fee a board of county commissioners may impose for recording certain documents to fund the provision of legal services to abused and neglected children.

Roll call on Senate Bill No. 305:

YEAS—33.

NAYS—Paul Anderson, Hansen, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler—8.

EXCUSED—Ellison.

Senate Bill No. 305 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 312.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 312 changes provisions of law related to driving and public safety. Among other things, the bill revises the duties of a driver upon approaching or being approached by certain emergency vehicles and other vehicles displaying flashing lights and upon approaching a traffic incident; a law enforcement officer providing for the removal of a vehicle; any spilled cargo of a vehicle or other property that is obstructing traffic, interfering with the normal flow of traffic, or otherwise endangering public safety; and a driver moving his or her vehicle if the vehicle is able to be moved and is creating a hazard or obstructing traffic.

Roll call on Senate Bill No. 312:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 312 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 314.

Bill read third time.

Remarks by Assemblyman Kramer.

ASSEMBLYMAN KRAMER:

Senate Bill 314 deletes the provision that specifies that the governing body of a city or county may impose reasonable restrictions on the use of a system for obtaining wind energy that are related to the height of the system. Instead, a governing body of a city or county is not precluded from denying an application for a permit for the installation of a system for obtaining wind energy if it determines, based on the size, height, or configuration of the system, that installation of the system represents a danger to the health, safety, or welfare of the public or is not compatible with the character of the area in which the system is located. This bill is effective on October 1, 2017.

Roll call on Senate Bill No. 314:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 314 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 318.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 318 authorizes an employee of an agency that provides personal care services in the home who is required to be on duty for 24 hours or more to agree not to be paid for a sleeping period of up to 8 hours if adequate sleeping facilities are provided. If the sleeping period is interrupted to provide personal care services, the interruption must be counted as hours worked. If the sleeping period is less than five hours, the employee must be paid for the entire sleeping period.

Roll call on Senate Bill No. 318:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 318 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 338.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Senate Bill 338 changes the term “prime contractor” to “original contractor” and increases the statute of limitations on commencing an action against an original contractor from one to two years. The bill also deletes statutory provisions that include “laborer” within the definition of “lien claimant” and provides that a potential claimant is a lien claimant.

Language regarding notification requirements that apply to a prime contractor or subcontractor who participates in a health or welfare fund as related to potential lien rights is also deleted, and the bill creates new notification requirements and penalties that a potential claimant must provide to an original contractor or subcontractor. The bill requires an original contractor to be liable for the indebtedness for labor incurred by a subcontractor or other contractor and repeals existing provisions that impose a duty of delinquency notification on the administrator of a Taft-Hartley trust.

Roll call on Senate Bill No. 338:

YEAS—39.

NAYS—Daly, Neal—2.

EXCUSED—Ellison.

Senate Bill No. 338 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 339.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 339 extends the manufactured date of a vehicle to qualify for a vintage license plate from not later than 1942 to not later than 1961.

Roll call on Senate Bill No. 339:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 339 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 366.

Bill read third time.

Remarks by Assemblymen Thompson and Oscarson.

ASSEMBLYMAN THOMPSON:

Senate Bill 366 requires the director of the Department of Health and Human Services to prepare an annual report that lists all employers in the state that have 50 or more employees, the number of their full-time employees who are enrolled in Medicaid, and whether their employees have access to an employer-based health plan. The report must not contain individually identifiable health information, must comply with the federal Health Insurance Portability and Accountability Act, and must be submitted to the Governor and the Legislature.

In addition, the bill creates the Advisory Committee on Medicaid Innovation within the Department's Division of Health Care Financing and Policy.

ASSEMBLYMAN OSCARSON:

I rise in opposition to Senate Bill 366. I appreciate the sponsors for bringing this forward and the conversation we have been able to have. My concerns revolve around the onerous requirement this puts on businesses to obtain information already collected by the state, which I cannot vote to put on them. I urge my colleagues to consider a no vote.

Roll call on Senate Bill No. 366:

YEAS—28.

NAYS—Paul Anderson, Edwards, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Wheeler, Woodbury—13.

EXCUSED—Ellison.

Senate Bill No. 366 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 374.

Bill read third time.

Remarks by Assemblymen Carrillo, Ohrenschall, and Titus.

Potential conflict of interest declared by Assemblyman Ohrenschall.

ASSEMBLYMAN CARRILLO:

Senate Bill 374 prohibits a professional licensing board from taking disciplinary action against a licensee for holding a valid marijuana registry card or for engaging in lawful actions pursuant to the licensee's profession that relate to the use of medical marijuana. The bill sets forth similar provisions related to the use of recreational marijuana.

The bill also includes opioid addiction within the definition of "chronic or debilitating medical condition" for the purpose of obtaining a medical marijuana registry identification card. Additionally, the bill authorizes a provider of health care or a massage therapist to (a) administer a marijuana-infused product or a similar product containing industrial hemp for topical use on human skin to a patient or client if the patient or client provides the product; (b) maintain a supply of products containing industrial hemp for topical use on human skin and administer such

a product to a patient or client upon request; and (c) recommend to a patient or client the use of marijuana or industrial hemp to treat a condition.

The effective date is July 1, 2017.

ASSEMBLYMAN OHRENSCHALL:

Under Order of Business 15 I have a disclosure to make. Because we are considering Senate Bill 374 which proposes to make changes relating to medical marijuana and marijuana establishments, I would like to advise this Chamber that my wife is employed as the executive director of the Nevada Dispensary Association, a trade association consisting of medical marijuana dispensaries and medical marijuana cultivators, which actively lobbies the Legislature and other governmental entities on issues affecting its members. I have sought the advice of our Legislative Counsel and although Senate Bill 374 does not affect the members of the trade association that my wife is employed with any differently than other medical marijuana dispensary owners and medical marijuana cultivators, I am making this disclosure and I am abstaining from voting on Senate Bill 374 out of an abundance of caution.

ASSEMBLYMAN TITUS:

I rise in opposition to Senate Bill 374. While I am not against the use of certain hemp oils, I have unresolved concerns about the purchase and application under this legislation. This has not been made clear to me. In addition, this places a huge liability on small businesses that are often already struggling. With those and other lingering questions unresolved by this legislation, I urge my colleagues to vote no.

Roll call on Senate Bill No. 374:

YEAS—26.

NAYS—Paul Anderson, Edwards, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

NOT VOTING—Ohrenschall.

EXCUSED—Ellison.

Senate Bill No. 374 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 116, 156, 162, 230, 268, 322, 369, 376, 386, 393, 400, 411, 416, 422, 429, 434, 447, 454, 466, 469, 473, 476, 480, 493, 510, 513, and 515; Senate Joint Resolutions Nos. 4, 5, 8, and 13 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

#### UNFINISHED BUSINESS

##### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 223.

The following Senate amendment was read:

Amendment No. 696.

ASSEMBLYMEN MCCURDY II; BROOKS, JAUREGUI, MONROE-MORENO, **TOLLES**, WATKINS AND YEAGER

JOINT SPONSORS: SENATORS CANNIZZARO AND SEGERBLOM

AN ACT relating to energy efficiency programs; requiring **an integrated resource plan filed by** an electric utility ~~to submit to~~ **with** the Public

Utilities Commission of Nevada ~~[an energy efficiency plan designed to be cost effective; prescribing the contents of such a plan; requiring the Commission to determine the cost effectiveness of an energy efficiency plan or energy efficiency program through application of a test of the cost effectiveness of the plan or program that is selected by the Commission;]~~ **to include a proposal for the expenditure of certain amounts on energy efficiency and conservation programs directed to low-income customers of the electric utility; revising provisions relating to the approval by the Commission of certain energy efficiency and conservation programs;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires each electric utility to submit to the Public Utilities Commission of Nevada every 3 years ~~[a]~~ **an integrated resource** plan to increase the utility's supply of electricity or decrease the demands made on its system by its customers. Existing law provides that the **integrated resource** plan must include certain components, including, without limitation, an energy efficiency program for residential customers. (NRS 704.741) **Section 7** of this bill revises this requirement to require an electric utility to include in its **integrated resource** plan ~~[an energy efficiency plan for residential customers which reduces the consumption of electricity through]~~ **a proposal for the expenditure of not less than 5 percent of the total expenditures related to energy efficiency and conservation programs [and which is designed to be cost effective.] on programs directed to low-income customers of the electric utility.** **Section 8** of this bill authorizes the Commission to accept an energy efficiency plan that consists of **energy efficiency programs and** energy efficiency and conservation programs that are not cost effective if the energy efficiency plan as a whole is cost effective ~~[]~~ **according to the definition of "cost effective" set forth in section 3 of this bill.** **Section 8** further requires, as long as an energy efficiency plan remains cost effective, that any order of the Commission accepting or modifying an energy efficiency plan or an amendment to such a plan to require that at least 5 percent of the expenditures of the utility on approved energy efficiency and conservation programs in the energy efficiency plan be specifically directed toward energy efficiency programs for low-income customers.

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

**Section 1.** Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

**Sec. 2.** *As used in NRS 704.736 to 704.754, inclusive, and sections 2 to 5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Cost effective” means an energy efficiency plan or energy efficiency program has a benefit-cost ratio of 1.0 or greater as determined by the Commission, using a test of the cost effectiveness of the plan or program that:*

- 1. Is selected by the Commission; and*
- 2. Accounts for any non-energy benefits of the plan or program.*

**Sec. 4.** *1. “Energy efficiency and conservation program” means a program designed, intended or used to improve energy efficiency by reducing the energy consumption by a ~~residential~~ retail customer of a utility which supplies electricity in this State.*

*2. The term includes, without limitation, a demand-side response program or load-limiting program that shifts the consumption of energy by a ~~residential~~ retail customer from one period to another period.*

*3. The term does not include the implementation or assessment of any rate which is based on the time of day, day of the week or time of year during which electricity is used or which otherwise varies based upon the time during which the electricity is used.*

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

**Sec. 6.** NRS 704.736 is hereby amended to read as follows:

704.736 The application of NRS 704.736 to 704.754, inclusive, *and sections 2 to 5, inclusive, of this act* is limited to any public utility in the business of supplying electricity which has an annual operating revenue in this state of \$2,500,000 or more.

**Sec. 7.** NRS 704.741 is hereby amended to read as follows:

704.741 1. A utility which supplies electricity in this State shall, on or before July 1 of every third year, in the manner specified by the Commission, submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission.

2. The Commission shall, by regulation:

(a) Prescribe the contents of such a plan, including, but not limited to, the methods or formulas which are used by the utility to:

(1) Forecast the future demands; and

(2) Determine the best combination of sources of supply to meet the demands or the best method to reduce them; and

(b) Designate renewable energy zones and revise the designated renewable energy zones as the Commission deems necessary.

3. The Commission shall require the utility to include in its plan:

(a) An energy efficiency program ~~(plan)~~ for residential customers ~~(which is cost effective and)~~ which reduces the consumption of electricity or any fossil fuel ~~[through the implementation of energy efficiency and conservation programs. The energy efficiency plan must include, without limitation:~~

~~(1) An energy efficiency and conservation program for residential customers which reduces the consumption of electricity or any fossil fuel]~~

and which includes, without limitation, the use of new solar thermal energy sources ~~and~~

~~(2)~~

*(b) A proposal for the expenditure of not less than 5 percent of the total expenditures related to energy efficiency and conservation programs on energy efficiency and conservation programs directed to low-income customers of the electric utility.*

~~(b)~~ *(c)* A comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include at least one scenario of low carbon intensity that includes the deployment of distributed generation.

~~(c)~~ *(d)* An analysis of the effects of the requirements of NRS 704.766 to 704.775, inclusive, on the reliability of the distribution system of the utility and the costs to the utility to provide electric service to all customers. The analysis must include an evaluation of the costs and benefits of addressing issues of reliability through investment in the distribution system.

~~(d)~~ *(e)* A list of the utility's assets described in NRS 704.7338.

~~(e)~~ *(f)* A surplus asset retirement plan as required by NRS 704.734.

4. The Commission shall require the utility to include in its plan a plan for construction or expansion of transmission facilities to serve renewable energy zones and to facilitate the utility in meeting the portfolio standard established by NRS 704.7821.

5. As used in this section:

(a) "Carbon intensity" means the amount of carbon by weight emitted per unit of energy consumed.

(b) "Renewable energy zones" means specific geographic zones where renewable energy resources are sufficient to develop generation capacity and where transmission constrains the delivery of electricity from those resources to customers.

**Sec. 8.** NRS 704.751 is hereby amended to read as follows:

704.751 1. After a utility has filed the plan required pursuant to NRS 704.741, the Commission shall issue an order accepting or modifying the plan or specifying any portions of the plan it deems to be inadequate:

(a) Within 135 days for any portion of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; and

(b) Within 180 days for all portions of the plan not described in paragraph (a).

➡ If the Commission issues an order modifying the plan, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

2. If a utility files an amendment to a plan, the Commission shall issue an order accepting or modifying the amendment or specifying any portions of the amendment it deems to be inadequate:

(a) Within 135 days after the filing of the amendment; or

(b) Within 180 days after the filing of the amendment for all portions of the amendment which contain an element of the emissions reduction and capacity replacement plan.

➔ If the Commission issues an order modifying the amendment, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

3. All prudent and reasonable expenditures made to develop the utility's plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility's customers.

4. *The Commission may accept an energy efficiency plan containing an energy efficiency program submitted pursuant to paragraph (a) of subsection 3 of NRS 704.741 ~~that consists of~~ and energy efficiency and conservation programs submitted pursuant to paragraph (b) of subsection 3 of NRS 704.741 that are not cost effective if the energy efficiency plan as a whole is cost effective. Any order issued by the Commission accepting or modifying an energy efficiency plan or an amendment to such a plan must, if the energy efficiency plan remains cost effective, require that not less than 5 percent of the total expenditures of the utility on approved energy efficiency and conservation programs in the energy efficiency plan must be specifically directed to energy efficiency and conservation programs for low-income customers of the utility.*

5. The Commission may accept a transmission plan submitted pursuant to subsection 4 of NRS 704.741 for a renewable energy zone if the Commission determines that the construction or expansion of transmission facilities would facilitate the utility meeting the portfolio standard, as defined in NRS 704.7805.

~~{5-}~~ 6. The Commission shall adopt regulations establishing the criteria for determining the adequacy of a transmission plan submitted pursuant to subsection 4 of NRS 704.741.

~~{6-}~~ 7. Any order issued by the Commission accepting or modifying an element of an emissions reduction and capacity replacement plan must include provisions authorizing the electric utility to construct or acquire and own electric generating plants necessary to meet the capacity amounts approved in, and carry out the provisions of, the plan. As used in this subsection, "capacity" means an amount of firm electric generating capacity used by the electric utility for the purpose of preparing a plan filed with the



Commission pursuant to NRS 704.736 to 704.754, inclusive ~~{ }~~ , *and sections 2 to 5, inclusive, of this act.*

**Sec. 9.** This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and
2. On July 1, 2017, for all other purposes.

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 696 to Assembly Bill No. 223.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The amendment adds Assemblywoman Tolles as a cosponsor of the bill, amends section 4 of the bill to change “residential customer” to “retail customer”; amends section 3(a) of section 7 to retain the existing energy efficiency program for residential customers; and lastly, amends section 8 of the bill to update references to the energy efficiency program for residential customers as they now appear in subsection 3(a) and subsection 3(b) of section 7 of the bill.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 365.

The following Senate amendment was read:

Amendment No. 706.

AN ACT relating to marriage; providing for the issuance of a certificate of vow renewal; authorizing certain persons to perform a marriage; authorizing a county clerk to establish a course for certain persons authorized to perform a marriage; revising various provisions governing the performance of marriages; increasing the penalty for certain crimes related to performing marriages; revising provisions related to certain fees for the issuance of a marriage license; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes the following persons to obtain a certificate of permission to perform marriages: (1) any licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage; (2) certain notaries public; (3) a temporary replacement for a licensed, ordained or appointed minister or other church or religious official, after receiving a written authorization from the minister or other church or religious official and the county clerk; and (4) any chaplain who is assigned to duty in this State by the Armed Forces of the United States. Existing law also authorizes certain ministers or other church or religious officials or certain notaries public to perform not more than five marriages per year in the county upon receiving a separate written authorization from the county clerk for each marriage performed. (NRS 122.062) **Sections 2, 5, 6 and 8-17** of this bill amend existing law to grant the same authorization and responsibilities for performing a marriage to marriage officiants as the

statutes do for other authorized persons. **Section 2** defines the term “marriage officiant” as a person, other than a minister, other church or religious official authorized to solemnize a marriage or notary public, who obtains a certificate of permission to perform marriages. **Section 8** prohibits a county clerk from authorizing a marriage officiant to solemnize a marriage unless the county clerk first establishes a course for marriage officiants. **Sections 8 and 9** authorize a county clerk to establish a course for marriage officiants and requires an applicant who desires to be a marriage officiant to successfully complete the course. **Section 9** authorizes a county clerk to charge a fee of not more than \$100 for the course to persons who desire to be a marriage officiant and requires any fees collected to be used only for establishing and maintaining such a course. **Section 10:** (1) provides for the inclusion of marriage officiants who obtain or renew a certificate of permission to perform marriages in the statewide database of certain persons authorized to perform marriages which is maintained by the Secretary of State under existing law; (2) requires marriage officiants to comply with Nevada laws pertaining to persons who perform marriages; and (3) provides for the expiration and revocation of the certificate of permission to perform marriages issued to a marriage officiant.

Existing law provides that a certificate of permission to perform marriages expires when: (1) a minister, other person who is authorized to solemnize a marriage or notary public, to whom the certificate has been issued, moves from the county in which his or certificate was issued; (2) a minister or other religious official’s authority to solemnize marriages is removed; or (3) the expiration, cancellation, revocation or suspension of an appointment of a notary public. (NRS 122.066) **Section 10** provides that if a county clerk establishes a policy providing for the expiration of a certificate of permission to perform marriages, unless certain exceptions apply, any certificate of permission to perform marriages expires 5 years after the date the certificate was issued or renewed. **Section 9** requires all applicants for renewal of a certificate to complete an application and pay to the county clerk a fee of \$25. **Section 9 also authorizes a county clerk to revoke a certificate of permission to perform marriages if a minister, other church or religious official authorized to solemnize a marriage or marriage officiant fails to notify the county clerk within 30 days of changing his or her address.**

**Section 3** of this bill authorizes a county clerk to establish a program to provide for a couple who renews their marriage vows to request a certificate of vow renewal from the county clerk. **Section 3** sets forth the requirements for such a request as well as the requirements concerning the contents of such a certificate. Finally, **section 3** prohibits the use of a certificate of vow renewal to establish a record of marriage and exempts such a certificate from any requirement for the retention of records by the office of the county clerk.

Existing law provides that a person is guilty of a misdemeanor if he or she performs a marriage and he or she knows that he or she is not lawfully authorized or knows of any legal impediment to the proposed marriage.

(NRS 122.260) **Section 17** revises the penalty by providing that such an act is punishable by a civil penalty of not more than \$1,500. **Section 17** also authorizes a board of county commissioners to enact an ordinance delegating to a hearing officer the authority to determine such violations and levy civil penalties for those violations.

Under existing law, the county clerk may place an affidavit of application for a marriage license, a certificate of marriage license and a marriage license on a single form, on the reverse of which the county clerk must have printed or stamped instructions for obtaining a certified copy or certified abstract of the certificate of marriage. (NRS 122.055) **Section 7** of this bill requires the county clerk to include on the form certain language that the certificate is not a certified copy. Existing law also requires a person who solemnizes a marriage to give each couple being married a certificate of marriage. **Section 15** clarifies that the certificate the couple receives from the person who solemnizes the marriage is an uncertified copy of a certificate of marriage.

Existing law authorizes a board of county commissioners in a county whose population is 700,000 or more (currently Clark County) to adopt an ordinance imposing an additional fee of not more than \$14 for the issuance of a marriage license. If a board of county commissioners adopts such an ordinance: (1) the fee must be deposited in a special revenue fund designated as the fund for the promotion of marriage tourism; (2) money in the fund must be used by the county clerk to promote marriage tourism in the county; and (3) the county clerk is required to submit to the board of county commissioners a report of the projected expenditures of the money in the fund for the following fiscal year. (NRS 246.075) **Section 18** of this bill requires the county clerk to report to the board rather than submitting a report to the board of the projected expenditures of the money in the fund for the following fiscal year.

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

**Section 1.** Chapter 122 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2.** *“Marriage officiant” means a person, other than a minister, other church or religious official authorized to solemnize a marriage or notary public, who obtains a certificate of permission to perform marriages as provided in NRS 122.062 to 122.073, inclusive.*

**Sec. 3. 1.** *A county clerk may, in his or her discretion, establish a program to provide for the issuance of a certificate of vow renewal. If a county clerk establishes such a program, upon the request of a couple who desires to renew their marriage vows, the county clerk shall issue a certificate of vow renewal.*

**2.** *The request for a certificate of vow renewal must be made on a form prescribed by the county clerk and must include the date of the vow renewal and the county in which the vow renewal occurred.*



These presents are to authorize any minister, other church or religious official authorized to solemnize a marriage , ~~for~~ notary public **or marriage officiant** who has obtained a certificate of permission to perform marriages, any Supreme Court justice, judge of the Court of Appeals or district judge within this State, or justice of the peace within a township wherein the justice of the peace is permitted to solemnize marriages or if authorized pursuant to subsection 3 of NRS 122.080, or a municipal judge if authorized pursuant to subsection 4 of NRS 122.080 or any commissioner of civil marriages or his or her deputy within a commissioner township wherein they are permitted to solemnize marriages, to join in marriage ..... of (City, town or location) ..... State of ..... State of birth (If not in U.S.A., name of country) .....; Date of birth ..... Father's name ..... Father's state of birth (If not in U.S.A., name of country) ..... Mother's maiden name ..... Mother's state of birth (If not in U.S.A., name of country) ..... Number of this marriage (1st, 2nd, etc.) ..... Wife deceased ..... Divorced ..... Annulled ..... When ..... Where ..... And ..... of (City, town or location) ..... State of ..... State of birth (If not in U.S.A., name of country) .....; Date of birth ..... Father's name ..... Father's state of birth (If not in U.S.A., name of country) ..... Mother's maiden name ..... Mother's state of birth (If not in U.S.A., name of country) ..... Number of this marriage (1st, 2nd, etc.) ..... Husband deceased ..... Divorced ..... Annulled ..... When ..... Where .....; and to certify the marriage according to law.

Witness my hand and the seal of the county, this ..... day of the month of ..... of the year .....

(Seal)

.....  
Clerk

.....  
Deputy clerk

**Sec. 7.** NRS 122.055 is hereby amended to read as follows:

122.055 1. The county clerk may place the affidavit of application for a marriage license, the certificate of marriage and the marriage license on a single form.

2. The county clerk shall have printed or stamped on the reverse of the form:

(a) Instructions for obtaining a certified copy or certified abstract of the certificate of marriage.

(b) Language in black ink and at least 16-point bold type in a font that is easy to read and that is in substantially the following form:

This is *a duplicate of* your certificate. This is not a certified copy. ***After the certificate has been recorded by the county recorder or filed by the county clerk, you may obtain a certified copy.*** For name changes and other legal matters, you will need to obtain a certified copy.

3. Nothing may be printed, stamped or written on the reverse of the form other than the instructions and language described in subsection 2 and a time stamp used by the county clerk to signify that the form has been filed.

**Sec. 8.** NRS 122.062 is hereby amended to read as follows:

122.062 1. Any licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage in good standing within his or her church or religious organization, or either of them, incorporated, organized or established in this State, ~~for~~ a notary public appointed by the Secretary of State pursuant to chapter 240 of NRS and in good standing with the Secretary of State, **or a marriage officiant** may join together as husband and wife persons who present a marriage license obtained from any county clerk of the State, if the minister, other church or religious official authorized to solemnize a marriage, ~~for~~ notary public **or marriage officiant** first obtains **or renews** a certificate of permission to perform marriages as provided in NRS 122.062 to 122.073, inclusive. The fact that a minister or other church or religious official authorized to solemnize a marriage is retired does not disqualify him or her from obtaining a certificate of permission to perform marriages if, before retirement, the minister or other church or religious official authorized to solemnize a marriage had active charge of a church or religious organization for a period of at least 3 years.

2. A temporary replacement for a licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage certified pursuant to NRS 122.062 to 122.073, inclusive, may solemnize marriages pursuant to subsection 1 for a period not to exceed 90 days, if the requirements of this subsection are satisfied. The minister or other church or religious official authorized to solemnize a marriage whom he or she temporarily replaces shall provide him or her with a written authorization which states the period during which it is effective, and the temporary replacement shall obtain from the county clerk in the county in which he or she is a temporary replacement a written authorization to solemnize marriage and submit to the county clerk an application fee of \$25.

3. Any chaplain who is assigned to duty in this State by the Armed Forces of the United States may solemnize marriages if the chaplain obtains a certificate of permission to perform marriages from the county clerk of the county in which his or her duty station is located. The county clerk shall issue such a certificate to a chaplain upon proof of his or her military status as a chaplain and of his or her assignment.

4. A licensed, ordained or appointed minister, other church or religious official authorized to solemnize a marriage, active or retired, ~~for~~ a notary public **or person who desires to be a marriage officiant** may submit to the county clerk in the county in which a marriage is to be performed an application to perform a specific marriage in the county. The application must:

- (a) Include the full names and addresses of the persons to be married;
- (b) Include the date and location of the marriage ceremony;
- (c) Include the information and documents required pursuant to subsection 1 of NRS 122.064; ~~and~~

(d) *If the applicant is a person who desires to be a marriage officiant, include verification that the applicant has satisfied the requirements of paragraph (d) of subsection 1 of NRS 122.064; and*

- (e) Be accompanied by an application fee of \$25.

5. A county clerk may grant authorization to perform a specific marriage to a person who submitted an application pursuant to subsection 4 if the county clerk is satisfied that the minister or other church or religious official authorized to solemnize a marriage, whether he or she is active or retired, is in good standing with his or her church or religious organization or, in the case of a notary public, if the notary public is in good standing with the Secretary of State ~~§~~, *or in the case of a person who desires to be a marriage officiant, that the person satisfied the requirements of paragraph (d) of subsection 1 of NRS 122.064.* The authorization must be in writing and need not be filed with any other public officer. A separate authorization is required for each marriage performed. A person may not obtain more than five authorizations to perform a specific marriage pursuant to this section in any calendar year and must acknowledge that he or she is subject to the jurisdiction of the county clerk with respect to the provisions of this chapter governing the conduct of ministers, other church or religious officials authorized to solemnize a marriage, ~~or~~ notaries public *or marriage officiants* to the same extent as if he or she had obtained a certificate of permission to perform marriages.

*6. This section must not be construed to allow a county clerk to authorize a marriage officiant to solemnize a marriage unless the county clerk has established a course for marriage officiants.*

**Sec. 9.** NRS 122.064 is hereby amended to read as follows:

122.064 1. A certificate of permission to perform marriages *or a renewal of such a certificate* may be obtained only from the county clerk of the county in which the minister, other church or religious official authorized to solemnize a marriage, ~~or~~ notary public *or person who desires to be a marriage officiant* resides, after the filing of a proper application. The initial application *or application for renewal* must:

- (a) Be in writing and be verified by the applicant.
- (b) If the applicant is a minister or other church or religious official authorized to solemnize a marriage:
  - (1) Include the date of licensure, ordination or appointment of the minister or other church or religious official authorized to solemnize a marriage, and the name of the church or religious organization with which he or she is affiliated; and
  - (2) Be accompanied by one copy of the affidavit of authority to solemnize marriages described in subsection 5.

(c) If the applicant is a notary public:

(1) Include the date of the appointment of the notary public by the Secretary of State; and

(2) Be accompanied by a verification issued by the Secretary of State within the 3 months immediately preceding the date of the application which states that the applicant has been appointed as a notary public by the Secretary of State pursuant to chapter 240 of NRS and is in good standing with the Secretary of State. The county clerk must refuse to issue a certificate of permission if the appointment of the notary public is suspended or revoked and may refuse to issue a certificate of permission if the notary public has committed any violations of chapter 240 of NRS.

(d) *If the applicant is not a minister, other church or religious official authorized to solemnize a marriage or notary public but a person who desires to be a marriage officiant:*

(1) *Include an additional fee not to exceed \$100 for a course for marriage officiants established by the county clerk; and*

(2) *Be accompanied by verification that the applicant successfully completed a course for marriage officiants established by the county clerk.*

(e) Include the social security number of the applicant.

~~[(e)]~~ (f) Be accompanied by an application fee of \$25.

2. To determine the qualifications of any minister, other church or religious official authorized to solemnize a marriage, ~~or~~ notary public *or person who desires to be a marriage officiant* who has filed an application for a certificate of permission, the county clerk with whom the application has been filed may require:

(a) The church or religious organization of the minister or other church or religious official authorized to solemnize a marriage to furnish any evidence which the county clerk considers necessary or helpful.

(b) An investigation of the background and present activities of the minister, ~~or~~ other *church or religious official* ~~person~~ authorized to solemnize a marriage ~~or~~, *notary public or person who desires to be a marriage officiant*. The cost of an investigation conducted pursuant to this paragraph must be charged to the applicant.

3. In addition to the requirement of good standing, the county clerk shall, before approving an initial application, satisfy himself or herself that:

(a) If the applicant is a minister or other church or religious official authorized to solemnize a marriage, the applicant's ministry is one of service to his or her church or religious organization or, in the case of a retired minister or other church or religious official authorized to solemnize a marriage, that his or her active ministry was of such a nature.

(b) No certificate previously issued to the applicant has been cancelled for a knowing violation of the laws of this State or of the United States.

(c) The applicant has not been convicted of a felony, released from confinement or completed his or her parole or probation, whichever occurs later, within 10 years before the date of the application.



4. The county clerk may require any applicant to submit information in addition to that required by this section.

5. The affidavit of authority to solemnize marriages required by subparagraph (2) of paragraph (b) of subsection 1 must be in substantially the following form:

AFFIDAVIT OF AUTHORITY TO  
SOLEMNIZE MARRIAGES FOR  
CHURCHES AND RELIGIOUS  
ORGANIZATIONS

State of Nevada                                 }  
  }ss.  
County of..... }

The..... (name of church or religious organization) is organized and carries on its work in the State of Nevada. Its active meetings are located at..... (street address, city or town). The..... (name of church or religious organization) hereby finds that..... (name of minister or other person authorized to solemnize marriages) is in good standing and is authorized by the..... (name of church or religious organization) to solemnize a marriage.

I am duly authorized by..... (name of church or religious organization) to complete and submit this affidavit.

.....  
Signature of Official

.....  
Name of Official  
(type or print name)

.....  
Title of Official

.....  
Address

.....  
City, State and Zip Code

.....  
Telephone Number

Signed and sworn to (or affirmed) before me this..... day of the month of..... of the year.....

.....  
 Notary Public for  
 ..... County, Nevada.

My appointment expires.....

6. Not later than 30 days after issuing *or renewing* a certificate of permission to perform marriages to a notary public, the county clerk must submit to the Secretary of State the name of the notary public to whom the certificate has been issued.

7. If a licensed, ordained or appointed minister, ~~{or}~~ other church or religious official authorized to solemnize a marriage *or marriage officiant* who holds a certificate of permission to perform marriages changes his or her mailing address, the minister, ~~{or}~~ other church or religious official authorized to solemnize a marriage *or marriage officiant* must notify the county clerk who issued the certificate of his or her new mailing address not later than 30 days after the change. *Pursuant to NRS 122.068, a county clerk may revoke the certificate of permission to perform marriages of a licensed, ordained or appointed minister, other church or religious official authorized to solemnize a marriage or marriage officiant who fails to notify the county clerk of his or her new mailing within 30 days after the change.* If a notary public who holds a certificate of permission to perform marriages changes his or her mailing address, the notary public must submit to the Secretary of State a request for an amended certificate of appointment pursuant to NRS 240.036.

8. *The fees collected by the county clerk pursuant to paragraph (d) of subsection 1 must be deposited in the county treasury to be used for establishing and maintaining a course for marriage officiants.*

**Sec. 10.** NRS 122.066 is hereby amended to read as follows:

122.066 1. The Secretary of State shall establish and maintain a statewide database of ministers, other church or religious officials authorized to solemnize a marriage, ~~{or}~~ notaries public *or marriage officiants* who have been issued a certificate of permission to perform marriages ~~{or}~~ *or whose certificate has been renewed.* The database must:

(a) Serve as the official list of ministers, other church or religious officials authorized to solemnize a marriage, ~~{or}~~ notaries public *or marriage officiants* approved to perform marriages in this State;

(b) Provide for a single method of storing and managing the official list;

(c) Be a uniform, centralized and interactive database;

(d) Be electronically secure and accessible to each county clerk in this State;

(e) Contain the name, mailing address and other pertinent information of each minister, other church or religious official authorized to solemnize a marriage, ~~{or}~~ notary public *or marriage officiant* as prescribed by the Secretary of State; and

(f) Include a unique identifier assigned by the Secretary of State to each minister, other church or religious official authorized to solemnize a marriage , ~~for~~ notary public ~~or~~ **or marriage officiant**.

2. If the county clerk approves an application for a certificate of permission to perform marriages ~~or~~ **or for the renewal of a certificate**, the county clerk shall:

(a) Enter all information contained in the application into the electronic statewide database of ministers, other church or religious officials authorized to solemnize a marriage , ~~for~~ notaries public **or marriage officiants** maintained by the Secretary of State not later than 10 days after the certificate of permission to perform marriages **or the renewal of a certificate** is approved by the county clerk; and

(b) Provide to the Secretary of State all information related to the minister, other church or religious official authorized to solemnize a marriage , ~~for~~ notary public **or marriage officiant** pursuant to paragraph (e) of subsection 1.

3. Upon approval of an application pursuant to subsection 2, the minister, other church or religious official authorized to solemnize a marriage , ~~for~~ notary public ~~or~~ **or marriage officiant**:

(a) Shall comply with the laws of this State governing the solemnization of marriage and conduct of ministers, other church or religious officials authorized to solemnize a marriage , ~~for~~ notaries public ~~or~~ **or marriage officiants**;

(b) Is subject to further review or investigation by the county clerk to ensure that he or she continues to meet the statutory requirements for a person authorized to solemnize a marriage; and

(c) Shall provide the county clerk with any changes to his or her status or information, including, without limitation, the address or telephone number of the church or religious organization, if applicable, or any other information pertaining to certification within 30 days after such a change. If a notary public to whom a certificate of permission to perform marriages has been issued **or renewed** changes his or her address, the notary public must submit to the Secretary of State a request for an amended certificate of appointment in accordance with NRS 240.036.

4. ***In addition to the circumstances set forth in this section in which a certificate of permission to perform marriages is no longer valid or expires, a county clerk may, in his or her discretion, establish a policy providing that a certificate of permission expires 5 years after the date it was issued or renewed. If a county clerk does not establish such a policy, the certificate of permission remains valid unless and until it becomes invalid or expires pursuant to this section.***

5. A certificate of permission is valid until:

(a) If the certificate is issued to a minister or other church or religious official authorized to solemnize a marriage, the county clerk has received an affidavit of removal of authority to solemnize marriages pursuant to NRS

122.0665 or the certificate of permission is revoked pursuant to NRS 122.068.

(b) If the certificate is issued to a notary public, the appointment as a notary public has expired or has been cancelled, revoked or suspended. If, after the expiration of his or her appointment, a notary public receives a new appointment, the notary public may reapply for a certificate of permission to perform marriages . ~~[- without charge, if the reapplication occurs within 3 months after the expiration of the previous notary public appointment.~~

~~—5.]~~ 6. An affidavit of removal of authority to solemnize marriages that is received pursuant to paragraph (a) of subsection ~~[4]~~ 5 must be sent to the county clerk within 5 days after the minister or other church or religious official authorized to solemnize a marriage ceased to be a member of the church or religious organization in good standing or ceased to be a minister or other church or religious official authorized to solemnize a marriage for the church or religious organization.

~~[6.]~~ 7. If the county clerk in the county where the certificate of permission was issued has reason to believe that:

(a) The minister or other church or religious official authorized to solemnize a marriage is no longer in good standing within his or her church or religious organization, or that he or she is no longer a minister or other church or religious official authorized to solemnize a marriage, or that such church or religious organization no longer exists; ~~[or]~~

(b) The notary public is no longer in good standing with the Secretary of State or that the appointment of the notary public has expired ~~[ ]~~ ; or

(c) *The marriage officiant is no longer in good standing with the county clerk,*

↪ the county clerk may require satisfactory proof of the good standing of the minister, other church or religious official authorized to solemnize a marriage , ~~[or]~~ notary public ~~[ ]~~ *or marriage officiant*. If such proof is not presented within 15 days, the county clerk shall remove the certificate of permission by amending the electronic record of the minister, other church or religious official authorized to solemnize a marriage , ~~[or]~~ notary public *or marriage officiant* in the statewide database pursuant to subsection 1.

~~[7.]~~ 8. Except as otherwise provided in subsection ~~[8.]~~ 9, if any minister or other church or religious official authorized to solemnize a marriage to whom a certificate of permission has been issued severs ties with his or her church or religious organization or moves from the county in which his or her certificate was issued, the certificate shall expire immediately upon such severance or move, and the church or religious organization shall, within 5 days after the severance or move, file an affidavit of removal of authority to solemnize marriages pursuant to NRS 122.0665. If the minister or other church or religious official authorized to solemnize a marriage voluntarily advises the county clerk of the county in which his or her certificate was issued of his or her severance with his or her church or religious organization, or that he or she has moved from the county, the certificate

shall expire immediately upon such severance or move without any notification to the county clerk by the church or religious organization.

~~{8-}~~ **9.** If any minister or other church or religious official authorized to solemnize a marriage, who is retired and to whom a certificate of permission has been issued, moves from the county in which his or her certificate was issued to another county in this State, the certificate remains valid until such time as the certificate otherwise expires or is removed or revoked as prescribed by law. The minister or other church or religious official authorized to solemnize a marriage must provide his or her new address to the county clerk in the county to which the minister or other church or religious official authorized to solemnize a marriage has moved.

~~{9-}~~ **10.** If any notary public *or marriage officiant* to whom a certificate of permission has been issued *or renewed* moves from the county in which his or her certificate was issued, the certificate shall expire immediately upon such move.

~~{10-}~~ **11.** The Secretary of State may adopt regulations concerning the creation and administration of the statewide database. This section does not prohibit the Secretary of State from making the database publicly accessible for the purpose of viewing ministers, other church or religious officials who are authorized to solemnize a marriage, ~~{or}~~ notaries public *or marriage officiants* to whom a certificate of permission to perform marriages has been issued *or renewed* in this State.

**Sec. 11.** NRS 122.068 is hereby amended to read as follows:

122.068 1. Any county clerk who has issued *or renewed* a certificate of permission to perform marriages to a minister, other church or religious official authorized to solemnize a marriage, ~~{or}~~ notary public *or marriage officiant* pursuant to NRS 122.062 to 122.073, inclusive, may revoke the certificate for good cause shown after a hearing.

2. If the certificate of permission to perform marriages of any minister, other church or religious official authorized to solemnize a marriage, ~~{or}~~ notary public *or marriage officiant* is revoked or if the county clerk has received an affidavit of removal of authority to solemnize marriages pursuant to NRS 122.0665, the county clerk shall inform the Secretary of State of that fact, and the Secretary of State shall immediately remove the name of the minister, other church or religious official authorized to solemnize a marriage, ~~{or}~~ notary public *or marriage officiant* from the official list contained in the database of ministers, other church or religious officials authorized to solemnize a marriage, ~~{or}~~ notaries public *or marriage officiants* and shall notify each county clerk and county recorder in the State of the revocation or removal of authority.

**Sec. 12.** NRS 122.071 is hereby amended to read as follows:

122.071 Any minister, other church or religious official authorized to solemnize a marriage, ~~{or}~~ notary public *or marriage officiant* whose application for a certificate of permission to perform marriages or renewal of such certificate is denied, or whose certificate of permission is revoked, is

**Sec. 13.** NRS 122.090 is hereby amended to read as follows:

**Sec. 14.** NRS 122.110 is hereby amended to read as follows:

2. In every case, there shall be at least one witness present besides the person performing the ceremony.

**Sec. 15.** NRS 122.120 is hereby amended to read as follows:

2. The certificate of marriage must contain the date of birth of each applicant as contained in the form of marriage license pursuant to NRS 122.050. If a male and female person who are the husband and wife of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, the certificate of marriage must state that the male and female person were rejoined in marriage and that the certificate is replacing a record of marriage which was lost or destroyed or is otherwise unobtainable. The certificate of marriage must be in substantially the following form:

State of Nevada }  
 } ss.  
County of..... }

This is to certify that the undersigned, ..... (a minister or other church or religious official authorized to solemnize a marriage,

notary public, judge, justice of the peace of ..... County, commissioner of civil marriages , ~~{or}~~ deputy commissioner of civil marriages ~~{or}~~ **or marriage officiant**, as the case may be), did on the ..... day of the month of ..... of the year ....., at ..... (address or church), ..... (city), Nevada, join or rejoin, as the case may be, in lawful wedlock ..... (name), of ..... (city), State of ....., date of birth ....., and ..... (name), of .....(city), State of ....., date of birth ....., with their mutual consent, in the presence of ..... and ..... (witnesses). (If a male and female person who are the husband and wife of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, this certificate replaces the record of the marriage of the male and female person who are being rejoined in marriage.)

.....  
 Signature of person performing  
 the marriage  
 (Seal of County Clerk)

.....  
 Name under signature typewritten  
 or printed in black ink

.....  
 County Clerk

.....  
 Official title of person performing  
 the marriage

.....  
 Couple's mailing address

3. All information contained in the certificate of marriage must be typewritten or legibly printed in black ink, except the signatures. The signature of the person performing the marriage must be an original signature.

**Sec. 16.** NRS 122.220 is hereby amended to read as follows:

122.220 1. It is unlawful for any Supreme Court justice, judge of the Court of Appeals, judge of a district court, justice of the peace, municipal judge, minister or other church or religious official authorized to solemnize a marriage, notary public, commissioner of civil marriages , ~~{or}~~ deputy commissioner of civil marriages **or marriage officiant** to join together as husband and wife persons allowed by law to be joined in marriage, until the persons proposing such marriage exhibit to him or her a license from the county clerk as provided by law.

2. Any Supreme Court justice, judge of the Court of Appeals, judge of a district court, justice of the peace, municipal judge, minister or other church or religious official authorized to solemnize a marriage, notary public, commissioner of civil marriages, ~~for~~ deputy commissioner of civil marriages **or marriage officiant** who violates the provisions of subsection 1 is guilty of a misdemeanor.

**Sec. 17.** NRS 122.260 is hereby amended to read as follows:

122.260 If any person ~~[shall undertake]~~ **undertakes** to join others in marriage, knowing that he or she is not lawfully authorized so to do, or knowing of the existence of any legal impediment to the proposed marriage, the person ~~[is guilty of a misdemeanor.]~~ **shall be punished by a civil penalty of not more than \$1,500. A board of county commissioners may enact an ordinance delegating to a hearing officer the authority to determine violations of this section and to levy civil penalties for those violations.**

**Sec. 18.** NRS 246.075 is hereby amended to read as follows:

246.075 1. In a county whose population is 700,000 or more, the board of county commissioners may impose by ordinance an additional fee of not more than \$14 for the issuance of a marriage license.

2. An ordinance adopted pursuant to subsection 1 must include a provision creating a special revenue fund designated as the fund for the promotion of marriage tourism. Any money collected from a fee imposed pursuant to subsection 1 must be paid by the county clerk to the county treasurer, and the county treasurer shall deposit the money received in the fund.

3. Any interest earned on money in the fund, after deducting any applicable charges, must be credited to the fund.

4. Any money remaining in the fund at the end of a fiscal year must not revert to the county general fund, and the balance in the fund must be carried forward to the next fiscal year.

5. The money in the fund:

(a) Must be used by the county clerk only to promote wedding tourism in the county.

(b) Must not be used to replace or supplant any money available to fund the regular operations of the office of the county clerk.

6. If a board of county commissioners adopts an ordinance pursuant to subsection 1, on or before July 1 of each year, the county clerk shall ~~[submit]~~ **report** to the board of county commissioners ~~[a report of]~~ the projected expenditures of the money in the fund for the following fiscal year.

**Sec. 19.** If, pursuant to NRS 122.066, as amended by section 10 of this act, a county clerk establishes a policy providing that a certificate of permission to perform marriages expires 5 years after the certificate of permission is issued or renewed, a certificate of permission issued by the county clerk to a minister or other church or religious official authorized to solemnize a marriage or a notary public before July 1, 2017, expires on June



30, 2022, and may be renewed pursuant to NRS 122.064, as amended by section 9 of this act.

**Sec. 20.** This act becomes effective on July 1, 2017.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 706 to Assembly Bill No. 365.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment allows licensure revocation for certain marriage officiants.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 176.

The following Senate amendment was read:

Amendment No. 750.

AN ACT relating to care of children; establishing certain requirements for the operation of ~~the~~ certain seasonal or temporary recreation ~~program;~~ programs; requiring the termination of certain staff members of such a program who have been convicted of certain crimes or who have had a substantiated report of child abuse or neglect made against them; providing a civil penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires a local government that operates an out-of-school recreation program to comply with certain health and safety standards and to comply with other requirements relating to the safety of participants in the program. (NRS 432A.610) Certain requirements for the staff of an out-of-school recreation program are set forth in existing law. (NRS 432A.620) Existing law further requires an out-of-school recreation program to maintain certain records regarding participants in the program. (NRS 432A.630) **Sections 2-4** of this bill make certain requirements imposed on an out-of-school recreation program applicable to a nongovernmental person or entity that operates a program that primarily functions as a seasonal or temporary recreation program. **Section 3.5 further requires a person or entity that operates such a program to terminate the employment of a staff member who has been convicted of certain crimes or has had a substantiated report of child abuse or neglect filed against him or her, after affording the staff member an opportunity to correct the information.** Section 5 of this bill subjects a person who operates such a seasonal or temporary recreation program to a civil penalty not to exceed \$500 for failure to comply with ~~such~~ the requirements ~~of~~ of this bill.

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

**Section 1.** Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

**Sec. 2.** *A person who operates a program that primarily functions as a seasonal or temporary recreation program shall ensure that each site upon which the program is conducted:*

*1. Has a complete first-aid kit accessible on-site that complies with the requirements of the Occupational Safety and Health Administration of the United States Department of Labor;*

*2. Has an emergency exit plan posted on-site in a conspicuous place; and*

*3. Has at least one staff member or volunteer on-site and available during the hours of operation who is certified and receives annual training in the use and administration of first aid, including, without limitation, cardiopulmonary resuscitation.*

**Sec. 3.** *A person who operates a program that primarily functions as a seasonal or temporary recreation program shall complete, for each member of the staff of the program:*

*1. A background and personal history check ~~for~~ not later than 3 days after the staff member is hired and once every 5 years thereafter; and*

*2. A child abuse and neglect screening through the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against the staff member.*

**Sec. 3.5.** *1. Upon receiving the results of the background and personal history check performed pursuant to subsection 1 of section 3 of this act, the results of the child abuse and neglect screening pursuant to subsection 2 of section 3 of this act or evidence from any other source that a staff member of a person who operates a program that primarily functions as a seasonal or temporary recreation program has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her, the person shall terminate the employment of the staff member after allowing the staff member time to correct the information as required pursuant to subsection 2.*

*2. If a staff member believes that the information provided to the person who operates a program that primarily functions as a seasonal or temporary recreation program pursuant to subsection 1 is incorrect, the staff member must inform the person immediately. The person shall give any such staff member 30 days to correct the information.*

*3. During any period in which a staff member seeks to correct information pursuant to subsection 2, it is within the discretion of the person who operates a program that primarily functions as a seasonal or temporary recreation program whether to allow the staff member to*

*continue to work for the program, except that the staff member shall not have contact with a child without supervision during such a period.*

**Sec. 4. 1.** *A person who operates a program that primarily functions as a seasonal or temporary recreation program shall maintain records containing pertinent information regarding each staff member of the program.*

*2. The distribution of any information maintained pursuant to this section is subject to the limitations set forth in NRS 239.0105.*

**Sec. 5.** *A person who operates a program that primarily functions as a seasonal or temporary recreation program and who fails to comply with any provision of section 2, 3, 3.5 or 4 of this act is subject to a civil penalty not to exceed \$500 for each failure to comply. The Attorney General or any district attorney of this State may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.*

Assemblyman Sprinkle moved that the Assembly concur in the Senate Amendment No. 750 to Assembly Bill No. 176.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

This amendment requires a person who operates a seasonal or temporary recreation program to ensure that each program has at least one staff member or volunteer onsite and available who is trained in first aid and CPR. In addition, the amendment requires the termination of a staff member who has been convicted of certain crimes or who has had a substantiated report of child abuse or neglect filed against him or her after affording the staff member an opportunity to correct the information.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 169.

The following Senate amendment was read:

Amendment No. 742.

AN ACT relating to county recorders; providing that a county recorder has discretion to accept and record a document that does not meet certain formatting requirements; revising certain fees collected by a county recorder; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, certain documents submitted to a county recorder must meet certain formatting requirements and the county recorder is authorized to charge and collect a fee for documents which do not meet those formatting requirements. (NRS 247.110, 247.305) **Section 1** of this bill provides that a county recorder has the discretion to accept and record a document that does not meet formatting requirements. **Section 2** of this bill removes the fee charged for documents which do not comply with the formatting requirements.

Existing law requires the county recorder to charge and collect certain other fees for recording a document, including fees based on the number of pages in the document, certain indexing fees and an additional fee. (NRS 247.305) **Section 2** revises the fees collected for recording certain documents ~~and~~ **and eliminates the additional fee for recording documents that are more than one page.** **Section 2** also increases the additional fee collected for recording certain documents from \$3 to \$5.

**Existing law requires the county recorder to charge certain fees for recording certain documents relating to a mining claim. (NRS 247.310) Section 2.5 of this bill provides that the fee for recording a notice or certificate of location of a mining claim, or an amended notice or certificate of the location of a mining claim is \$10 and eliminates the additional fee for recording such documents that are more than one page.**

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

**Section 1.** NRS 247.110 is hereby amended to read as follows:

247.110 1. When a document authorized, entitled or required by law to be recorded is deposited in the county recorder's office for recording, the county recorder shall:

(a) Endorse upon it the time when it was received, noting:

- (1) The year, month, day, hour and minute of its reception;
- (2) The document number; and
- (3) The amount of fees collected for recording the document.

(b) Record the document without delay, together with the acknowledgments, proofs and certificates, written upon or annexed to it, with the plats, surveys, schedules and other papers thereto annexed, in the order in which the papers are received for recording.

(c) Note at the upper right corner of the record and upon the document, except a map, so recorded the exact time of its reception and the name of the person at whose request it was recorded.

(d) Upon request, place a stamp or other notation upon one copy of the document presented at the time of recording to reflect the information endorsed upon the original pursuant to subparagraphs (1) and (2) of paragraph (a) and as evidence that the county recorder received the original, and return the copy to the person who presented it.

2. In addition to the information described in paragraph (a) of subsection 1, a county recorder may endorse upon a document the book and page where the document is recorded.

3. Except as otherwise provided in this section ~~[, subsection 5 of NRS 247.305]~~ and NRS 111.366 to 111.3697, inclusive, a document, except a map, certificate or affidavit of death, military discharge or document regarding taxes that is issued by the Internal Revenue Service of the United States Department of the Treasury, that is submitted for recording must be on

a form authorized by NRS 104.9521 for the type of filing or , *except as otherwise provided in subsection 5*, must:

- (a) Be on white, 20-pound paper that is 8 1/2 inches by 11 inches in size.
- (b) Have a margin of 1 inch on the left and right sides and at the bottom of each page.
- (c) Have a space of 3 inches by 3 inches at the upper right corner of the first page and have a margin of 1 inch at the top of each succeeding page.
- (d) Not be on sheets of paper that are bound together at the side, top or bottom.
- (e) Not contain printed material on more than one side of each page.
- (f) Not have any documents or other materials physically attached to the paper.

(g) Not contain:

(1) Colored markings to highlight text or any other part of the document;

(2) A stamp or seal that overlaps with text or a signature on the document, except in the case of a validated stamp or seal of a professional engineer or land surveyor who is licensed pursuant to chapter 625 of NRS;

(3) Text that is smaller than a 10-point Times New Roman font and is printed in any ink other than black; or

(4) More than nine lines of text per vertical inch.

4. The provisions of subsection 3 do not apply to a document submitted for recording that has been filed with a court and which conforms to the formatting requirements established by the court.

5. *A county recorder has the discretion to accept and record a document that does not meet the formatting requirements set forth in paragraphs (a) to (g), inclusive, of subsection 3.*

6. A document is recorded when the information required pursuant to this section is placed on the document and is entered in the record of the county recorder.

**Sec. 2.** NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise, unless prohibited by NRS 375.060, county recorders shall charge and collect the following fees:

(a) ~~For any document specified in paragraphs (k), (l) and (m) of section 1 of NRS 247.120, or any amendments thereto:~~

~~(1) For recording any a document, for the first page..... \$10~~

~~(b) (2) For each additional page..... \$1~~

~~(c) For recording each portion of a document which must be separately indexed, after the first indexing..... \$3~~

~~(d) (3) For copying any a record, for each page..... \$1~~

~~(b) For any other document:~~

~~(1) For recording a document..... \$25~~

~~(2) (b) For copying a record, for each page..... \$1~~

~~[(c) (3)]~~ (c) For certifying, including certificate and seal..... \$4  
~~[(f) (4)]~~ (d) For a certified copy of a certificate of marriage ..... \$10  
~~[(g) (5)]~~ (e) For a certified abstract of a certificate of marriage ..... \$10  
~~[(h) (6)]~~ (f) For a certified copy of a certificate of marriage or for a  
 certified abstract of a certificate of marriage, the additional sum of \$5 for the  
 Account for Aid for Victims of Domestic Violence in the State General  
 Fund. The fees collected for this purpose 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 must be credited to that Account. The  
 county treasurer shall, on or before the 15th day of each month, remit those  
 fees deposited by the recorder to the State Controller for credit to that  
 Account.

2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed ~~[\$3]~~ \$5 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of \$1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.

4. Except as otherwise provided in this subsection and NRS 375.060, a board of county commissioners may, in addition to any fee that a county recorder is otherwise authorized to charge and collect, impose by ordinance a fee of not more than \$3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized by this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall

remit the money received by him or her pursuant to this subsection to the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for abused and neglected children.

~~5. Except as otherwise provided in this subsection or subsection 6 or by specific statute, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed \$25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.~~

~~—6.]~~ Except as otherwise provided in subsection ~~{7,}~~ **6**, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by the county recorder to:

- (a) The county in which the county recorder's office is located.
- (b) The State of Nevada or any city or town within the county in which the county recorder's office is located, if the document being recorded:
  - (1) Conveys to the State, or to that city or town, an interest in land;
  - (2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;
  - (3) Imposes a lien in favor of the State or that city or town; or
  - (4) Is a notice of the pendency of an action by the State or that city or town.

~~{7,}~~ **6.** A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his or her certificate and seal upon the copy, the county recorder shall charge the regular fee.

~~{8,}~~ **7.** If the amount of money collected by a county recorder for a fee pursuant to this section:

- (a) Exceeds by \$5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.
- (b) Exceeds by more than \$5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.

~~{9,}~~ **8.** Except as otherwise provided in subsection 2, 3, 4 or ~~{8,}~~ **7** or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

~~{10,}~~ **9.** For the purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his or her official capacity.

**Sec. 2.5. NRS 247.310 is hereby amended to read as follows:**

247.310 1. Except as otherwise provided by law, county recorders shall charge the following fees for recording affidavits of proof of labor on mining claims and for recording, pursuant to subsection 3 of NRS 517.230, affidavits of intent to hold mining claims:

For recording any such affidavits that embrace therein one claim ..... \$2

For each additional mining claim embraced in the affidavit..... 2

2. **Except as otherwise provided by law, county recorders shall charge \$10 for recording:**

**(a) A notice or certificate of location of a mining claim; or**

**(b) An amended notice or certificate of location of a mining claim.**

3. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the 5th working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

**Sec. 3.** (Deleted by amendment.)

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 742 to Assembly Bill No. 169.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment deletes the first two sections of the bill in order to keep the single reporting requirement for the Committee on Domestic Violence.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 464.

The following Senate amendment was read:

Amendment No. 694.

SUMMARY—Revises provisions governing certain reports required to be submitted by or to certain governmental entities. (BDR ~~18-542~~ **22-542**)

AN ACT relating to reports; eliminating requirements to submit certain reports by or to certain governmental entities; requiring certain information be posted on the Internet websites of the Public Employee's Retirement System and the Housing Division of the Department of Business and Industry; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~[Section 1 of this bill eliminates the requirement that the Committee on Domestic Violence submit to the Legislature a biennial report summarizing the work of the Committee and providing recommendations for any necessary legislation concerning domestic violence. Instead, section 2 of this bill requires the Nevada Council for the Prevention of Domestic Violence to solicit comments and recommendations from the Committee on Domestic Violence to be included in a report that the Council is required to submit biennially to the Legislature.]~~



**Section 3** of this bill requires that a regional rapid transit authority established in a county whose population is 700,000 or more (currently Clark County) submit to the Legislature a biennial report instead of an annual report regarding certain activities, findings and plans of the authority.

**Section 4** of this bill eliminates the requirement that the Housing Division of the Department of Business and Industry submit to the Legislature an annual report that includes a compilation of reports submitted to the Housing Division by the governing bodies of certain cities and counties regarding the maintenance and development of affordable housing. Instead, the Housing Division must post the compilation on its Internet website.

**Section 5** requires the Merit Award Board to submit a biennial report instead of an annual report to the Budget Division of the Office of Finance in the Office of the Governor and to the Interim Finance Committee summarizing employee suggestions rejected and adopted by state agencies and any legislation required to be enacted before an employee suggestion is adopted.

**Section 6** of this bill eliminates the requirement that the Public Employees' Retirement Board submit to the Governor and the Legislature an annual report regarding investments of money from the Public Employees' Retirement System in certain scrutinized companies. Instead, the Board must post the report on the Internet website of the System.

**Section 7** of this bill eliminates the requirement that a copy of the capital improvement plan that is submitted by each local government to the Department of Taxation and the appropriate debt management commission also be submitted to the Legislature. **Section 8** of this bill eliminates the requirement that a report concerning capital improvements of local governments that is submitted to the Department of Taxation also be submitted to the Legislature. Instead, in each instance, the Department must provide a copy of the plan or the report, as applicable, to the Director of the Legislative Counsel Bureau upon his or her request.

**Section 9** of this bill eliminates the requirement that the Commissioner of Insurance report to the Legislature changes in certain insurance rates or to certain uniform plans regarding insurance.

**Section 10** of this bill eliminates the requirement that: (1) the board of county commissioners of each county whose population is 700,000 or more (currently Clark County) submit to the Legislature and to the Legislative Committee on Health Care a quarterly report providing information relating to persons transported to medical facilities by each fire department and ambulance service operating in the county; (2) the Board of Regents of the University of Nevada submit to the Legislature a biennial report concerning the activities of the Police Department of the Nevada System of Higher Education; (3) the Board of Regents submit to the Legislature an annual report concerning the capital improvements owned, leased or operated by the System; and (4) the State Fire Marshall submit to the Legislature a biennial report concerning the effectiveness of provisions of law establishing

standards for fire safety for cigarettes and including any recommendations for legislation to improve the effectiveness of such provisions of law.

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

**Section 1.** ~~[NRS 228.470 is hereby amended to read as follows:~~

~~228.470 1. The Attorney General shall appoint a Committee on Domestic Violence comprised of:~~

- ~~— (a) One staff member of a program for victims of domestic violence;~~
- ~~— (b) One staff member of a program for the treatment of persons who commit domestic violence;~~
- ~~— (c) One representative from an office of the district attorney with experience in prosecuting criminal offenses;~~
- ~~— (d) One representative from an office of the city attorney with experience in prosecuting criminal offenses;~~
- ~~— (e) One law enforcement officer;~~
- ~~— (f) One provider of mental health care;~~
- ~~— (g) Two victims of domestic violence; and~~
- ~~— (h) One justice of the peace or municipal judge.~~

~~At least two members of the Committee must be residents of a county whose population is less than 100,000.~~

~~2. The Committee shall:~~

- ~~— (a) Adopt regulations for the evaluation, certification and monitoring of programs for the treatment of persons who commit domestic violence;~~
  - ~~— (b) Review, monitor and certify programs for the treatment of persons who commit domestic violence;~~
  - ~~— (c) Review and evaluate existing programs provided to peace officers for training related to domestic violence and make recommendations to the Peace Officers' Standards and Training Commission regarding such training;~~
- ~~and~~

~~— (d) To the extent that money is available, arrange for the provision of legal services, including, without limitation, assisting a person in an action for divorce. [; and~~

~~— (e) Submit on or before March 1 of each odd numbered year a report to the Director of the Legislative Counsel Bureau for distribution to the regular session of the Legislature. The report must include, without limitation, a summary of the work of the Committee and recommendations for any necessary legislation concerning domestic violence.]~~

~~3. The regulations governing certification of programs for the treatment of persons who commit domestic violence adopted pursuant to paragraph (a) of subsection 2 must include, without limitation, provisions allowing a program that is located in another state to become certified in this State to provide treatment to persons who:~~

- ~~— (a) Reside in this State; and~~

~~— (b) Are ordered by a court in this State to participate in a program for the treatment of persons who commit domestic violence.~~

~~— 4. The Committee shall, at its first meeting and annually thereafter, elect a Chair from among its members.~~

~~— 5. The Committee shall meet regularly at least semiannually and may meet at other times upon the call of the Chair. Any five members of the Committee constitute a quorum for the purpose of voting. A majority vote of the quorum is required to take action with respect to any matter.~~

~~— 6. The Attorney General shall provide the Committee with such staff as is necessary to carry out the duties of the Committee.~~

~~— 7. While engaged in the business of the Committee, each member and employee of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.]~~

**(Deleted by amendment.)**

Sec. 2. ~~[NRS 228.490 is hereby amended to read as follows:~~

~~— 228.490 1. For the purpose of preventing and eliminating domestic violence in this State, the Council shall:~~

~~— (a) Increase awareness of the existence and unacceptability of domestic violence in this State;~~

~~— (b) Make recommendations for any necessary legislation relating to domestic violence to the Office of the Attorney General; and~~

~~— (c) Provide financial support to programs for the prevention of domestic violence in this State.~~

~~— 2. The Council shall:~~

~~— (a) Study and review all appropriate issues related to the administration of the criminal justice system in rural Nevada with respect to offenses involving domestic violence, including, without limitation, the availability of counseling services; and~~

~~— (b) With the assistance of the Court Administrator, based upon the study and review conducted pursuant to paragraph (a), prepare and submit a report of its findings and recommendations to the Director of the Legislative Counsel Bureau, on or before February 1 of each odd-numbered year, for transmittal to the next regular session of the Legislature. In preparing the report, the Council shall solicit comments and recommendations from *the Committee on Domestic Violence created pursuant to NRS 228.470 and from* district judges, municipal judges and justices of the peace in rural Nevada and include in its report, as a separate section, all comments and recommendations that are received by the Council.~~

~~— 3. The Council may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to this section. Any money that the Council receives pursuant to this subsection must be deposited in and accounted for separately in the Account for Programs Related to Domestic Violence created pursuant to NRS 228.460 for use by the Council in carrying out its duties.]~~ **(Deleted by amendment.)**

**Sec. 3.** NRS 277A.345 is hereby amended to read as follows:

277A.345 1. In a county whose population is 700,000 or more, the commission shall establish a regional rapid transit authority. The membership of the regional rapid transit authority must consist of:

- (a) The general manager of the commission, who shall act as chair of the authority;
- (b) One member appointed by the board of county commissioners;
- (c) Three members, one from each of the three largest cities within the county, who are appointed by the respective governing bodies of each city;
- (d) One member selected by the association of gaming establishments whose membership collectively paid the most gaming license fees to the State pursuant to NRS 463.370 in the county in the preceding year;
- (e) One member who is selected by the economic development authority in the county;
- (f) One member selected by the Department of Transportation; and
- (g) One member who has expertise in urban planning and design or architecture selected by the Nevada Arts Council.

2. The regional rapid transit authority shall develop a plan for the establishment of a regional rapid transit system:

- (a) In cooperation with economic development, engineering, planning, tourism and utility interests in the county; and
- (b) With the goal of quantifying the implications of introducing an exclusive rapid transit system in identified corridors in the county.

3. In carrying out its duties pursuant to subsection 2, the regional rapid transit authority shall:

- (a) Hold public meetings to, without limitation:
  - (1) Evaluate the need for and desirability of a regional rapid transit system;
  - (2) Assess corridor and route feasibility and desirability; and
  - (3) Review existing mass transit options to determine how to incorporate such options into a regional rapid transit system;
- (b) Undertake an analysis of various considerations involved with introducing and implementing a regional rapid transit system in the county, including, without limitation:
  - (1) An assessment of the available rapid transit technologies, including, without limitation, technologies that use solar power or other renewable energy sources to minimize or eliminate the use of carbon-based fuels;
  - (2) An assessment of the opportunities, costs and constraints of corridor options, including, without limitation:
    - (I) An examination and evaluation of existing rail corridors and transit routes for inclusion in the regional rapid transit system;
    - (II) An evaluation of potential sites for stations and facilities for the regional rapid transit system; and
    - (III) Identification of locations in the county that would benefit most from proximity to a regional rapid transit system, including, without

limitation, airports and existing or proposed special event venues such as stadiums and racetracks;

- (3) Estimates as to capital and operating costs;
- (4) An assessment of potential ridership and passenger demand;
- (5) An assessment of the environmental impact;
- (6) A potential project schedule; and
- (7) An assessment of financing options and funding sources, including, without limitation:

- (I) Processes for securing federal funding; and
- (II) The potential for voter approval for bonds to support any portion of the regional rapid transit system.

4. On or before February 1 of each *odd-numbered* year, the regional rapid transit authority shall submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committee or committees of the Legislature. The report must set forth, without limitation:

- (a) The activities and meetings of the authority;
- (b) Any findings made by the authority regarding the analysis required by subsection 3; and
- (c) The plan or current draft of the plan developed by the authority pursuant to subsection 2.

**Sec. 4.** NRS 278.235 is hereby amended to read as follows:

278.235 1. If the governing body of a city or county is required to include the housing element in its master plan pursuant to NRS 278.150, the governing body, in carrying out the plan for maintaining and developing affordable housing to meet the housing needs of the community, which is required to be included in the housing element pursuant to subparagraph (8) of paragraph (c) of subsection 1 of NRS 278.160, shall adopt at least six of the following measures:

(a) At the expense of the city or county, as applicable, subsidizing in whole or in part impact fees and fees for the issuance of building permits collected pursuant to NRS 278.580.

(b) Selling land owned by the city or county, as applicable, to developers exclusively for the development of affordable housing at not more than 10 percent of the appraised value of the land, and requiring that any such savings, subsidy or reduction in price be passed on to the purchaser of housing in such a development. Nothing in this paragraph authorizes a city or county to obtain land pursuant to the power of eminent domain for the purposes set forth in this paragraph.

(c) Donating land owned by the city or county to a nonprofit organization to be used for affordable housing.

(d) Leasing land by the city or county to be used for affordable housing.

(e) Requesting to purchase land owned by the Federal Government at a discounted price for the creation of affordable housing pursuant to the provisions of section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263.

(f) Establishing a trust fund for affordable housing that must be used for the acquisition, construction or rehabilitation of affordable housing.

(g) Establishing a process that expedites the approval of plans and specifications relating to maintaining and developing affordable housing.

(h) Providing money, support or density bonuses for affordable housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for affordable housing, including, without limitation, money received pursuant to 12 U.S.C. § 1701q and 42 U.S.C. § 8013.

(i) Providing financial incentives or density bonuses to promote appropriate transit-oriented housing developments that would include an affordable housing component.

(j) Offering density bonuses or other incentives to encourage the development of affordable housing.

(k) Providing direct financial assistance to qualified applicants for the purchase or rental of affordable housing.

(l) Providing money for supportive services necessary to enable persons with supportive housing needs to reside in affordable housing in accordance with a need for supportive housing identified in the 5-year consolidated plan adopted by the United States Department of Housing and Urban Development for the city or county pursuant to 42 U.S.C. § 12705 and described in 24 C.F.R. Part 91.

2. On or before January 15 of each year, the governing body shall submit to the Housing Division of the Department of Business and Industry a report, in the form prescribed by the Division, of how the measures adopted pursuant to subsection 1 assisted the city or county in maintaining and developing affordable housing to meet the needs of the community for the preceding year. The report must include an analysis of the need for affordable housing within the city or county that exists at the end of the reporting period.

3. On or before February 15 of each year, the Housing Division shall compile the reports submitted pursuant to subsection 2 and ~~transmit~~ **post** the compilation ~~[to the Legislature, or the Legislative Commission if the Legislature is not in regular session.]~~ **on the Internet website of the Housing Division.**

**Sec. 5.** NRS 285.060 is hereby amended to read as follows:

285.060 1. Upon receiving an employee suggestion pursuant to NRS 285.050, the Secretary of the Board shall:

(a) Record and acknowledge receipt of the employee suggestion;

(b) Notify the state employee or each state employee of a group of state employees who made the employee suggestion of any undue delays in the consideration of the employee suggestion; and

(c) Refer the employee suggestion at once to the head of the state agency or agencies affected, or his or her designee, for consideration.

2. Within 30 days after receiving an employee suggestion that is referred pursuant to subsection 1, the head of the state agency, or his or her designee, shall report his or her findings and recommendations to the Board. The report must indicate:

(a) Whether the employee suggestion has been adopted.

(b) If adopted:

(1) The day on which the employee suggestion was placed in effect.

(2) The actual or estimated reduction, elimination or avoidance of expenditures or any improvement in operations made possible by the employee suggestion.

(3) If the employee suggestion was made by a group of state employees, a recommendation of the distribution of any potential award made pursuant to NRS 285.070 to each state employee in the group. Such a distribution must be proportionate, fair and equitable based on the contributions by each state employee to the employee suggestion.

(c) If rejected, the reasons for rejection.

(d) If applicable, whether legislation will be required before the employee suggestion may be adopted.

3. The Board shall:

(a) Review the findings and recommendations of the state agency and may obtain additional information or take such other action as is necessary for prompt, thorough and impartial consideration of each employee suggestion.

(b) Evaluate each employee suggestion, taking into consideration any action by the state agency, staff recommendations and the objectives of the Merit Award Program.

(c) Monitor the efficacy and progress of employee suggestions that have been adopted and placed into effect.

(d) Provide a report to the Budget Division of the Office of Finance and the Interim Finance Committee not later than 30 days after the end of each fiscal year *ending on June 30 of an even-numbered year* summarizing, for that fiscal year ~~{-}~~ *and the previous fiscal year*:

(1) The employee suggestions that were rejected by state agencies.

(2) The employee suggestions that were adopted by state agencies and detailing any actual reduction, elimination or avoidance of expenditures or any improvement in operations made possible by the employee suggestion.

(3) Any legislation required to be enacted before an employee suggestion may be adopted.

**Sec. 6.** NRS 286.723 is hereby amended to read as follows:

286.723 1. Except as otherwise provided in NRS 286.725, the Board shall prepare an annual report of investments of money from the System in scrutinized companies as identified pursuant to NRS 286.721. The report must include the amount of money allocated in such investments and other data and statistics designed to explain the past and current extent to which funds from the System are invested in scrutinized companies.

2. The Board shall ~~[submit]~~ **post** a copy of the report ~~[to the Governor and the Director of the Legislative Counsel Bureau for distribution to the Legislature]~~ **on the Internet website of the System** on or before February 1 of each year which must cover all investments during the previous calendar year.

**Sec. 7.** NRS 354.5945 is hereby amended to read as follows:

354.5945 1. Except as otherwise provided in subsection 7, each local government shall annually prepare, on a form prescribed by the Department of Taxation for use by local governments, a capital improvement plan for the fiscal year ending on June 30 of that year and the ensuing 5 fiscal years.

2. On or before August 1 of each year, each local government shall submit a copy of the capital improvement plan of the local government to the:

(a) Department of Taxation; **and**

(b) Debt management commission of the county in which the local government is located . ~~[-; and~~

~~-(c) Director of the Legislative Counsel Bureau.]~~

➡ ***The Department of Taxation shall provide a copy of a capital improvement plan of a local government to the Director of the Legislative Counsel Bureau upon his or her request.***

3. Each local government shall file a copy of the capital improvement plan of the local government for public record and inspection by the public in the offices of:

(a) The clerk or secretary of the governing body; and

(b) The county clerk.

4. The total amount of the expenditures contained in the capital improvement plan of the local government for the next ensuing fiscal year must equal the total amount of expenditures for capital outlay set forth in the final budget of the local government for each fund listed in that budget.

5. The capital improvement plan must include the estimated or actual revenues and expenditures for each capital project and the estimated or actual date for completion of each capital project.

6. The capital improvement plan must reconcile the capital outlay in each fund in the final budget for the first year of the capital improvement plan to the final budget in the next ensuing fiscal year. The reconciliation must identify the minimum level of expenditure for items classified as capital assets in the final budget and the minimum level of expenditure for items classified as capital projects in the capital improvement plan. The reconciliation of capital outlay items in the capital improvement plan must be presented on forms created and distributed by the Department of Taxation.

7. Local governments that are exempt from the requirements of the Local Government Budget and Finance Act pursuant to subsection 1 of NRS 354.475 are not required to file a capital improvement plan.



**Sec. 8.** NRS 354.5947 is hereby amended to read as follows:

354.5947 1. In addition to the records and inventory controls established and maintained pursuant to NRS 354.625, the governing body of each local government shall, for each fiscal year, compile a report concerning the capital improvements owned, leased or operated by the local government.

2. The report of the capital improvements required pursuant to subsection 1 must be prepared in such detail as is required by generally accepted accounting principles.

3. The governing body shall submit, in any format including an electronic format, a copy of the report compiled pursuant to subsection 1 on or before February 1 of the year next succeeding the period to which the report pertains to the Department of Taxation . ~~{and the Director of the Legislative Counsel Bureau for distribution to each regular session of the Legislature.}~~ *The Department of Taxation shall provide a copy of the report compiled pursuant to subsection 1 to the Director of the Legislative Counsel Bureau upon his or her request.*

**Sec. 9.** NRS 686B.177 is hereby amended to read as follows:

686B.177 ~~{-}~~ The Advisory Organization shall file with the Commissioner a copy of every prospective loss cost, every manual of rating rules, every rating schedule and every change, amendment or modification to them which is proposed for use in this state at least 60 days before they are distributed to the organization's members, subscribers or other persons. The rates shall be deemed to be approved unless they are disapproved by the Commissioner within 60 days after they are filed.

~~{2. The Commissioner shall report any changes in rates or in the Uniform Plan for Rating Experience, the Uniform Statistical Plan or the Uniform System of Classification, when approved, to the Director of the Legislative Counsel Bureau.}~~

**Sec. 10.** NRS 244.2962, 396.329, 396.4355 and 477.212 are hereby repealed.

**Sec. 11.** This act becomes effective on July 1, 2017.

#### TEXT OF REPEALED SECTIONS

**244.2962 County commissioners in certain counties to submit reports to Legislature with certain information concerning transport of person to medical facility by each fire department and ambulance service in county.** The board of county commissioners of a county whose population is 700,000 or more shall, each calendar quarter, submit a report to the Legislative Committee on Health Care and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session. The report must include, without limitation, the following information related to each fire department and ambulance service operating in the county:

1. The total number of transports of sick or injured persons to a medical facility that were made by the fire department or ambulance service during that calendar quarter.

2. For each person transported by the fire department or ambulance service during the calendar quarter:

- (a) The fees charged to transport the person to a medical facility;
- (b) Whether the person had health insurance at the time of transport; and
- (c) The name of the medical facility where the fire department or ambulance service transported the person to or from.

**396.329 Report concerning activities of Police Department.**

1. The Board of Regents of the University of Nevada shall, not later than April 15 of each odd-numbered year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, a report concerning the activities of the Police Department for the System.

2. The report must include, without limitation:

(a) A copy of each of the annual security reports compiled for the immediately preceding 2 years pursuant to 20 U.S.C. § 1092, including the executive summary and statistics regarding crimes on campus; and

(b) A statement of:

(1) The policy of each police department regarding the use of force and the equipment authorized for use by its officers in carrying out that policy;

(2) The activities performed by each police department during the reporting period to improve or maintain public relations between the campus and the community;

(3) The number of full-time and reserve officers in each police department;

(4) The programs held in each police department during the reporting period in which training was given to its officers and the rates of participation in those programs; and

(5) The number, itemized by each police department, of incidents during the reporting period in which an excessive use of force was alleged and the number of those allegations which were sustained.

**396.4355 Annual report concerning capital improvements; submission to Legislature.**

1. The Board of Regents shall, for each fiscal year, compile a report concerning the capital improvements owned, leased or operated by the System.

2. The report of the capital improvements required pursuant to subsection 1 must be prepared in such detail as is required by generally accepted accounting principles.

3. The Board of Regents shall, on or before February 1 of each year, submit, in any format, including an electronic format, a copy of the report compiled pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for distribution to each regular session of the Legislature.

**477.212 Submission of written report by State Fire Marshal.** On or before January 30 of each odd-numbered year, the State Fire Marshal shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning the effectiveness of the provisions of NRS 477.172 to 477.214, inclusive, and any recommendations for legislation to improve the effectiveness of NRS 477.172 to 477.214, inclusive.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 694 to Assembly Bill No. 464.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment deletes the first two sections of the bill in order to keep the single reporting requirement for the Committee on Domestic Violence.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 272.

The following Senate amendment was read:

Amendment No. 773.

AN ACT relating to elections; authorizing each county and city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person on the day of certain elections; requiring, under certain circumstances, county and city clerks to establish polling places within the boundaries of Indian reservations and colonies; ~~requiring the preparation and use of electronic rosters;~~ authorizing voting materials to be provided in certain languages; authorizing county and city clerks to extend the period for early voting; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires a county clerk to establish the boundaries of election precincts and authorizes election precincts to be combined into election districts. (NRS 293.205-293.209) Existing law prohibits a person from applying for or receiving a ballot at any election precinct or district other than the one at which the person is entitled to vote. (NRS 293.730) **Section 2** of this bill authorizes a county clerk to establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of a primary or general election. If any such polling place is established: (1) **section 3** of this bill requires, with limited exception, the county clerk to publicize the location of such polling places; and (2) **section 4** of this bill requires the county clerk to prepare a roster of eligible voters in the county for any such polling place. **Section 5** of this bill sets forth the procedure for a person to vote in person at any such polling place. **Sections 27-30** of this bill set forth corresponding provisions authorizing city clerks to establish polling places where any person who is

entitled to vote in the city by personal appearance may do so on the day of the primary city or general city election. **Sections 8, 10-15, 18, 22-25, 33-37 and 40-42** of this bill make conforming changes.

**Sections 6 and 31** of this bill require, under certain circumstances, county and city clerks, respectively, to establish at least one polling place for the day of a primary election, general election, primary city election or general city election, as applicable, within the boundaries of an Indian reservation or Indian colony at a location or locations approved by the Indian tribe.

Existing law generally requires a voter to sign his or her name in a roster when the voter applies to vote in person. (NRS 293.277, 293.285, 293C.270, 293C.275) ~~Existing law also provides that a roster may be in printed or electronic form. Section 7 of this bill requires a roster to be in electronic form. Sections 19 and 21 of this bill make conforming changes.~~ **Sections 5, 12, 12.5, 13, 17.5, 17.7, 30, 34, 34.5 and 35** of this bill allow a person to sign a signature card rather than the roster.

Existing law requires voting materials to be provided in English and any other languages necessary to be in compliance with federal law. (NRS 293.2699) **Section 9** of this bill authorizes a county or city clerk to provide voting materials in additional languages if the clerk determines that there is a significant and substantial need for such.

Existing law authorizes a county or city clerk to establish permanent polling places for early voting by personal appearance and provides that the period for early voting begins the third Saturday preceding an election and extends through the Friday before election day, Sundays and federal holidays excepted. (NRS 293.3564, 293.3568, 293C.3564, 293C.3568) **Sections 15 and 37** of this bill require a county or city clerk to establish at least one permanent polling place for early voting. **Sections 16 and 38** of this bill authorize a county or city clerk to extend the period for early voting through the Sunday before election day. **Sections 17 and 39** of this bill require, under certain circumstances, a county or city clerk to establish at least one temporary place for early voting within the boundaries of an Indian reservation or Indian colony.

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

**Section 1.** Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

**Sec. 2. 1.** *A county clerk may establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.*

**2.** *Any person entitled to vote in the county by personal appearance may do so at any polling place established pursuant to subsection 1.*

*Sec. 3. 1. Except as otherwise provided in subsection 2, if a county clerk establishes one or more polling places pursuant to section 2 of this act, the county clerk must:*

*(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.*

*(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of meetings of the board of county commissioners. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The county clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.*

*2. The provisions of subsection 1 do not apply if every polling place in the county is a polling place where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.*

*3. No additional polling place may be established pursuant to section 2 of this act after the publication pursuant to this section, except in the case of an emergency and if approved by the Secretary of State.*

*Sec. 4. 1. For each polling place established pursuant to section 2 of this act, if any, the county clerk shall prepare a roster that contains, for every registered voter in the county, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and the voter's signature.*

*2. The roster must be delivered or caused to be delivered by the county clerk to an election board officer of the proper polling place before the opening of the polls.*

*Sec. 5. 1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 2 of this act, the election board officer shall:*

*(a) Determine that the person is a registered voter in the county and has not already voted in that county in the election;*

*(b) Instruct the voter to sign the roster or a signature card; and*

*(c) Verify the signature of the voter in the manner set forth in NRS 293.277.*

*2. If the signature of the voter does not match, the voter must be identified by:*

*(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;*

*(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or*

*(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.*

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.

5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.

6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical voting device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

7. A voter applying to vote at a polling place established pursuant to section 2 of this act may be challenged pursuant to NRS 293.303.

Sec. 6. 1. If an Indian reservation or Indian colony is located in whole or in part within a county, the Indian tribe may submit a request to the county clerk for the establishment of a polling place within the boundaries of the Indian reservation or Indian colony ~~for~~ for the day of a primary election or general election.

2. A request for the establishment of a polling place within the boundaries of an Indian reservation or Indian colony ~~for~~ for the day of a primary election or general election:

(a) Must be submitted to the county clerk by the Indian tribe on or before:

(1) If the request is for a primary election, the first Friday in January of the year in which the primary election is to be held.

(2) If the request is for a general election, the first Friday in July of the year in which the general election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place. Any proposed location must satisfy the criteria the county clerk uses for the establishment of any other polling place.

3. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 2, the county clerk must establish at least one polling place within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe ~~for~~ for the day of a primary election or general election. The county clerk is not required to establish a polling place within the boundaries of an Indian reservation or Indian colony for the day of a primary election or general election if the

*county clerk established a temporary branch polling place for early voting pursuant to NRS 293.3572 within the boundaries of the Indian reservation or Indian colony for the same election.*

**Sec. 7.** ~~NRS 293.095 is hereby amended to read as follows:  
293.095 “Roster” means the record in [printed or] electronic form furnished to election board officers which contains a list of eligible voters and is to be used for obtaining the signature of each person applying for a ballot.]~~ **(Deleted by amendment.)**

**Sec. 8.** 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~~ **a** polling place **at which he or she is entitled** to vote before 7 p.m. and the voter has not already cast a vote in that election.
5. To return a spoiled ballot and is entitled to receive another ballot in its place.
6. To request assistance in voting, if necessary.
7. To a sample ballot which is accurate, informative and delivered in a timely manner.
8. To receive instruction in the use of the equipment for voting during early voting or on election day.
9. To have nondiscriminatory equal access to the elections system, including, without limitation, a voter who is elderly, disabled, a member of a minority group, employed by the military or a citizen who is overseas.
10. To have a uniform, statewide standard for counting and recounting all votes accurately.
11. To have complaints about elections and election contests resolved fairly, accurately and efficiently.

**Sec. 9.** NRS 293.2699 is hereby amended to read as follows:

293.2699 1. Each voting system used by a county or city shall provide voting materials in :

- (a) English ~~[and other languages]~~ ; and
- (b) **Every language in which voting materials are required to be prepared in [compliance with the provisions of 42 U.S.C. § 1973aa-1a.] the county or city pursuant to 52 U.S.C. § 10503.**

2. **In addition to the requirements set forth in subsection 1, if a county clerk or city clerk determines that there is a significant and substantial**

*need for voting materials of the county or city, as applicable, to be provided in the language or languages of a minority group, the county clerk or city clerk may prepare voting materials in such language or languages. For the purposes of this subsection, there is a significant and substantial need for voting materials to be provided in the language or languages of a minority group if, without limitation, the minority group has been subject to historical discrimination and unequal educational opportunities, and, as a result, members of the minority group are of limited-English proficiency.*

3. As used in this section ~~[the term “voting”]~~:

(a) *“Limited-English proficiency” means being unable to speak or understand English adequately to participate in the electoral process.*

(b) *“Minority group” includes, without limitation, United States citizens of Chinese heritage.*

(c) *“Voting materials”* has the meaning ascribed to it in ~~[42]~~ 52 U.S.C. § ~~[1973aa-1a]~~ 10503.

**Sec. 10.** NRS 293.273 is hereby amended to read as follows:

293.273 1. Except as otherwise provided in subsection 2 and NRS 293.305, at all elections held under the provisions of this title, the polls must open at 7 a.m. and close at 7 p.m.

2. ~~[Whenever]~~ *Except as otherwise provided in this subsection, whenever* at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed. *This subsection does not apply to a polling place established pursuant to section 2 of this act.*

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this title.

**Sec. 11.** NRS 293.275 is hereby amended to read as follows:

293.275 ~~[No]~~

1. *Except as otherwise provided in subsection 2, an* election board may *not* perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it the roster for the polling place.

2. *For a polling place established pursuant to section 2 or 27 of this act, an election board may perform its duty in serving registered voters at the polling place in an election if the election board has before it the roster for the county or city, as applicable.*

**Sec. 12.** NRS 293.277 is hereby amended to read as follows:

293.277 1. Except as otherwise provided in NRS 293.283 and 293.541, if a person's name appears in the roster or if the person provides an



affirmation pursuant to NRS 293.525, the person is entitled to vote and must sign his or her name in the roster *or on a signature card* when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:

- (a) The card issued to the voter at the time he or she registered to vote;
- (b) A driver's license;
- (c) An identification card issued by the Department of Motor Vehicles;
- (d) A military identification card; or
- (e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

**3. *The county clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted in that county in the election.***

**Sec. 12.5.** NRS 293.283 is hereby amended to read as follows:

293.283 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster *or on a signature card* as required by NRS 293.277, the voter must be identified by:

- (a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
- (b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or
- (c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.

**Sec. 13.** NRS 293.285 is hereby amended to read as follows:

293.285 1. Except as otherwise provided in NRS 293.283, a registered voter applying to vote shall state his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name, instruct the voter to sign the roster ~~and~~ *or signature card*, verify the signature of the voter in the manner set forth in NRS 293.277 ~~and verify that the registered voter has not already voted in that county in the current election.~~

2. If the signature does not match, the voter must be identified by:

- (a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
- (b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

**Sec. 14.** NRS 293.296 is hereby amended to read as follows:

293.296 1. Any registered voter who by reason of a physical disability or an inability to read or write English is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

- (a) The voter's employer or an agent of the voter's employer; or
- (b) An officer or agent of the voter's labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.

4. In addition to complying with the requirements of this section, the county clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at ~~this or her~~ a polling place ~~[-] at which he or she is entitled to vote.~~

**Sec. 15.** NRS 293.3564 is hereby amended to read as follows:

293.3564 1. ~~The~~ **Each** county clerk ~~may~~ **shall** establish **at least one** permanent polling ~~places~~ **place** for early voting by personal appearance in the county. ~~at the locations selected pursuant to NRS 293.3561.~~

~~2. Except as otherwise provided in subsection 3, any~~

2. **Any** person entitled to vote early by personal appearance may do so at any polling place for early voting.

~~3. If it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county, the county clerk may:~~

~~(a) Provide appropriate forms of ballots for all offices within a township, city, town or county commissioner election district, as determined by the county clerk; and~~

~~(b) Limit voting at that polling place to registered voters in that township, city, town or county commissioner election district.]~~

**Sec. 16.** NRS 293.3568 is hereby amended to read as follows:

293.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary or general election and , **except as otherwise provided in this subsection**, extends through the Friday before election day, Sundays and federal holidays excepted. **A county clerk may**

*extend the period for early voting by personal appearance through the Sunday before election day.*

2. The county clerk may:

(a) ~~Include~~ *Except as otherwise provided in subsection 3, include* any Sunday or federal holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the county clerk so requires.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.

(c) *If a county clerk extends the period for early voting by personal appearance through the Sunday before election day pursuant to subsection 1, on the Sunday before election day during such hours as the clerk may establish.*

(d) If the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as the county clerk may establish.

**Sec. 17.** NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, *except as otherwise provided in subsection 3*, the county clerk may establish temporary branch polling places for early voting which may include, without limitation, the clerk's office pursuant to NRS 293.3561.

2. *If an Indian reservation or Indian colony is located in whole or in part within a county, the Indian tribe may submit a request to the county clerk for the establishment of a temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony.*

3. *A request for the establishment of a temporary branch polling place for early voting within the boundaries of an Indian reservation or Indian colony:*

(a) *Must be submitted to the county clerk by the Indian tribe on or before:*

(1) *If the request is for a primary election, the first Friday in January of the year in which the primary election is to be held.*

(2) *If the request is for a general election, the first Friday in July of the year in which the general election is to be held.*

(b) *May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours of operation thereof. Any proposed location must satisfy the criteria established by the county clerk for the selection of temporary branch polling places pursuant to NRS 293.3561.*

4. *Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 3, the county clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The county clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the county clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian Reservation or colony.*

5. The provisions of subsection 3 of NRS 293.3568 do not apply to a temporary **branch** polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

~~{3-}~~ 6. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

~~{4-}~~ 7. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

**Sec. 17.5.** NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

- (a) Determine that the person is a registered voter in the county.
- (b) Instruct the voter to sign the roster for early voting ~~{-}~~ **or a signature card.**
- (c) Verify the signature of the voter in the manner set forth in NRS 293.277.
- (d) Verify that the voter has not already voted **in that county** in the current election pursuant to this section.

2. If the signature of the voter does not match, the voter must be identified by:

- (a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
- (b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or
- (c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted *in that county* in the current election pursuant to this section.

5. The roster for early voting *or signature card, as applicable*, must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

**Sec. 17.7.** NRS 293.3604 is hereby amended to read as follows:

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

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

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

(1) The title of the election;

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

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

(4) The number of signatures in the roster for early voting for that day ~~}; and~~

(5) *The number of signatures on signature cards for that day.*

(b) Secure:

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

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

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

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

(b) The voting rosters used for early voting;

(c) ***The signature cards used for early voting;***

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

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

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

(a) Indicate the number of ballots on an official statement of ballots; and

(b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the storage devices to the central counting place.

**Sec. 18.** NRS 293.4689 is hereby amended to read as follows:

293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place ***or places*** at which the registered voter is ~~[required]~~ ***entitled*** to cast a ballot; and

(b) The abstract of votes required pursuant to the provisions of NRS 293.388.

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

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

**Sec. 19.** ~~[NRS 293.511 is hereby amended to read as follows:~~

~~293.511 [If a] ***The*** registrar of voters' register or [roster is kept by computer, the register or] roster, as applicable, must include the name, address, precinct, political affiliation and signature or facsimile thereof of each voter and any additional information required by the county clerk.]~~  
**(Deleted by amendment.)**

**Sec. 20.** ~~[NRS 293.541 is hereby amended to read as follows:~~

~~293.541 1. The county clerk shall cancel the registration of a voter if:~~

~~— (a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the registration concerning the identity or residence of the voter is fraudulent;~~

~~— (b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and~~

~~— (c) The voter fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.~~

~~— 2. Except as otherwise provided in subsection 3, the county clerk shall notify the voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the voter's registration.~~

~~— 3. If insufficient time exists before a pending election to provide the notice required by subsection 2, the county clerk shall execute an affidavit of cancellation and file the affidavit of cancellation with the registrar of voters' register and [:~~

~~— (a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the roster.~~

~~— (b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and] add a copy of [it] *the affidavit* to the roster.~~

~~— 4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:~~

~~— (a) Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document; and~~

~~— (b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the roster.~~

~~— 5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and an absent ballot or a ballot voted by a voter who resides in a mailing precinct is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.~~

~~— 6. For the purposes of this section, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the:~~

~~— (a) Address at which a person actually resides; or~~

~~— (b) Residence or identity of a person.] (Deleted by amendment.)~~

~~Sec. 21. [NRS 293.547 is hereby amended to read as follows:~~

~~— 293.547 1. After the 30th day but not later than the 25th day before any election, a written challenge may be filed with the county clerk.~~

~~2. A registered voter may file a written challenge if:~~

~~(a) He or she is registered to vote in the same precinct as the person whose right to vote is challenged; and~~

~~(b) The challenge is based on the personal knowledge of the registered voter.~~

~~3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.~~

~~4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.~~

~~5. The county clerk shall:~~

~~(a) File the challenge in the registrar of voters' register and [:~~

~~(1) In counties where records of registration are not kept by computer, he or she shall attach a copy of the challenge to the challenged registration in the roster.~~

~~(2) In counties where records of registration are kept by computer, he or she shall have the challenge printed on the computer entry for the challenged registration and] add a copy of [it] **the challenge** to the roster.~~

~~(b) Within 5 days after a challenge is filed, mail a notice in the manner set forth in NRS 293.530 to the person whose right to vote has been challenged pursuant to this section informing the person of the challenge. If the person fails to respond or appear to vote within the required time, the county clerk shall cancel the person's registration. A copy of the challenge and information describing how to reregister properly must accompany the notice.~~

~~(c) Immediately notify the district attorney. A copy of the challenge must accompany the notice.~~

~~6. Upon receipt of a notice pursuant to this section, the district attorney shall investigate the challenge within 14 days and, if appropriate, cause proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. The court shall give such proceedings priority over other civil matters that are not expressly given priority by law. Upon court order, the county clerk shall cancel the registration of the person whose right to vote has been challenged pursuant to this section.] **(Deleted by amendment.)**~~

**Sec. 22.** NRS 293.563 is hereby amended to read as follows:

293.563 1. During the interval between the closing of registration and the election, the county clerk shall prepare for **[each]** :

(a) *Each* polling place a roster containing the registered voters eligible to vote at the polling place.

(b) *Each polling place established pursuant to section 2 or 27 of this act, if any, a roster containing the registered voters eligible to vote in the county or city, respectively.*



2. The ~~poster~~ **rosters** must be delivered or caused to be delivered by the county or city clerk to an election board officer of the proper polling place before the opening of the polls.

**Sec. 23.** NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word “Incumbent” must appear on the ballot next to the name of the candidate who is the incumbent, the word “Incumbent” must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place ~~H~~ **or places**. If the location of the polling place **or places** has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

**NOTICE: THE LOCATION OF YOUR POLLING PLACE *OR PLACES* HAS CHANGED SINCE THE LAST ELECTION**

7. Except as otherwise provided in subsection 8, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

**NOTICE: TO RECEIVE A SAMPLE BALLOT IN**

**LARGE TYPE, CALL (Insert appropriate telephone number)**

8. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

9. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

10. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

11. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place **or places** and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

- (a) The addresses of such centralized voting locations;
- (b) The types of specially equipped voting devices available at such centralized voting locations; and
- (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place ~~[-]~~ **or places.**

12. The cost of distributing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

**Sec. 24.** NRS 293.730 is hereby amended to read as follows:

293.730 1. A person shall not:

- (a) Remain in or outside of any polling place so as to interfere with the conduct of the election.
- (b) Except an election board officer, receive from any voter a ballot prepared by the voter.
- (c) Remove a ballot from any polling place before the closing of the polls.
- (d) Apply for or receive a ballot at any election precinct or district other than ~~the~~ one at which the person is entitled to vote.
- (e) Show his or her ballot to any person, after voting, so as to reveal any of the names voted for.
- (f) Inside a polling place, ask another person for whom he or she intends to vote.
- (g) Except an election board officer, deliver a ballot to a voter.
- (h) Except an election board officer in the course of the election board officer's official duties, inside a polling place, ask another person his or her name, address or political affiliation.

2. A voter shall not:

- (a) Receive a ballot from any person other than an election board officer.
- (b) Deliver to an election board or to any member thereof any ballot other than the one received.
- (c) Place any mark upon his or her ballot by which it may afterward be identified as the one voted by the person.

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

**Sec. 25.** NRS 293.790 is hereby amended to read as follows:

293.790 If any person whose vote has been rejected offers to vote at the same election, at any polling place other than ~~the~~ one in which the person is ~~registered~~ **entitled** to vote, such person is guilty of a gross misdemeanor.

**Sec. 26.** Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 27 to 31, inclusive, of this act.

**Sec. 27. 1.** *A city clerk may establish one or more polling places in the city where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.*

**2.** *Any person entitled to vote in the city by personal appearance may do so at any polling place established pursuant to subsection 1.*

*Sec. 28. 1. Except as otherwise provided in subsection 2, if a city clerk establishes one or more polling places pursuant to section 27 of this act, the city clerk must:*

*(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.*

*(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of meetings of the governing body of the city. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The city clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.*

*2. The provisions of subsection 1 do not apply if every polling place in the city is designated as a polling place where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.*

*3. No additional polling place may be established pursuant to section 27 of this act after the publication pursuant to this section, except in the case of an emergency and if approved by the Secretary of State.*

*Sec. 29. 1. For each polling place established pursuant to section 27 of this act, if any, the city clerk shall prepare a roster that contains, for every registered voter in the city, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and the voter's signature.*

*2. The roster must be delivered or caused to be delivered by the city clerk to an election board officer of the proper polling place before the opening of the polls.*

*Sec. 30. 1. Except as otherwise provided in NRS 293C.272, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 27 of this act, if any, the election board officer shall:*

*(a) Determine that the person is a registered voter in the city and has not already voted in that city in the election;*

*(b) Instruct the voter to sign the roster or a signature card; and*

*(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.*

*2. If the signature of the voter does not match, the voter must be identified by:*

*(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;*

*(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or*

*(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.*

3. *If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.*

4. *The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.*

5. *When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.*

6. *If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:*

*(a) Prepare the mechanical voting device for the voter;*

*(b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and*

*(c) Allow the voter to cast a vote.*

7. *A voter applying to vote at a polling place established pursuant to section 27 of this act, if any, may be challenged pursuant to NRS 293C.292.*

Sec. 31. 1. *If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may request to the city clerk for the establishment of a polling place within the boundaries of the Indian reservation or Indian colony ~~for~~ for the day of a primary city election or general city election.*

2. *A request for the establishment of a polling place within the boundaries of an Indian reservation or Indian colony ~~for~~ for the day of a primary city election or general city election:*

*(a) Must be submitted to the city clerk by the Indian tribe on or before:*

*(1) If the request is for a primary city election that is held:*

*(I) On the dates set forth for primary elections pursuant to the provisions of chapter 293 of NRS, the first Friday in January of the year in which the primary city election is to be held.*

*(II) On the dates set forth for primary city elections pursuant to the provisions of this chapter, the first Friday in December of the year immediately preceding the year in which the primary city election is to be held.*

*(2) If the request is for a general city election that is held:*

*(I) On the dates set forth for general elections pursuant to the provisions of chapter 293 of NRS, the first Friday in July of the year in which the general city election is to be held.*

*(II) On the dates set forth for general city elections pursuant to the provisions of this chapter, the first Friday in January of the year in which the general city election is to be held.*

*(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place. Any*

*proposed location for a polling place must satisfy the criteria the city clerk uses for the establishment of any other polling place.*

*3. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 2, the city clerk must establish at least one polling place within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe ~~for~~ for the day of a primary city election or general city election. The city clerk is not required to establish a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election if the city clerk established a temporary branch polling place for early voting pursuant to NRS 293C.3572 within the boundaries of the Indian reservation or Indian colony for the same election.*

**Sec. 32.** NRS 293C.112 is hereby amended to read as follows:

293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail if:

- (a) The election is a special election; or
- (b) The election is a primary city election or general city election in which the ballot includes only:

(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or

(2) One office or ballot question.

2. The provisions of NRS 293C.265 to 293C.302, inclusive, **and section 31 of this act**, 293C.305 to 293C.340, inclusive, and 293C.355 to 293C.361, inclusive, do not apply to an election conducted pursuant to this section.

3. For the purposes of an election conducted pursuant to this section, each precinct in the city shall be deemed to have been designated a mailing precinct pursuant to NRS 293C.342.

**Sec. 33.** NRS 293C.267 is hereby amended to read as follows:

293C.267 1. Except as otherwise provided in subsection 2 and NRS 293C.297, at all elections held pursuant to the provisions of this chapter, the polls must open at 7 a.m. and close at 7 p.m.

2. Whenever at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls and the counting of votes must begin and continue without unnecessary delay until the count is completed. ***The provisions of this subsection do not apply to any polling place established pursuant to section 27 of this act where any person entitled to vote in the city by personal appearance on the day of the election may do so.***

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made so that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during

the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this chapter.

**Sec. 34.** NRS 293C.270 is hereby amended to read as follows:

293C.270 1. Except as otherwise provided in NRS 293C.272, if a person's name appears in the roster or if the person provides an affirmation pursuant to NRS 293C.525, the person is entitled to vote and must sign his or her name in the roster ***or on a signature card*** when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. The forms of identification that may be used to identify a voter at the polling place are:

- (a) The card issued to the voter at the time he or she registered to vote;
- (b) A driver's license;
- (c) An identification card issued by the Department of Motor Vehicles;
- (d) A military identification card; or
- (e) Any other form of identification issued by a governmental agency that contains the voter's signature and physical description or picture.

**3. *The city clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted in that city in the current election.***

**Sec. 34.5.** NRS 293C.272 is hereby amended to read as follows:

293C.272 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster ***or on a signature card*** as required by NRS 293C.270, the voter must be identified by:

- (a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
- (b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or
- (c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.

**Sec. 35.** NRS 293C.275 is hereby amended to read as follows:

293C.275 1. Except as otherwise provided in NRS 293C.272, a registered voter who applies to vote must state his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name, instruct the voter to sign the roster ~~[and]~~ ***or signature card***, verify the signature of the voter in the manner set forth in NRS 293C.270 ~~[and]~~ ***and verify that the registered voter has not already voted in that city in the current election.***

2. If the signature does not match, the voter must be identified by:

- (a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

**Sec. 36.** NRS 293C.282 is hereby amended to read as follows:

293C.282 1. Any registered voter who, because of a physical disability or an inability to read or write English, is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

(a) The voter's employer or an agent of the voter's employer; or

(b) An officer or agent of the voter's labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.

4. In addition to complying with the requirements of this section, the city clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at ~~his or her~~ a polling place ~~[-] at which he or she is entitled to vote.~~

**Sec. 37.** NRS 293C.3564 is hereby amended to read as follows:

293C.3564 1. The city clerk ~~may~~ *in a city providing for early voting pursuant to subparagraph (1) of paragraph (b) of subsection 2 of NRS 293C.110 shall establish at least one* permanent polling ~~places~~ *place* for early voting by personal appearance in the city at the locations selected pursuant to NRS 293C.3561.

2. Any person entitled to vote early by personal appearance may do so at any polling place for early voting.

**Sec. 38.** NRS 293C.3568 is hereby amended to read as follows:

293C.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary city election or general city election, and , *except as otherwise provided in this subsection,* extends through the Friday before election day, ~~[Sundays and]~~ federal holidays excepted. *A city clerk may extend the period for early voting by personal appearance through the Sunday before election day.*

2. The city clerk may:



(a) ~~Include~~ ***Except as otherwise provided in subsection 3, include*** any Sunday or federal holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the city clerk so requires.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.

(c) ***If a city clerk extends the period for early voting by personal appearance through the Sunday before election day pursuant to subsection 1, on the Sunday before election day during such hours as the clerk may establish.***

(d) If the city clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as the city clerk may establish.

**Sec. 39.** NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, ***except as otherwise provided in subsection 3***, the city clerk may establish temporary branch polling places for early voting pursuant to NRS 293C.3561.

2. ***If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may submit a request to the city clerk for the establishment of a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.***

3. ***A request for the establishment of a temporary branch polling place within the boundaries of an Indian reservation or Indian colony:***

(a) ***Must be submitted to the city clerk by the Indian tribe on or before:***

(1) ***If the request is for a primary city election that is held:***

(I) ***On the dates set forth for primary elections pursuant to the provisions of chapter 293 of NRS, the first Friday in January of the year in which the primary city election is to be held.***

(II) ***On the dates set forth for primary city elections pursuant to the provisions of this chapter, the first Friday in December of the year immediately preceding the year in which the primary city election is to be held.***

(2) ***If the request is for a general city election that is held:***

(I) ***On the dates set forth for general elections pursuant to the provisions of chapter 293 of NRS, the first Friday in July of the year in which the general city election is to be held.***

*(II) On the dates set forth for general city elections pursuant to the provisions of this chapter, the first Friday in January of the year in which the general city election is to be held.*

*(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours thereof. Any proposed location must satisfy the criteria established by the city clerk pursuant to NRS 293C.3561.*

*4. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 3, the city clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The city clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the city clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.*

5. The provisions of subsection 3 of NRS 293C.3568 do not apply to a temporary **branch** polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk.

~~{3-}~~ 6. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

~~{4-}~~ 7. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

**Sec. 39.5.** NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Except as otherwise provided in NRS 293C.272, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

- (a) Determine that the person is a registered voter in the county.
- (b) Instruct the voter to sign the roster for early voting ~~{-}~~ **or a signature card.**
- (c) Verify the signature of the voter in the manner set forth in NRS 293C.270.
- (d) Verify that the voter has not already voted **in that city** in the current election pursuant to this section.

2. If the signature does not match, the voter must be identified by:

- (a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
- (b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted *in that city* in the current election pursuant to this section.

5. The roster for early voting *or signature card, as applicable*, must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

**Sec. 39.7.** NRS 293C.3604 is hereby amended to read as follows:

293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

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

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

(1) The title of the election;

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

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

(4) The number of signatures in the roster for early voting for that day ~~}; and~~

(5) *The number of signatures on signature cards for that day.*

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.

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

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

(b) The voting rosters used for early voting;

(c) ***The signature cards used for early voting;***

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

~~[(d)]~~ (e) Any other items as determined by the city clerk.

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

(a) Indicate the number of ballots on an official statement of ballots; and

(b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the storage devices to the central counting place.

**Sec. 40.** NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place ~~[-]~~ ***or places***. If the location of the polling place ***or places*** has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE ***OR PLACES*** HAS CHANGED SINCE THE LAST ELECTION

4. Except as otherwise provided in subsection 6, a sample ballot required to be distributed pursuant to this section must:

- (a) Be prepared in at least 12-point type;
- (b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and
- (c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN  
LARGE TYPE, CALL (Insert appropriate telephone number)

5. The word “Incumbent” must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

6. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

7. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

8. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

9. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place *or places* and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

- (a) The addresses of such centralized voting locations;
- (b) The types of specially equipped voting devices available at such centralized voting locations; and
- (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter’s regularly designated polling place ~~[-]~~ *or places*.

10. The cost of distributing sample ballots for a city election must be borne by the city holding the election.

**Sec. 41.** NRS 293C.535 is hereby amended to read as follows:

293C.535 1. Except as otherwise provided by special charter, registration of electors in incorporated cities must be accomplished in the manner provided in this chapter.

2. The county clerk shall use the statewide voter registration list to prepare for the city clerk of each incorporated city within the county the roster of all electors eligible to vote at a regular or special city election.

3. ~~[The]~~ ***Except as otherwise provided in section 27 of this act, the*** rosters must be prepared, one for each ward or other voting district within each incorporated city. The entries in the roster must be arranged alphabetically with the surnames first.

4. The county clerk shall keep duplicate originals or copies of the applications to register to vote in the county clerk's office.

**Sec. 42.** NRS 293C.715 is hereby amended to read as follows:

293C.715 1. If a city clerk maintains a website on the Internet for information relating to elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place ***or places*** at which the registered voter is ~~[required]~~ ***entitled*** to cast a ballot; and

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387.

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

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

**Sec. 43.** 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. 44.** This act becomes effective:

1. On July 1, 2017, 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, 2018, for all other purposes.

Assemblywoman Diaz moved that the Assembly concur in the Senate Amendment No. 773 to Assembly Bill No. 272.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

This amendment adopts technical revisions and amendments adjusted by the Secretary of State.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Jesus Marquez.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Michaelene Bilbray.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Catherine Polyak.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Purdy and Frank Holland.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Hilda R. Espadas.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Jorge Eduardo Sanchez.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Joel Menchaca, Kelly Marchello, Marina Acosta-Fowlkes, and Jeffrey Neal Berkey Jr.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Juan Miguel Sclafani.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Roy Gomm Elementary School: Luke Allison, Ascher Averett, Josh Boyden, Emma Brown, Noah Buchell Patchin, Ashleigh Burke, Travis Erd, Christian Follett, Thomas Grant, Noah Hackbusch, Ryan Hayes, Jackson Hazlett-Stevens, Ava Holliday, Burton Iles, James Kirkpatrick, Layla Kohler, Evan Lamerdin, Jaydon Loose, Ella Michitsch, Kaylyn Mitchell, Eric Ortega Gammill, Kate Pagni, Brock Prokop, Adeline Ragar, Sasha Raydon, Nisa Rodriguez, Cormac Spiaries, Jillian Terlemezian, Kay Allfree, Taylor Anderson, Kai Angermann, Jace Brayman, Benjamin Cisneros, Cole Cochran, Elise Evans, Emmie Fishell, Cooper Friedrichsen, Kayley Gallagher, Alexander Gals, Carmella Green, Matthew Guevin, Ava Gularte, Brianna Hammett, Gavin Hemenway, Luke Keenan, Braden Kerr, Jaden Laramie, Regina Martinez, Kyle Mead, Shane Ohalloran, Caleb Oster, Lucy Platz, Cameon Ravera Nairn, Gianna Rosaia, Jackson Shorts, Blake Wallace, and Aidan Wallmann.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, May 23, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:51 p.m.

Approved:

JASON FRIERSON  
*Speaker of the Assembly*

Attest: SUSAN FURLONG  
*Chief Clerk of the Assembly*