

**THE ONE HUNDRED AND THIRTEENTH DAY**

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CARSON CITY (Monday), May 29, 2017

Assembly called to order at 2:19 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Elliot Anderson and Brooks, who were excused.

Prayer by Assemblyman Tyrone Thompson.

On this Memorial Day, we reflect on the service men and women who paid the ultimate sacrifice for our freedom. May they always have a special place in our hearts.

Please grant us wisdom, endurance, discernment, and critical thinking during this last week of the 79th Legislative Session. Continue to watch over us as we make key decisions for the betterment of our great state of Nevada.

In Your Name we pray.

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 Government Affairs, to which was referred Senate Bill No. 137, 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 Ways and Means, to which were rereferred Assembly Bills Nos. 127, 291, 326, 328, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 468, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 496, 518, 524, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

## MOTIONS, RESOLUTIONS AND NOTICES

## NOTICE OF EXEMPTION

May 26, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 226.

CINDY JONES  
*Fiscal Analysis Division*

## WAIVER OF JOINT STANDING RULES

A Waiver requested by Speaker Frierson.

For: Senate Bill No. 268, 270, 324, 369, 400, and 448.

To Waive:

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

Has been granted effective: May 29, 2017.

SENATOR AARON D. FORD  
*Senate Majority Leader*

ASSEMBLYMAN JASON FRIERSON  
*Speaker of the Assembly*

A Waiver requested by Speaker Frierson.

For: Senate Bill No. 492.

To Waive:

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

Has been granted effective: Monday, May 29, 2017.

SENATOR AARON D. FORD  
*Senate Majority Leader*

ASSEMBLYMAN JASON FRIERSON  
*Speaker of the Assembly*

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 414 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that the Assembly rescind the action whereby Senate Bill No. 448 was passed.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 448 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Frierson and Senator Ford:

Assembly Bill No. 516—AN ACT relating to education; revising provisions governing the reorganization of large school districts; revising provisions governing the transfer of responsibilities to local school precincts; revising the amount of money that must be allocated to local school precincts; revising the requirement to apply a weighted funding formula when allocating money to local school precincts; removing local governments from participating in the interview of school associate superintendents; reducing the number of in-person reports that the school associate superintendents must provide to certain local governmental entities; making various changes concerning organizational teams; limiting the pupils to whom a survey about the local school precincts is administered; repealing provision governing the application of local government purchasing laws to

local school precincts; delaying the date by which a large school district must comply with the provisions requiring reorganization of the large school district; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 136 of the 79th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

May 26, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA STATE ASSEMBLY, The Nevada Legislature, 401 South Carson Street, Carson City, NV 89701

RE: Assembly Bill 136 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 136 ("AB 136"), which is entitled:

AN ACT relating to criminal procedure; revising provisions governing factors to be considered by the court in deciding whether to release a person without bail; prohibiting a court from relying on a bail schedule in setting the amount of bail after a personal appearance by a defendant; and providing other matters properly related thereto.

AB 136, while commendable in some respects, would incorporate a new and unproven method for determining whether a criminal defendant should be released from custody without posting bail. No conclusive evidence has been presented showing that the risk assessment methods proposed by AB136 are effective in determining when it may or may not be appropriate to release a criminal defendant without requiring bail. Decisions made by judges during the bail phase of a criminal prosecution are of the utmost importance. It is not clear that the provisions of AB136 will enhance the ability of Nevada's judges to make these determinations in a manner that balances the interests of justice and public safety.

For these reasons I veto AB136 and return it without my signature or approval.

Sincere regards,  
BRIAN SANDOVAL  
*Governor*

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 136 of the 79th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 272 of the 79th Session.

Governor's message stating his objections read.

Bill read.

## OFFICE OF THE GOVERNOR

May 28, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA STATE ASSEMBLY, The Nevada Legislature, 401 South Carson Street, Carson City, NV 89701

RE: Assembly Bill 272 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 272 (“AB 272”), which is entitled:

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; 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.

Among other things, AB 272 authorizes county, and when applicable, city clerks 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. In other words, AB 272 authorizes the creation of election-day “voting centers” in which any eligible voter may cast a ballot, regardless of where in the respective county they reside.

In 2013, I vetoed Assembly Bill 441, which also created “voting centers.” I incorporate by reference the concerns expressed in that veto message, and note that there is no evidence that those concerns have been mitigated or addressed.

Nevada has “no-excuse” absentee voting, which allows any registered voter to request an absentee ballot without stating a reason for his or her desire to vote absentee. Nevada also has two weeks of early voting. Altogether, we have one of the most open and accessible election systems in the country. Moreover, given Nevada’s high rate of eligible-voter participation, there is no reason to believe that voters who want to vote do not have the opportunity to do so. Simply put, the current system works well, and there is no compelling need to change it.

For these reasons, I veto Assembly Bill 272.

Sincere regards,  
BRIAN SANDOVAL  
*Governor*

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 272 of the 79th Session be placed on the Chief Clerk’s desk.

Motion carried.

Vetoed Assembly Bill No. 441 of the 79th Session.

Governor’s message stating his objections read.

Bill read.

## OFFICE OF THE GOVERNOR

June 3, 2013

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, Capitol Building, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill 441 of the 77th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 441, which is entitled:

AN ACT relating to voting; authorizing a county or city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person; and providing other matters properly relating thereto.

Assembly Bill 441 authorizes county and, when applicable, city clerks 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. The bill sets forth the procedure for county and city clerks to establish those polling places.

Under existing law, precinct-based polling sites are established based on the boundaries of election precincts or districts in which voters reside. Supporters of Assembly Bill 441 argue that voter participation will increase because polling sites that are not precinct-based are more convenient and provide voters with more flexibility because they would no longer be required to vote in their precinct on Election Day.

However, Nevada voters are afforded a great deal of flexibility and opportunity to exercise their constitutional right to vote through options such as early voting, absentee voting by mail and Election Day voting. Early voting is available to every voter, and Nevada is amongst the minority of early voting states that require permanent polling places identified for early voting to be open on at least one Saturday during the early voting period. Additionally, Nevada's procedures for absentee voting are more liberal than many states that offer absentee voting. Specifically, Nevada offers "no-excuse" absentee voting, allowing any registered voter to request an absentee ballot without stating a reason for his or her desire to vote absentee. Other states permit voters to vote absentee only under a limited set of circumstances. In addition, Nevada allows any registered voter who is unable to go to the polls because of an illness, disability or sudden hospitalization or absence after the time has elapsed for requesting an absentee ballot to submit a request for an absentee ballot at any time before 5 p.m. on the day of an election.

Finally, Assembly Bill 441 does not contain sufficient parameters to establish the location of new polling places that would ensure the integrity and non-partisan nature of the voting process. Because of these concerns, I veto this bill and return it to you without my signature and without my approval.

Sincere regards,  
BRIAN SANDOVAL  
*Governor*

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 441 of the 79th Session be placed on the Chief Clerk's desk.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 127.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 127, as amended, revises various provisions related to emergencies in schools. It requires each school district in a county whose population is 100,000 or more to designate an employee to serve as an emergency manager. It requires the school district and charter schools to consult with certain persons or entities before designing, constructing, or purchasing new school buildings or related facilities; enlarging, remodeling, or renovating existing school buildings or related facilities; or acquiring sites for building schools or related facilities. It requires the Department of Education to coordinate with certain persons or entities to conduct an annual conference regarding safety in public schools. It revises procedures and requirements related to the emergency drills conducted by each school.

Roll call on Assembly Bill No. 127:

YEAS—40.

NAYS—None.

EXCUSED—Elliot Anderson, Brooks—2.

Assembly Bill No. 127 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 291.

Bill read third time.

Remarks by Assemblyman Hambrick.

ASSEMBLYMAN HAMBRICK:

Assembly Bill 291, as amended, requires the Division of Parole and Probation of the Department of Public Safety to include in any presentence investigation report, in addition to other information, certain information concerning the criminal history of the defendant and whether the information pertaining to the defendant's financial condition has been verified. It must also include the source of any information included in the report that is related to the defendant's offense, including information from a police report, an investigative report filed with law enforcement, or any other source available to the Division. Additionally, the bill requires the Division to include any scoresheets or scales used to determine a recommendation of certain penalties for the defendant, and if appropriate, that the defendant undergo a program of regimental discipline.

The bill also changes the term "criminal record" to "criminal convictions." Finally, A.B. 291 authorizes the court to order the Division to correct the contents of any such report following sentencing of the defendant if the prosecuting attorney and the defendant stipulate to correcting the contents of any such report within 180 days after the date on which the judgment of conviction was entered.

The bill becomes effective October 1, 2017.

Roll call on Assembly Bill No. 291:

YEAS—40.

NAYS—None.

EXCUSED—Elliot Anderson, Brooks—2.

Assembly Bill No. 291 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 326.

Bill read third time.

Remarks by Assemblyman Hambrick.

ASSEMBLYMAN HAMBRICK:

Assembly Bill 326, as amended, provides a process for the disclosure of documentation supporting information in a presentence report on a defendant's gang affiliation or membership. If the defendant disputes the documentation, the Division of Parole and Probation or the prosecuting attorney must show by clear and convincing evidence that the information is accurate. Assembly Bill 326 also authorizes a court to order the Division to correct the contents of a presentence or general investigation report if the defendant and prosecuting attorney stipulate to the correction within 180 days of the date of conviction. Finally, the bill clarifies that these provisions apply to reports made on or after October 1, 2017.

This act becomes effective October 1, 2017.

Roll call on Assembly Bill No. 326:

YEAS—30.

NAYS—Paul Anderson, Ellison, Hansen, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler, Woodbury—10.

EXCUSED—Elliot Anderson, Brooks—2.

Assembly Bill No. 326 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 328.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 328, as amended, prohibits an attorney from being employed as legal counsel by more than one board and prohibits a person from being employed as an executive director or executive secretary by more than one board. The bill also requires an attorney who contracts with a board to carry a policy of professional liability insurance that names the state as an additional insured. The bill further prohibits an attorney who is employed as legal counsel to a board from prosecuting a contested case at any time while employed or retained by the board.

Assembly Bill 328, as amended, requires the Department of Administration to adopt regulations to establish standards for the financial operation and administration of regulatory boards and raises from \$75,000 to \$200,000 the threshold amount of revenue a board obtains annually before it must obtain an audit under certain circumstances.

Finally, the bill removes an exemption for certain boards from having to comply with a uniform disciplinary process for licensees.

Roll call on Assembly Bill No. 328:

YEAS—40.

NAYS—None.

EXCUSED—Elliot Anderson, Brooks—2.

Assembly Bill No. 328 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 468.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 468, as amended, modifies the definition of “mortgage company” to include all persons that were previously mortgage brokers and mortgage bankers, repeals provisions of law that currently regulate mortgage bankers and mortgage brokers, and revises those provisions to apply to a mortgage company. The bill, as amended, also revises provisions governing bonds and certain exemptions from licensing requirements for mortgage brokers and mortgage bankers. Lastly, the bill, as amended, changes the term for mortgage agent to mortgage loan originator.

Roll call on Assembly Bill No. 468:

YEAS—40.

NAYS—None.

EXCUSED—Elliot Anderson, Brooks—2.

Assembly Bill No. 468 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 137.

Bill read third time.

Remarks by Assemblyman Kramer.

ASSEMBLYMAN KRAMER:

Senate Bill 137 requires certain state agencies and regulatory bodies to include certain questions on the forms used to collect data from a veteran that is submitted to the Interagency Council on Veterans Affairs. The agencies and regulatory bodies required to collect this information have some flexibility in implementation by allowing until the earlier of two years after the effective date of this bill or the date on which the inventory of paper forms in stock or ordered before the effective date is used or the revised electronic form or required changes to the computer system are completed.

The bill removes the sunset date of June 30, 2017, to continue the requirement to develop plans and programs to assist veterans who have suffered military sexual trauma, maintains the Account to Assist Veterans Who Have Suffered Sexual Trauma, and eliminates the requirement to transfer any remaining balance in the Account on June 30, 2017.

This bill is effective upon passage and approval.

Roll call on Senate Bill No. 137:

YEAS—40.

NAYS—None.

EXCUSED—Elliot Anderson, Brooks—2.

Senate Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 496.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Senate Bill 496 authorizes the Board of Regents to issue revenue bonds and other securities in a total principal amount not to exceed \$58,710,000 to finance the construction of an engineering building and resident hall at the University of Nevada, Reno, and in a total principal amount not to exceed \$22,000,000, to finance the construction of a fitness complex at Truckee Meadows Community College. The bill also increases, from \$45,000,000 to \$81,000,000, the bonding authority to finance the construction of student union buildings at the Charleston, Henderson, and North Las Vegas campuses of the College of Southern Nevada.

This act becomes effective upon passage and approval.

Roll call on Senate Bill No. 496:

YEAS—34.

NAYS—Ellison, Krasner, Marchant, McArthur, Titus, Wheeler—6.

EXCUSED—Elliot Anderson, Brooks—2.

Senate Bill No. 496 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 518.

Bill read third time.



Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 518 removes the provision authorizing interest and income on money earned in the Contingency Account for Special Education Services to be credited to the Account.

Roll call on Senate Bill No. 518:

YEAS—40.

NAYS—None.

EXCUSED—Elliot Anderson, Brooks—2.

Senate Bill No. 518 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 524.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 524, as amended, appropriates from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources the revised sum of \$6,063,934 for a projected shortfall related to higher than anticipated costs for fire suppression and emergency response.

In addition, section 2 of Senate Bill 524, as amended, adds an appropriation from the State General Fund to the Forestry Conservation Camp budget of \$182,032 for a projected shortfall in project revenues, as a result of inmate crews working on flood-related projects that are nonreimbursable.

Roll call on Senate Bill No. 524:

YEAS—40.

NAYS—None.

EXCUSED—Elliot Anderson, Brooks—2.

Senate Bill No. 524 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 414.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 414 requires that a law enforcement agency make an electronic recording of a custodial interrogation of a person who is suspected of committing homicide or sexual assault. An electronic recording is not required to be made under certain circumstances. The bill also provides that evidence from an interrogation may be admitted by a court even in the absence of an electronic recording of the interrogation and sets forth the conditions under which a jury must be provided with a cautionary instruction. Finally, the measure requires each law enforcement agency to adopt policies and procedures governing the electronic recording of custodial interrogations.

Roll call on Assembly Bill No. 414:

YEAS—25.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

EXCUSED—Elliot Anderson, Brooks—2.

Assembly Bill No. 414 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 45.

The following Senate amendment was read:

Amendment No. 953.

AN ACT relating to public office; requiring a nongovernmental entity that sends a notice relating to voter registration to include certain information in the notice; updating citations in Nevada Revised Statutes to certain provisions of federal law; revising the deadlines for registering to vote by mail or computer for a primary, primary city, general city or general election; providing that the county and city clerks are not required to distribute sample ballots for an election to certain persons; revising the deadlines for submitting reports of campaign contributions, expenses and expenditures; requiring a candidate to include the ending balance in his or her campaign account on reports of campaign contributions; revising the campaign finance reporting requirements for certain candidates, persons, committees and parties relating to a special election to recall a public officer; revising the categories of campaign expenses and expenditures on campaign finance reports; setting forth the requirements to withdraw a petition for initiative or referendum; extending, under certain circumstances, the deadline for submitting for verification certain petitions for initiative; clarifying that a copy of a petition of candidacy of an independent candidate for the office of President of the United States must be filed with the Secretary of State before the petition is circulated for signatures; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 1** of this bill requires a nongovernmental entity that sends a notice to a person indicating the person is not or may not be registered to vote or requesting the person to register to vote to indicate on the notice that it is not official elections mail from the Secretary of State or a county or city clerk.

Existing law relating to elections cites to various provisions of federal law, including the Voting Rights Act of 1965 (52 U.S.C. §§ 10101 to 10301 et seq.), the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. §§ 20301 et seq.), the Military and Overseas Voter Empowerment Act (52 U.S.C. §§ 20302 et seq.) and the Help America Vote Act (52 U.S.C. §§ 15482 et seq.). (NRS 293.208, 293.2699, 293.309, 293.4685, 293.502, 293.504, 293.505, 293C.305, 293D.050, 293D.110, 293D.200, 293D.230, 293D.300, 293D.320, 293D.410, 293D.530) **Sections 8-13, 15 and 16-23** of this bill update the citations to these federal laws.

Existing federal law requires that each state ensure that an eligible voter who submits an application to register to vote by mail be registered to vote in an election for federal office if the voter registration form is postmarked not later than 30 days before the date of the election. (52 U.S.C. § 20507) Under existing Nevada law, an application to register to vote by mail must be postmarked or received by the county clerk not later than the fifth Saturday preceding a primary election, primary city election, general election or general city election. (NRS 293.5235, 293.560, 293C.527) **Sections 14.6 and 15.5** of this bill provide that the last day to register to vote by mail is the fourth Tuesday preceding the primary election, primary city election, general election or general city election.

Existing law provides that the last day to register to vote by computer is the third Tuesday preceding any primary or general election. (NRS 293.560, 293C.527) **Sections 14.6 and 15.5** provide, with limited exception, that the last day to register to vote by computer is the Thursday before the period for early voting begins.

Existing law requires county and city clerks to distribute sample ballots before the period for early voting begins. (NRS 293.565, 293C.530) **Sections 14.8 and 15.7** of this bill provide a limited exception to this requirement so that the clerks are not required to distribute sample ballots for an election to persons who register to vote less than 20 days before the election. **Section 8.5** of this bill makes a conforming change.

Existing law sets forth campaign finance reporting requirements for candidates and certain persons and committees that accept contributions and make expenditures related to a special election to recall a public officer. (NRS 294A.120, 294A.140, 294A.200, 294A.210) **Sections 24 ~~and 25-27~~, 25, 26 and 27** of this bill set forth the reporting requirements that apply where no such special election is held because the petition for recall is not submitted for verification or is submitted for verification but is legally insufficient.

**Existing law requires candidates and certain other persons, committees and political organizations to file with the Secretary of State reports disclosing certain contributions, campaign expenses and expenditures by statutorily scheduled dates during an election year and annually in nonelection years. (NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210 and 294A.220) Effective January 1, 2019, sections 24.2, 25.2, 25.4, 26.5, 27.1 and 27.11 of this bill amend the deadlines for filing campaign finance reports so that during: (1) an election year, reports will be filed on a quarterly basis; and (2) nonelection years, annual reports will be filed not later than January 15th.**

Existing law sets forth campaign finance reporting requirements for candidates to report campaign contributions. (NRS 294A.120, 294A.125) **Sections ~~24~~ 24.2 and 24.5** of this bill require **, effective January 1, 2019, a**

candidate to include in his or her campaign finance reports the balance in the candidate's campaign account at the end of the reporting period.

Existing law sets forth the categories of campaign expenses and expenditures for use in reports of campaign expenses or expenditures. (NRS 294A.365) **Section 27.2** of this bill ~~adds a category for interest, credit card fees, debit card fees or penalty fees incurred in relation to campaign expenses or expenditures paid for by a credit card or debit card. Section 27.2 also~~ requires **, effective January 1, 2019,** that each report of campaign expenses or expenditures must itemize each transaction and identify the business or other entity from whom the purchase was made if the purchase was paid for with a credit card or debit card.

Existing law requires a copy of a petition for initiative or referendum to be placed on file with the Secretary of State before it may be circulated for signatures. (NRS 295.015) **Section 31** of this bill requires that the person who intends to circulate the petition must also submit to the Secretary of State a form that includes: (1) the person's name and signature; (2) the name of any committee for political action formed by the person to advocate the passage of the initiative or referendum; and (3) the names of persons who are authorized to withdraw the petition or submit a revised petition. **Section 30** of this bill provides that a petition may be withdrawn if one of those authorized persons submits a notice of withdrawal to the Secretary of State.

Existing law provides that if a petition for initiative proposes a statute or an amendment to a statute, the petition must be submitted for verification not later than the second Tuesday in November of an even-numbered year. (NRS 295.056) **Section 32** of this bill provides that if the second Tuesday in November of an even-numbered year is the day of the general election, that deadline is instead the next working day after the election.

Existing law requires that if a person desires to be an independent candidate for President of the United States, the person must circulate a nominating petition and obtain a certain number of signatures. Existing law also requires that a copy of that petition be filed with the Secretary of State. (NRS 298.109) **Section 34** of this bill clarifies that the copy must be filed with the Secretary of State before the petition is circulated for signatures.

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

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

*Any nongovernmental entity that sends a notice to a person:*

*1. Indicating that the person is not or may not be registered to vote in this State; or*

*2. Requesting that the person register to vote in this State,  
➡ must indicate clearly on the notice that it is not official elections mail from the Secretary of State or a county or city clerk.*

**Sec. 2.** (Deleted by amendment.)

**Sec. 3.** (Deleted by amendment.)

**Sec. 4.** (Deleted by amendment.)

**Sec. 5.** (Deleted by amendment.)

**Sec. 6.** (Deleted by amendment.)

**Sec. 7.** (Deleted by amendment.)

**Sec. 8.** NRS 293.208 is hereby amended to read as follows:

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

(a) Ordered by a court of competent jurisdiction;

(b) Required to meet objections to a precinct by the Attorney General of the United States pursuant to the Voting Rights Act of 1965, ~~[42 U.S.C. §§ 1971 and 1973]~~ **52 U.S.C. §§ 10101 and 10301** et seq., and any amendments thereto;

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

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

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

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

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

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

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

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

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

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

6. As used in this section, “electronic file” includes, without limitation, an electronic data file of a geographic information system.

**Sec. 8.5.** NRS 293.2546 is hereby amended to read as follows:

293.2546 The Legislature hereby declares that each voter has the right:

1. To receive and cast a ballot that:

(a) Is written in a format that allows the clear identification of candidates; and

(b) Accurately records the voter’s preference in the selection of candidates.

2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.

3. To vote without being intimidated, threatened or coerced.

4. To vote on election day if the voter is waiting in line at his or her polling place to vote before 7 p.m. and the voter has not already cast a vote in that election.

5. To return a spoiled ballot and is entitled to receive another ballot in its place.

6. To request assistance in voting, if necessary.

7. To a sample ballot which is accurate, informative and delivered in a timely manner ~~{ }~~ **as provided by law.**

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 English and other languages in compliance with the provisions of ~~[42 U.S.C. § 1973aa-1a.]~~ **52 U.S.C. § 10503.**

2. As used in this section, the term “voting materials” has the meaning ascribed to it in ~~[42 U.S.C. § 1973aa-1a.]~~ **52 U.S.C. § 10503.**

**Sec. 10.** NRS 293.309 is hereby amended to read as follows:

293.309 1. The county clerk of each county shall prepare an absent ballot for the use of registered voters who have requested absent ballots. The county clerk shall make reasonable accommodations for the use of the absent ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the absent ballot in 12-point type to a person who is elderly or disabled.

2. The ballot must be prepared and ready for distribution to a registered voter who:

(a) Resides within the State, not later than 20 days before the election in which it is to be used;

(b) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before a primary or general election, if possible; or

(c) Requested an absent ballot pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. §§ 1973ff]~~ **52 U.S.C. §§ 20301** et seq., not later than 45 days before the election.

3. Any legal action which would prevent the ballot from being issued pursuant to subsection 2 is moot and of no effect.

**Sec. 11.** NRS 293.4685 is hereby amended to read as follows:

293.4685 1. The Secretary of State shall:

(a) Provide information regarding voter registration and absentee voting by Armed Forces personnel and overseas voters;

(b) Within 90 days after the date of each general election and general city election in which electors voted for federal offices, submit to the Election Assistance Commission established pursuant to ~~[42 U.S.C. § 15321]~~ **52 U.S.C. § 20921** a report of the combined number of absentee ballots transmitted to absent Armed Forces personnel and overseas voters for the election and the combined number of such ballots that were returned by such voters and cast in the election;

(c) Make each report submitted pursuant to paragraph (b) available to the public; and

(d) Adopt any regulations which are necessary to comply with the provisions of the Help America Vote Act of 2002, Public Law 107-252, and which are not inconsistent with the provisions of this chapter to the extent the provisions of this chapter are consistent with the Help America Vote Act of 2002, Public Law 107-252.

2. Each county and city clerk shall provide such information as is requested by the Secretary of State to comply with the provisions of this section.

**Sec. 12.** NRS 293.502 is hereby amended to read as follows:

293.502 1. An elector:

(a) Who complies with the requirements for registration set forth in the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. §§ 1973ff]~~ **52 U.S.C. §§ 20301** et seq.;

(b) Who, not more than 60 days before an election:

(1) Is discharged from the Armed Forces of the United States or is the spouse or dependent of an elector who is discharged from the Armed Forces; or

(2) Is separated from employment outside the territorial limits of the United States or is the spouse or dependent of an elector who is separated from employment outside the territorial limits of the United States;

(c) Who presents evidence of the discharge from the Armed Forces or separation from employment described in paragraph (b) to the county clerk; and

(d) Is not registered to vote at the close of registration for that election, ➡ must be allowed to register to vote in the election.

2. Such an elector must:

(a) Register in person; and

(b) Vote in the office of the county clerk unless the elector is otherwise entitled to vote an absent ballot pursuant to federal law.

3. The Secretary of State shall adopt regulations to carry out a program of registration for such electors.

**Sec. 13.** NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

(a) Such offices that provide public assistance as are designated by the Secretary of State;

(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks;

(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable;

(f) Recruitment offices of the United States Armed Forces; and

(g) Such other offices as the Secretary of State deems appropriate.

2. Each voter registration agency shall:

(a) Post in a conspicuous place, in at least 12-point type, instructions for registering to vote;

(b) Except as otherwise provided in subsection 3, distribute applications to register to vote which may be returned by mail with any application for services or assistance from the agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;

(c) Provide the same amount of assistance to an applicant in completing an application to register to vote as the agency provides to a person completing any other forms for the agency; and

(d) Accept completed applications to register to vote.

3. A voter registration agency is not required to provide an application to register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person declines to register to vote and submits to the agency a written form that meets the requirements of ~~42 U.S.C. § 1973gg-5(a)(6).~~ **52 U.S.C. § 20506(a)(6)**. No information related to the declination to register to vote may be used for any purpose other than voter registration.



4. Except as otherwise provided in this subsection and NRS 293.524, any application to register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the ~~[fifth Sunday preceding an election.]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable.*** The county clerk shall accept any application to register to vote which is obtained from a voter registration agency pursuant to this section and completed by the ~~[fifth Sunday preceding an election.]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable,*** if the county clerk receives the application not later than 5 days after that date.

5. The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to register to vote at recruitment offices of the United States Armed Forces.

**Sec. 14.** NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.

2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall register voters within the county for which the field registrar is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a field registrar. A field registrar serves at the pleasure of the county clerk and shall perform such duties as the county clerk may direct. The county clerk shall not knowingly appoint any person as a field registrar who has been convicted of a felony involving theft or fraud. The Secretary of State may bring an action against a county clerk to collect a civil penalty of not more than \$5,000 for each person who is appointed as a field registrar in violation of this subsection. Any civil penalty collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.

3. A field registrar shall demand of any person who applies for registration all information required by the application to register to vote and shall administer all oaths required by this chapter.

4. When a field registrar has in his or her possession five or more completed applications to register to vote, the field registrar shall forward them to the county clerk, but in no case may the field registrar hold any number of them for more than 10 days.

5. Each field registrar shall forward to the county clerk all completed applications in his or her possession immediately after the ~~[fifth Sunday preceding an election.]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable.*** Within 5 days after the ~~[fifth Sunday preceding any general election or general city election.]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable,*** a field registrar shall return all unused applications in his or her possession to the

county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.

6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to register to vote and the names of the electors on those applications. The serial numbers must be listed in numerical order.

7. Each field registrar shall post notices sent to him or her by the county clerk for posting in accordance with the election laws of this State.

8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

- (a) Delegate any of his or her duties to another person; or
- (b) Refuse to register a person on account of that person's political party affiliation.

9. A person shall not hold himself or herself out to be or attempt to exercise the duties of a field registrar unless the person has been so appointed.

10. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

- (a) Solicit a vote for or against a particular question or candidate;
- (b) Speak to a voter on the subject of marking his or her ballot for or against a particular question or candidate; or
- (c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,  
↪ while registering an elector.

11. When the county clerk receives applications to register to vote from a field registrar, the county clerk shall issue a receipt to the field registrar. The receipt must include:

- (a) The number of persons registered; and
- (b) The political party of the persons registered.

12. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

- (a) Knowingly register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote; or
- (b) Register a person who fails to provide satisfactory proof of identification and the address at which the person actually resides.

13. A county clerk, field registrar, employee of a voter registration agency, person assisting a voter pursuant to subsection 13 of NRS 293.5235 or any other person providing a form for the application to register to vote to an elector for the purpose of registering to vote:

- (a) If the person who assists an elector with completing the form for the application to register to vote retains the form, shall enter his or her name on the duplicate copy or receipt retained by the voter upon completion of the form; and

(b) Shall not alter, deface or destroy an application to register to vote that has been signed by an elector except to correct information contained in the application after receiving notice from the elector that a change in or addition to the information is required.

14. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

15. A person who violates any of the provisions of subsection 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

**Sec. 14.2.** NRS 293.5237 is hereby amended to read as follows:

293.5237 Any time before the ~~{fifth Sunday preceding an election,}~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable***, a person who because of illness, disability or for other good cause shown requires assistance to complete an application to register to vote may request the county clerk in writing or by telephone to register the person at the person's residence. Upon request, the county clerk shall direct the appropriate field registrar to go to the home of such a person to register the person to vote.

**Sec. 14.4.** NRS 293.524 is hereby amended to read as follows:

293.524 1. The Department of Motor Vehicles shall provide an application to register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department.

2. The county clerk shall use the applications to register to vote which are signed and completed pursuant to subsection 1 to register applicants to vote or to correct information in the registrar of voters' register. An application that is not signed must not be used to register or correct the registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the ~~{fifth Sunday preceding an election,}~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable***.

4. The county clerk shall accept any application to register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the ~~{fifth Sunday preceding an election,}~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable***, if the

county clerk receives the application not later than 5 days after that date. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If the county clerk or field registrar of voters determines that the application is complete, he or she shall notify the applicant and the applicant shall be deemed to be registered as of the date of the submission of the application. If the county clerk or field registrar of voters determines that the application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

5. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to register to vote.

6. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the registrar of voters' register. If the person is a registered voter, the county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

7. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of registration from the Department to the appropriate county clerk for inclusion in the rosters and registrar of voters' register.

**Sec. 14.6.** NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300 ~~[registration must close on]~~ :

*(a) For a primary or general election, or a recall or special election that is held on the same day as a primary or general election, the last day to register to vote:*

(1) *By mail is the fourth Tuesday preceding the primary or general election.*

(2) *By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is the third Tuesday preceding ~~any~~ the primary or general election . ~~and on~~*

(3) *By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the first day of the period for early voting.*

(b) *If a recall or special election is not held on the same day as a primary or general election, the last day to register to vote for the recall or special election by any means is the third Saturday preceding ~~any~~ the recall or special election . ~~[, except that if a recall or special election is held on the same day as a primary or general election, registration must close on the third Tuesday preceding the day of the elections.]~~*

2. For a primary or special election, the office of the county clerk must be open until 7 p.m. during the last 2 days on which ~~registration is open.~~ *a person may register to vote in person.* In a county whose population is less than 100,000, the office of the county clerk may close at 5 p.m. during the last 2 days ~~[before registration closes]~~ *a person may register to vote in person* if approved by the board of county commissioners.

3. For a general election:

(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. during the last 2 days on which ~~registration is open.~~ *a person may register to vote in person.* The office of the county clerk may close at 5 p.m. if approved by the board of county commissioners.

(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which ~~registration is open.~~ *a person may register to vote in person*, according to the following schedule:

(1) On weekdays until 9 p.m.; and

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that registration will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➤ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

6. ~~For the period beginning on the fifth Sunday preceding any primary or general election and ending on the third Tuesday preceding any primary or general election, an elector may register to vote only:~~

~~—(a) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035; or~~

~~—(b) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.~~

~~7.]~~ A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

**Sec. 14.8.** 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~~ ***Except as otherwise provided in subsection 7, 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. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE  
HAS CHANGED SINCE THE LAST ELECTION

7. ***If a person registers to vote less than 20 days before the date of an election, the county clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.***

8. Except as otherwise provided in subsection ~~{8.}~~ 9, 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.}~~ 9. 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-}~~ **10.** 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-}~~ **11.** 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-}~~ **12.** The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

- (a) The addresses of such centralized voting locations;
- (b) The types of specially equipped voting devices available at such centralized voting locations; and
- (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place.

~~{12-}~~ **13.** 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. 15.** NRS 293C.305 is hereby amended to read as follows:

293C.305 1. The city clerk shall prepare an absent ballot for the use of registered voters who have requested absent ballots. The city clerk shall make reasonable accommodations for the use of the absent ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the absent ballot in 12-point type to a person who is elderly or disabled.

2. The ballot must be prepared and ready for distribution to a registered voter who:

(a) Except as otherwise provided in paragraph (b), resides within or outside this State, not later than 20 days before the election in which it will be used.

(b) Requested an absent ballot pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, ~~{42 U.S.C. §§ 1973ff}~~ **52 U.S.C. §§ 20301** et seq., not later than 45 days before the election.

3. Any legal action that would prevent the ballot from being issued pursuant to subsection 2 is moot and of no effect.



**Sec. 15.5.** NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300 ~~[registration must close on]~~ :

*(a) For a primary city election or general city election, or a recall or special election that is held on the same day as a primary city election or general city election, the last day to register to vote:*

*(1) By mail is the fourth Tuesday preceding the primary city election or general city election.*

*(2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520, is the third Tuesday preceding ~~any~~ the primary city election or general city election . ~~[and on]~~*

*(3) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters and:*

*(I) The governing body of the city has provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110, is the Thursday preceding the first day of the period for early voting.*

*(II) The governing body of the city has not provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110, is the third Tuesday preceding any primary city election or general city election.*

*(b) If a recall or special election is not held on the same day as a primary city election or general city election, the last day to register to vote for the recall or special election by any means is the third Saturday preceding ~~any~~ the recall or special election . ~~[except that if a recall or special election is held on the same day as a primary city election or general city election, registration must close on the third Tuesday preceding the day of the elections.]~~*

2. For a primary city election or special city election, the office of the city clerk must be open until 7 p.m. during the last 2 days on which ~~[registration is open.]~~ **a person may register to vote in person.** In a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. if approved by the governing body of the city.

3. For a general election:

(a) In a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. during the last 2 days on which ~~[registration is open.]~~ **a person may register to vote in person.** The office of the city clerk may close at 5 p.m. if approved by the governing body of the city.

(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which ~~[registration is open.]~~ **a person may register to vote in person,** according to the following schedule:

- (1) On weekdays until 9 p.m.; and
- (2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

- (1) The day and time that registration will be closed; and
- (2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➡ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. ~~For the period beginning on the fifth Sunday preceding any primary city election or general city election and ending on the third Tuesday preceding any primary city election or general city election, an elector may register to vote only:~~

~~—(a) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520; or~~

~~—(b) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters.~~

~~—6.} A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.~~

**Sec. 15.7.** 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~~ ***Except as otherwise provided in subsection 4, 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. If the location of the polling place has changed since the last election:

- (a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or
- (b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE  
HAS CHANGED SINCE THE LAST ELECTION

4. *If a person registers to vote less than 20 days before the date of an election, the city clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.*

5. Except as otherwise provided in subsection ~~{6,}~~ 7, 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,}~~ 6. 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,}~~ 7. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~{7,}~~ 8. 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,}~~ 9. 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,}~~ 10. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to

subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

- (a) The addresses of such centralized voting locations;
- (b) The types of specially equipped voting devices available at such centralized voting locations; and
- (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place.

~~10.1~~ **11.** The cost of distributing sample ballots for a city election must be borne by the city holding the election.

**Sec. 16.** NRS 293D.050 is hereby amended to read as follows:

293D.050 "Military-overseas ballot" means:

1. A federal write-in absentee ballot described in section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. § 1973ff-2]~~ **52 U.S.C. § 20303**;
2. A ballot specifically prepared or distributed for use by a covered voter in accordance with this chapter; or
3. Any other ballot cast by a covered voter in accordance with this chapter.

**Sec. 17.** NRS 293D.110 is hereby amended to read as follows:

293D.110 In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that have enacted the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. § 1973ff]~~ **52 U.S.C. §§ 20301** et seq.

**Sec. 18.** NRS 293D.200 is hereby amended to read as follows:

293D.200 1. The Secretary of State shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots.

2. The Secretary of State shall establish a system of approved electronic transmission through which covered voters may apply for, receive and send documents and other information pursuant to this chapter. The system of approved electronic transmission must include, without limitation, a method by which a covered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the covered voter to register to vote, apply for a military-overseas ballot or cast a military-overseas ballot pursuant to this chapter.

3. The Secretary of State shall develop standardized absentee-voting materials, including, without limitation, privacy and transmission envelopes and their electronic equivalents, authentication materials and voting instructions, to be used with the military-overseas ballot of a covered voter authorized to vote in any jurisdiction in this State and, to the extent reasonably possible, shall do so in coordination with other states.

4. The Secretary of State shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the covered voter's identity, eligibility to vote, status as a covered voter and timely and proper completion of a military-overseas ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. § 1973ff-2.]~~ **52 U.S.C. § 20303**, as modified to be consistent with this chapter. The Secretary of State shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

5. The Secretary of State shall prescribe by regulation the duties of a local elections official upon receipt of a military-overseas ballot, including, without limitation, the procedures to be used by a local elections official in accepting, handling and counting a military-overseas ballot.

**Sec. 19.** NRS 293D.230 is hereby amended to read as follows:

293D.230 1. In addition to any other method of registering to vote set forth in chapter 293 of NRS, a covered voter may use a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. § 1973ff(b)(2).]~~ **52 U.S.C. § 20301(b)(2)**, or the application's electronic equivalent, to apply to register to vote.

2. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. § 1973ff-2.]~~ **52 U.S.C. § 20303**, to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the seventh day before the election. If the declaration is received after the seventh day before the election, it must be treated as an application to register to vote for subsequent elections.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting:

(a) Both a federal postcard application and any other approved electronic registration application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. The covered voter may use the system of approved electronic transmission or any other method set forth in chapter 293 of NRS to register to vote.

**Sec. 20.** NRS 293D.300 is hereby amended to read as follows:

293D.300 1. A covered voter who is registered to vote in this State may apply for a military-overseas ballot by submitting a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and

Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. § 1973ff(b)(2),]~~ **52 U.S.C. § 20301(b)(2)**, or the application's electronic equivalent, pursuant to this section.

2. A covered voter who is not registered to vote in this State may use the federal postcard application or the application's electronic equivalent simultaneously to apply to register to vote pursuant to NRS 293D.230 and to apply for a military-overseas ballot.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting the submission of:

(a) Both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. A covered voter may use approved electronic transmission or any other method approved by the Secretary of State to apply for a military-overseas ballot.

5. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. § 1973ff 2,]~~ **52 U.S.C. § 20303**, as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate local elections official by the seventh day before the election.

6. To receive the benefits of this chapter, a covered voter must inform the appropriate local elections official that he or she is a covered voter. Methods of informing the appropriate local elections official that a person is a covered voter include, without limitation:

(a) The use of a federal postcard application or federal write-in absentee ballot;

(b) The use of an overseas address on an approved voting registration application or ballot application; and

(c) The inclusion on an application to register to vote or an application for a military-overseas ballot of other information sufficient to identify that the person is a covered voter.

7. This chapter does not prohibit a covered voter from applying for an absent ballot pursuant to the provisions of NRS 293.315 or voting in person.

**Sec. 21.** NRS 293D.320 is hereby amended to read as follows:

293D.320 1. For all covered elections for which this State has not received a waiver pursuant to section 579 of the Military and Overseas Voter Empowerment Act, ~~[42 U.S.C. § 1973ff 1(g)(2),]~~ **52 U.S.C. § 20302(g)(2)**, not later than 45 days before the election or, if the 45th day before the election is a weekend or holiday, not later than the business day preceding the 45th day, the local elections official in each jurisdiction charged with

distributing military-overseas ballots and balloting materials shall transmit military-overseas ballots and balloting materials to all covered voters who by that date submit a valid application for military-overseas ballots.

2. A covered voter who requests that a military-overseas ballot and balloting materials be sent to the covered voter by approved electronic transmission may choose to receive the military-overseas ballot and balloting materials by:

- (a) Facsimile transmission;
- (b) Electronic mail delivery; or
- (c) The system of approved electronic transmission that is established by the Secretary of State pursuant to subsection 2 of NRS 293D.200.

➡ The local elections official in each jurisdiction shall transmit the military-overseas ballot and balloting materials to the covered voter using the means of approved electronic transmission chosen by the covered voter.

3. If an application for a military-overseas ballot from a covered voter arrives after the jurisdiction begins transmitting ballots and balloting materials to other voters, the local elections official shall transmit the military-overseas ballot and balloting materials to the covered voter not later than 2 business days after the application arrives.

**Sec. 22.** NRS 293D.410 is hereby amended to read as follows:

293D.410 1. Except as otherwise provided in subsection 2, a covered voter may use the federal write-in absentee ballot, in accordance with section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. § 1973ff-2.]~~ **52 U.S.C. § 20303**, to vote for all offices and ballot measures in an election.

2. If the covered voter indicates on the federal write-in absentee ballot that he or she is residing overseas indefinitely, the covered voter may only use the federal write-in absentee ballot to vote for federal offices.

**Sec. 23.** NRS 293D.530 is hereby amended to read as follows:

293D.530 If a covered voter's mistake or omission in the completion of a document under this chapter does not prevent determining whether a covered voter is eligible to vote, the mistake or omission does not invalidate the document. Failure to satisfy a nonessential requirement, including, without limitation, using paper or envelopes of a specified size or weight, does not invalidate any document submitted under this chapter. In any write-in ballot authorized by this chapter, if the intention of the covered voter is discernable under this State's uniform definition of what constitutes a vote, as required by the Help America Vote Act of 2002, ~~[42 U.S.C. § 15481(a)(6).]~~ **52 U.S.C. § 21081(a)(6)**, an abbreviation, misspelling or other minor variation in the form of the name of a candidate or a political party must be accepted as a valid vote.

**Sec. 23.5. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:**

**"Election year" means, with regard to a:**

1. Candidate, the calendar year in which the primary election and general election are held for the public office for which the candidate is seeking election or intends to seek election.

2. Question on the ballot, the calendar year in which the election is held for the question.

**Sec. 23.7. NRS 294A.002 is hereby amended to read as follows:**

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.0025 to 294A.014, inclusive, and section 23.5 of this act have the meanings ascribed to them in those sections.

**Sec. 24. NRS 294A.120 is hereby amended to read as follows:**

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

(a) Each contribution in excess of \$100 received during the period;

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

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

~~(d) The balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.~~

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

2. Every candidate for office at a primary election or general election shall, not later than:

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

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

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

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

↪ report each contribution described in ~~paragraphs (a), (b) and (c) of~~ subsection 1 received during the period ; ~~and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.~~



3. Except as otherwise provided in subsections 4 , ~~and~~ 5 and 6, and NRS 294A.223, every candidate for office at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

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

↪ report each contribution described in ~~[paragraphs (a), (b) and (c) of]~~ subsection 1 received during the period ~~;~~ ~~[and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.]~~

4. Except as otherwise provided in ~~[subsection]~~ subsections 5 and 6 and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through the 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

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

↪ report each contribution described in ~~[paragraphs (a), (b) and (c) of]~~ subsection 1 received during the period ~~;~~ ~~[and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.]~~

5. *Except as otherwise provided in subsection 6, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each contribution described in ~~[paragraphs (a), (b) and (c) of]~~ subsection 1 ~~;~~ ~~[and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.]~~ The provisions of this*

*subsection apply to the candidate for office at a special election if the petition for recall:*

*(a) Is not submitted to the filing officer as required by chapter 306 of NRS;*

*(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or*

*(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.*

6. If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each contribution described in ~~paragraphs (a), (b) and (c) of~~ subsection 1 received during the period ~~and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.~~

~~{6.}~~ 7. Except as otherwise provided in NRS 294A.3733, reports of contributions must be filed electronically with the Secretary of State.

~~{7.}~~ 8. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~{8.}~~ 9. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

**Sec. 24.2. NRS 294A.120 is hereby amended to read as follows:**

294A.120 1. Every candidate for office at a primary election or general election shall, not later than January 15 of ~~each~~ the election year, for the period ~~from~~ beginning January 1 of the previous year ~~through~~ and ending on December 31 of the previous year, report:

(a) Each contribution in excess of \$100 received during the period;

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

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

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

(d) The balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.

2. ~~Every~~ In addition to the requirements set forth in subsection 1, every candidate for office at a primary election or general election shall, not later than:

(a) ~~Twenty one days before the primary election for that office,~~ April 15 of the election year, for the period ~~from the beginning~~ January 1 ~~immediately preceding the primary election through 25 days before the primary election,~~ and ending on March 31 of the election year;

(b) ~~Four days before the primary election for that office,~~ July 15 of the election year, for the period ~~from 24 days before the primary election through 5 days before the primary election,~~ beginning April 1 and ending on June 30 of the election year;

(c) ~~Twenty one days before the general election for that office,~~ October 15 of the election year, for the period ~~from 4 days before the primary election through 25 days before the general election,~~ beginning July 1 and ending on September 30 of the election year; and

(d) ~~Four days before the general election for that office,~~ January 15 of the year immediately following the election year, for the period ~~from 24 days before the general election through 5 days before the general election,~~ beginning October 1 and ending on December 31 of the election year,  
 ➤ report each contribution described in paragraphs (a), (b) and (c) of subsection 1 received during the period ~~from~~ and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.

3. Except as otherwise provided in subsections 4, 5 and 6, and NRS 294A.223, every candidate for office at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

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

➤ report each contribution described in paragraphs (a), (b) and (c) of subsection 1 received during the period ~~from~~ and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.

4. Except as otherwise provided in subsections 5 and 6 and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to

circulate the petition for recall is filed pursuant to NRS 306.015 through the 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

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

↪ report each contribution described in paragraphs (a), (b) and (c) of subsection 1 received during the period ~~1-1~~ and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.

5. Except as otherwise provided in subsection 6, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each contribution described in paragraphs (a), (b) and (c) of subsection 1 received during the period and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period. The provisions of this subsection apply to the candidate for office at a special election if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

6. If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each contribution described in paragraphs (a), (b) and (c) of subsection 1 received during the period ~~1-1~~ and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.

7. In addition to complying with the applicable requirements of subsections 1 to 6, inclusive, if a candidate is elected to office at a primary

election, general election or special election, he or she must, not later than January 15 of each year, report the information described in paragraphs (a) to (d), inclusive, of subsection 1 for the period beginning January 1 of the previous year and ending on December 31 of the previous year. The provisions of this subsection apply to the candidate until the year immediately preceding the next election year for that office. Nothing in this subsection:

(a) Requires the candidate to report information described in paragraphs (a) to (d), inclusive, of subsection 1 that has previously been reported in a timely manner pursuant to subsections 1 to 6, inclusive; or

(b) Authorizes the candidate to not comply with the applicable requirements of subsections 1 to 6, inclusive, if he or she becomes a candidate for another office at a primary election, general election or special election during his or her term of office.

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

~~8.1~~ 9. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~9.1~~ 10. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

**Sec. 24.5.** NRS 294A.125 is hereby amended to read as follows:

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

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

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

(2) The total of all contributions received and expenditures which are \$100 or less ~~[-]; and~~

(3) *The balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the reporting period.*

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

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

(2) The total of all contributions received and expenditures which are \$100 or less ~~[-]; and~~

**(3) *The balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the reporting period.***

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

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

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

**Sec. 25.** NRS 294A.140 is hereby amended to read as follows:

294A.140 1. The provisions of this section apply to:

(a) Every person who makes an independent expenditure in excess of \$1,000; and

(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of \$1,000 or makes an expenditure for or against a candidate for office or a group of such candidates.

2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of each year that the provisions of this subsection apply, for the period from January 1 of the previous year through December 31 of the previous year, report each contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000. The provisions of this subsection apply to the person, committee or political party beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

3. Every person, committee and political party described in subsection 1 shall, not later than:

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

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

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

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

→ report each contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000.

4. Except as otherwise provided in subsections 5 , ~~and~~ 6 *and* 7 and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

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

↪ report each contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000.

5. Except as otherwise provided in ~~subsection~~ *subsections 6 and 7* and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such special elections shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate a petition to recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

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

↪ report each contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000.

6. *Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the*

*expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each contribution in excess of \$1,000 received and contributions received which cumulatively exceed \$1,000. The provisions of this subsection apply to the person, committee and political party if the petition for recall:*

*(a) Is not submitted to the filing officer as required by chapter 306 of NRS;*

*(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or*

*(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.*

7. If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each contribution in excess of \$1,000 received during the period and contributions received during the period which cumulatively exceed \$1,000.

~~{7-}~~ 8. Except as otherwise provided in NRS 294A.3737, the reports of contributions required pursuant to this section must be filed electronically with the Secretary of State.

~~{8-}~~ 9. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~{9-}~~ 10. Every person, committee and political party described in this section shall file a report required by this section even if the person, committee or political party receives no contributions.

~~{10-}~~ 11. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$1,000 and contributions which a contributor has made cumulatively in excess of \$1,000 since the beginning of the current reporting period.

**Sec. 25.2. NRS 294A.140 is hereby amended to read as follows:**

294A.140 1. The provisions of this section apply to:

(a) Every person who makes an independent expenditure in excess of \$1,000; and

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



\$1,000 or makes an expenditure for or against a candidate for office or a group of such candidates.

2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of ~~each~~ the election year, ~~[that the provisions of this subsection apply.]~~ for the period ~~[from]~~ beginning January 1 of the previous year ~~[through]~~ and ending on December 31 of the previous year, report each contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000. ~~[The provisions of this subsection apply to the person, committee or political party beginning the year of the general election for that office through the year immediately preceding the next general election for that office.]~~

3. ~~[Every]~~ In addition to the requirements set forth in subsection 2, every person, committee and political party described in subsection 1 shall, not later than:

(a) ~~[Twenty one days before the primary election for that office,]~~ April 15 of the election year, for the period ~~[from the]~~ beginning January 1 ~~[immediately preceding the primary election through 25 days before the primary election;]~~ and ending on March 31 of the election year;

(b) ~~[Four days before the primary election for that office,]~~ July 15 of the election year, for the period ~~[from 24 days before the primary election through 5 days before the primary election;]~~ beginning April 1 and ending on June 30 of the election year;

(c) ~~[Twenty one days before the general election for that office,]~~ October 15 of the election year, for the period ~~[from 4 days before the primary election through 25 days before the general election;]~~ beginning July 1 and ending on September 30 of the election year; and

(d) ~~[Four days before the general election for that office,]~~ January 15 of the year immediately following the election year, for the period ~~[from 24 days before the general election through 5 days before the general election,]~~ beginning October 1 and ending on December 31 of the election year.

➡ report each contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000.

4. Except as otherwise provided in subsections 5, 6 and 7 and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

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

→ report each contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000.

5. Except as otherwise provided in subsections 6 and 7 and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such special elections shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate a petition to recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

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

→ report each contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000.

6. Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each contribution in excess of \$1,000 received and contributions received which cumulatively exceed \$1,000. The provisions of this subsection apply to the person, committee and political party if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

7. If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each contribution in excess of \$1,000 received during the period and contributions received during the period which cumulatively exceed \$1,000.

8. In addition to complying with the applicable requirements of subsections 2 to 7, inclusive, a person, committee or political party described in subsection 1 must, not later than January 15 of each year that is not an election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000. Nothing in this subsection:

(a) Requires the person, committee or political party to report information that has previously been reported in a timely manner pursuant to subsections 2 to 7, inclusive; or

(b) Authorizes the person, committee or political party to not comply with any applicable requirement set forth in subsections 2 to 7, inclusive.

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

~~10.~~ 10. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~11.~~ 11. Every person, committee and political party described in this section shall file a report required by this section even if the person, committee or political party receives no contributions.

~~12.~~ 12. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$1,000 and contributions which a contributor has

made cumulatively in excess of \$1,000 since the beginning of the current reporting period.

**Sec. 25.4. NRS 294A.150 is hereby amended to read as follows:**

294A.150 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election or general election shall, not later than January 15 of ~~each~~ the election year, ~~[that the provisions of this subsection apply to the committee for political action,]~~ for the period ~~from~~ beginning January 1 of the previous year ~~through~~ and ending on December 31 of the previous year, report each contribution in excess of \$1,000 received during that period and contributions received during the period from a contributor which cumulatively exceed \$1,000. ~~[The provisions of this subsection apply to the committee for political action;~~

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

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

2. ~~[A]~~ In addition to the requirements set forth in subsection 1, the committee for political action ~~[described in subsection 1]~~ shall, not later than:

(a) ~~[Twenty one days before the primary election,]~~ April 15 of the election year, for the period ~~from the~~ beginning January 1 ~~[immediately preceding the primary election through 25 days before the primary election,]~~ and ending on March 31 of the election year;

(b) ~~[Four days before the primary election,]~~ July 15 of the election year, for the period ~~from 24 days before the primary election through 5 days before the primary election,]~~ beginning April 1 and ending on June 30 of the election year;

(c) ~~[Twenty one days before the general election,]~~ October 15 of the election year, for the period ~~from 4 days before the primary election through 25 days before the general election,]~~ beginning July 1 and ending on September 30 of the election year; and

(d) ~~[Four days before the general election,]~~ January 15 of the year immediately following the election year, for the period ~~from 24 days before the general election through 5 days before the general election,]~~ beginning October 1 and ending on December 31 of the election year.

↪ report each contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000.

3. Except as otherwise provided in NRS 294A.223, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date that the question qualified for the ballot through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

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

➔ report each contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000.

4. The provisions of this section apply to a committee for political action even if the question or group of questions that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order or otherwise does not appear on the ballot at a primary, general or special election.

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

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

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

**Sec. 26.** NRS 294A.200 is hereby amended to read as follows:

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

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

(b) Each amount in excess of \$100 disposed of pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 during the period;

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

(d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 which are \$100 or less.

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

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

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

3. Every candidate for office at a primary election or general election shall, not later than:

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

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

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

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

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

4. Except as otherwise provided in subsections 5 , ~~and~~ 6 *and* 7 and NRS 294A.223, every candidate for office at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

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

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

5. Except as otherwise provided in ~~subsection~~ *subsections 6 and 7* and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

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

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

6. *Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every candidate for office at a special election to*

*determine whether a public officer will be recalled shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each of the campaign expenses described in subsection 1 incurred during the period. The provisions of this subsection apply to the candidate for office at a special election if the petition for recall:*

*(a) Is not submitted to the filing officer as required by chapter 306 of NRS;*

*(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or*

*(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.*

7. If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each of the campaign expenses described in subsection 1 incurred during the period.

~~{7-}~~ 8. Except as otherwise provided in NRS 294A.3733, reports of campaign expenses must be filed electronically with the Secretary of State.

~~{8-}~~ 9. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

**Sec. 26.5. NRS 294A.200 is hereby amended to read as follows:**

294A.200 1. Every candidate for office at a primary election or general election shall, not later than January 15 of ~~each~~ the election year, for the period ~~from~~ beginning January 1 of the previous year ~~through~~ and ending on December 31 of the previous year, report:

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

(b) Each amount in excess of \$100 disposed of pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 during the period;

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

(d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 which are \$100 or less.

2. ~~{The provisions of subsection 1 apply to the candidate~~  
~~—(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and~~

~~(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286.~~  
~~3. Every~~ In addition to the requirements set forth in subsection 1,  
every candidate for office at a primary election or general election shall, not later than:

(a) ~~[Twenty one days before the primary election for that office,]~~ April 15 of the election year, for the period ~~[from the January 1 immediately preceding the primary election through 25 days before the primary election,]~~  
beginning January 1 and ending on March 31 of the election year;

(b) ~~[Four days before the primary election for that office,]~~ July 15 of the election year, for the period ~~[from 24 days before the primary election through 5 days before the primary election,]~~  
beginning April 1 and ending on June 30 of the election year;

(c) ~~[Twenty one days before the general election for that office,]~~ October 15 of the election year, for the period ~~[from 4 days before the primary election through 25 days before the general election,]~~  
beginning July 1 and ending on September 30 of the election year; and

(d) ~~[Four days before the general election for that office,]~~ January 15 of the year immediately following the election year, for the period ~~[from 24 days before the general election through 5 days before the general election,]~~  
beginning October 1 and ending on December 31 of the election year,

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

~~[4.]~~ 3. Except as otherwise provided in subsections ~~[5, 6 and 7]~~ 4, 5 and 6 and NRS 294A.223, every candidate for office at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

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

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

~~[5.]~~ 4. Except as otherwise provided in subsections ~~[6 and 7]~~ 5 and 6 and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;



(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

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

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

~~6.5.~~ Except as otherwise provided in subsection ~~6.5.~~ **6.** if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each of the campaign expenses described in subsection 1 incurred during the period. The provisions of this subsection apply to the candidate for office at a special election if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

~~6.6.~~ If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each of the campaign expenses described in subsection 1 incurred during the period.

**7. In addition to complying with the applicable reporting requirements of subsections 1 to 6, inclusive, if a candidate is elected to office at a primary election, general election or special election, he or she must, not later than January 15 of each year, report each of the campaign expenses described in subsection 1 incurred during the period beginning January 1 of the previous year and ending on December 31 of the previous year. The provisions of this subsection apply to the candidate until the year immediately preceding the next election year for that office. Nothing in this section:**

(a) Requires the candidate to report a campaign expense that has previously been reported in a timely manner pursuant to subsections 1 to 6, inclusive; or

(b) Authorizes the candidate to not comply with the applicable requirements of subsections 1 to 6, inclusive, if he or she becomes a candidate for another office at a primary election, general election or special election during his or her term office.

8. If a candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286 in any calendar year for which the candidate is not required to file a report pursuant to other provisions of this section, the candidate shall on or before January 15 of the following year, for the period beginning January 1 and ending on December 31 of the calendar year, report:

(a) Each amount in excess of \$100 disposed of pursuant to NRS 294A.160 or 294A.286 during the period; and

(b) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or 294A.286 which are \$100 or less.

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

~~9.1~~ 10. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

**Sec. 27.** NRS 294A.210 is hereby amended to read as follows:

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

(a) Every person who makes an independent expenditure in excess of \$1,000; and

(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of \$1,000 or makes an expenditure for or against a candidate for office or a group of such candidates.

2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee or political party, for the period from January 1 of the previous year through December 31 of the previous year, report each independent expenditure or other expenditure, as applicable, made during the period in excess of \$1,000 and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000. The provisions of this subsection apply to the person, committee or political party beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

3. Every person, committee and political party described in subsection 1 shall, not later than:

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

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

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

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

➡ report each independent expenditure or other expenditure, as applicable, in excess of \$1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.

4. Except as otherwise provided in subsections 5 , ~~and~~ **6 and 7** and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

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

➡ report each independent expenditure or other expenditure, as applicable, in excess of \$1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.

5. Except as otherwise provided in ~~subsection~~ **subsections 6 and 7** and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

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

↪ report each independent expenditure or other expenditure, as applicable, in excess of \$1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.

6. *Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each of the campaign expenses described in subsection 1 incurred during the period. The provisions of this subsection apply to the person, committee and political party if the petition for recall:*

*(a) Is not submitted to the filing officer as required by chapter 306 of NRS;*

*(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or*

*(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.*

7. If a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every person, committee and **political** party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each independent expenditure or other expenditure, as applicable, in excess of \$1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.

~~{7-}~~ 8. Independent expenditures and other expenditures made within the State or made elsewhere but for use within the State, including independent

expenditures and other expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

~~{8.}~~ **9.** Except as otherwise provided in NRS 294A.3737, the reports must be filed electronically with the Secretary of State.

~~{9.}~~ **10.** If an independent expenditure or other expenditure, as applicable, is made for or against a group of candidates, the reports must be itemized by the candidate.

~~{10.}~~ **11.** A report shall be deemed to be filed on the date that it was received by the Secretary of State. Every person, committee or political party described in subsection 1 shall file a report required by this section even if the person, committee or political party receives no contributions.

**Sec. 27.1. NRS 294A.210 is hereby amended to read as follows:**

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

(a) Every person who makes an independent expenditure in excess of \$1,000; and

(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of \$1,000 or makes an expenditure for or against a candidate for office or a group of such candidates.

2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of ~~each~~ **the election** year, ~~{that the provisions of this subsection apply to the person, committee or political party,}~~ for the period ~~{from}~~ **beginning** January 1 of the previous year ~~{through}~~ **and ending on** December 31 of the previous year, report each independent expenditure or other expenditure, as applicable, made during the period in excess of \$1,000 and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000. ~~{The provisions of this subsection apply to the person, committee or political party beginning the year of the general election for that office through the year immediately preceding the next general election for that office.}~~

3. ~~{Every}~~ **In addition to the requirements set forth in subsection 2,** ~~every~~ person, committee and political party described in subsection 1 shall, not later than:

(a) ~~{Twenty one days before the primary election for that office,}~~ **April 15 of the election year,** for the period ~~{from the January 1 immediately preceding the primary election through 25 days before the primary election,}~~ **beginning January 1 and ending on March 31 of the election year;**

(b) ~~{Four days before the primary election for that office,}~~ **July 15 of the election year,** for the period ~~{from 24 days before the primary election through 5 days before the primary election,}~~ **beginning April 1 and ending on June 30 of the election year;**

(c) ~~{Twenty one days before the general election for that office,}~~ **October 15 of the election year,** for the period ~~{from 4 days before the primary~~

~~election through 25 days before the general election;~~ **beginning July 1 and ending on September 30 of the election year;** and

(d) ~~Four days before the general election for that office;~~ **January 15 of the year immediately following the election year,** for the period ~~from 24 days before the general election through 5 days before the general election;~~ **beginning October 1 and ending on December 31 of the election year.**

↪ report each independent expenditure or other expenditure, as applicable, in excess of \$1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.

4. Except as otherwise provided in subsections 5, 6 and 7 and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

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

↪ report each independent expenditure or other expenditure, as applicable, in excess of \$1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.

5. Except as otherwise provided in subsections 6 and 7 and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

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

↪ report each independent expenditure or other expenditure, as applicable, in excess of \$1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.

6. Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each of the campaign expenses described in subsection 1 incurred during the period. The provisions of this subsection apply to the person, committee and political party if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

7. If a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each independent expenditure or other expenditure, as applicable, in excess of \$1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.

8. In addition to complying with the applicable requirements of subsections 2 to 7, inclusive, a person, committee or political party described in subsection 1 must, not later than January 15 of each year that is not an election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each

independent expenditure or other expenditure, as applicable, made during the period in excess of \$1,000 and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000. Nothing in this subsection:

(a) Requires the person, committee or political party to report information that has previously been reported in a timely manner pursuant to subsections 2 to 7, inclusive; or

(b) Authorizes the person, committee or political party to not comply with any applicable requirement set forth in subsections 2 to 7, inclusive.

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

~~9.~~ 10. Except as otherwise provided in NRS 294A.3737, the reports must be filed electronically with the Secretary of State.

~~10.~~ 11. If an independent expenditure or other expenditure, as applicable, is made for or against a group of candidates, the reports must be itemized by the candidate.

~~11.~~ 12. A report shall be deemed to be filed on the date that it was received by the Secretary of State. Every person, committee or political party described in subsection 1 shall file a report required by this section even if the person, committee or political party receives no contributions.

**Sec. 27.11. NRS 294A.220 is hereby amended to read as follows:**

294A.220 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election or general election shall, not later than January 15 of ~~each~~ the election year, ~~[that the provisions of this subsection apply to the committee for political action.]~~ for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period for or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$1,000 and such expenditures made during the period to one recipient that cumulatively exceed \$1,000. ~~[The provisions of this subsection apply to the committee for political action.]~~

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

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

2. ~~[A]~~ In addition to the requirements set forth in subsection 1, the committee for political action [described in subsection 1] shall, not later than:

(a) ~~[Twenty-one days before the primary election.]~~ April 15 of the election year, for the period ~~[from the]~~ beginning January 1 ~~[immediately preceding the primary election through 25 days before the primary election.]~~ and ending on March 31 of the election year;



(b) ~~Four days before the primary election,~~ July 15 of the election year, for the period ~~from 24 days before the primary election through 5 days before the primary election,~~ beginning April 1 and ending on June 30 of the election year;

(c) ~~Twenty-one days before the general election,~~ October 15 of the election year, for the period ~~from 4 days before the primary election through 25 days before the general election,~~ beginning July 1 and ending on September 30 of the election year; and

(d) ~~Four days before the general election,~~ January 15 of the year immediately following the election year, for the period ~~from 24 days before the general election through 5 days before the general election,~~ beginning October 1 and ending on December 31 of the election year,

↪ report each expenditure made during the period for or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$1,000 and such expenditures made during the period to one recipient that cumulatively exceed \$1,000.

3. Except as otherwise provided in NRS 294A.223, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the question qualified for the ballot through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

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

↪ report each expenditure made during the period for or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$1,000 and such expenditures made during the period to one recipient that cumulatively exceed \$1,000.

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

5. The provisions of this section apply to a committee for political action even if the question or group of questions that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order or otherwise does not appear on the ballot at a primary, general or special election.

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

7. If an expenditure is made for or against a group of questions, the reports must be itemized by question or petition.

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

**Sec. 27.2.** NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report required pursuant to NRS 294A.210, 294A.220 and 294A.280 must consist of a list of each expenditure in excess of \$100 or \$1,000, as is appropriate, that was made during the periods for reporting. Each report required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each campaign expense in excess of \$100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the campaign expense or expenditure and the date on which the campaign expense was incurred or the expenditure was made.

2. The categories of campaign expense or expenditure for use on the report of campaign expenses or expenditures are:

- (a) Office expenses;
- (b) Expenses related to volunteers;
- (c) Expenses related to travel;
- (d) Expenses related to advertising;
- (e) Expenses related to paid staff;
- (f) Expenses related to consultants;
- (g) Expenses related to polling;
- (h) Expenses related to special events;
- (i) Expenses related to a legal defense fund;
- (j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;
- (k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250;
- (l) Fees for filing declarations of candidacy or acceptances of candidacy;
- (m) Repayments or forgiveness of loans;
- (n) The disposal of unspent contributions pursuant to NRS 294A.160; and
- (o) ~~Interest, credit card fees, debit card fees or penalty fees incurred in relation to campaign expenses or expenditures paid for by a credit card or debit card; and~~
- ~~(p)~~ Other miscellaneous expenses.

3. Each report of campaign expenses or expenditures described in subsection 1 must ~~list~~ :

(a) *List* the disposition of any unspent contributions using the categories set forth in subsection 3 of NRS 294A.160 or subsection 3 of NRS 294A.286, as applicable ~~to~~; *and*

*(b) For any campaign expense or expenditure that is paid for using a credit card or debit card, itemize each transaction and identify the business or other entity from whom the purchase of the campaign expense or expenditure was made.*

**Sec. 28.** (Deleted by amendment.)

**Sec. 29.** (Deleted by amendment.)

**Sec. 30.** Chapter 295 of NRS is hereby amended by adding thereto a new section to read as follows:

**1.** *A petition for initiative or referendum may be withdrawn if a person authorized pursuant to NRS 295.015 to withdraw the petition submits a notice of withdrawal to the Secretary of State on a form prescribed by the Secretary of State.*

**2.** *Once a petition for initiative or referendum is withdrawn pursuant to subsection 1, no further action may be taken on that petition.*

**Sec. 31.** NRS 295.015 is hereby amended to read as follows:

295.015 1. Before a petition for initiative or referendum may be presented to the registered voters for their signatures, *the person who intends to circulate the petition must:*

*(a) File* a copy of the petition for initiative or referendum, including the description required pursuant to NRS 295.009, ~~[must be placed on file]~~ with the Secretary of State.

*(b) Submit to the Secretary of State on a form prescribed by the Secretary of State:*

*(1) The name and signature of the person.*

*(2) If the person has formed a committee for political action for the purposes of advocating the passage of the initiative or referendum, the name of that committee for political action.*

*(3) The names of not more than three persons who are authorized to withdraw the petition or submit an amended petition.*

2. If a petition for initiative or referendum or a description of the effect of an initiative or referendum required pursuant to NRS 295.009 is amended after the petition is placed on file with the Secretary of State pursuant to subsection 1:

(a) The revised petition must be placed on file with the Secretary of State before it is presented to the registered voters for their signatures;

(b) Any signatures that were collected on the original petition before it was amended are not valid; and

(c) The requirements for submission of the petition to each county clerk set forth in NRS 295.056 apply to the revised petition.

3. Upon receipt of a petition for initiative or referendum placed on file pursuant to subsection 1 or 2:

(a) The Secretary of State shall consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine if the initiative or referendum may have any anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters. If the Fiscal Analysis

Division determines that the initiative or referendum may have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the Division must prepare a fiscal note that includes an explanation of any such effect.

(b) The Secretary of State shall consult with the Legislative Counsel regarding the petition for initiative or referendum. The Legislative Counsel may provide technical suggestions regarding the petition for initiative or referendum.

4. Not later than 10 business days after the Secretary of State receives a petition for initiative or referendum filed pursuant to subsection 1 or 2, the Secretary of State shall post a copy of the petition, including the description required pursuant to NRS 295.009, any fiscal note prepared pursuant to subsection 3 and any suggestions made by the Legislative Counsel pursuant to subsection 3, on the Secretary of State's Internet website.

**Sec. 32.** NRS 295.056 is hereby amended to read as follows:

295.056 1. Before a petition for initiative or referendum is filed with the Secretary of State, the petitioners must submit to each county clerk for verification pursuant to NRS 293.1276 to 293.1279, inclusive, the document or documents which were circulated for signature within the clerk's county. The clerks shall give the person submitting a document or documents a receipt stating the number of documents and pages and the person's statement of the number of signatures contained therein.

2. If a petition for initiative proposes a statute or an amendment to a statute, the document or documents must be submitted not later than :

(a) *Except as otherwise provided in paragraph (b)*, the second Tuesday in November of an even-numbered year.

(b) *If the second Tuesday in November of an even-numbered year is the day of the general election, the next working day after the general election.*

3. If a petition for initiative proposes an amendment to the Constitution, the document or documents must be submitted not later than the third Tuesday in June of an even-numbered year.

4. If the petition is for referendum, the document or documents must be submitted not later than the third Tuesday in June of an even-numbered year.

5. All documents which are submitted to a county clerk for verification must be submitted at the same time. If documents concerning the same petition are submitted for verification to more than one county clerk, the documents must be submitted to each county clerk on the same day. At the time that the petition is submitted to a county clerk for verification, the petitioners may designate a contact person who is authorized by the petitioners to address questions or issues relating to the petition.

**Sec. 33.** (Deleted by amendment.)

**Sec. 34.** NRS 298.109 is hereby amended to read as follows:

298.109 1. A person who desires to be an independent candidate for the office of President of the United States must, not later than 5 p.m. on the second Friday in August in each year in which a presidential election is to be

held, pay a filing fee of \$250 and file with the Secretary of State a declaration of candidacy and a petition of candidacy, in which the person must also designate a nominee for Vice President. The petition must be signed by a number of registered voters equal to not less than 1 percent of the total number of votes cast at the last preceding general election for candidates for the offices of Representative in Congress and must request that the names of the proposed candidates be placed on the ballot at the general election that year. The candidate shall file a copy of the petition the person intends to circulate for signatures with the Secretary of State ~~[ ]~~ ***before the petition may be circulated for signatures.***

2. The petition may consist of more than one document. Each document must bear the name of a county and only registered voters of that county may sign the document. The documents which are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last day to file the petition of candidacy with the Secretary of State pursuant to subsection 1. Each person signing shall add to his or her signature the address of the place at which he or she resides, the date that he or she signs and the name of the county wherein he or she is registered to vote. Each document of the petition must also contain the affidavit of the person who circulated the document that all signatures thereon are genuine to the best of the person's knowledge and belief and were signed in his or her presence by persons registered to vote in that county.

3. If the candidacy of any person who seeks to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed with the First Judicial District Court not later than 5 p.m. on the fourth Tuesday in August. Any judicial proceeding relating to the challenge must be set for hearing not later than 5 days after the fourth Tuesday in August.

4. The county clerk shall not disqualify the signature of a voter who fails to provide all the information required by this section if the voter is registered in the county named on the document.

**Sec. 35.** (Deleted by amendment.)

**Sec. 36.** (Deleted by amendment.)

**Sec. 37.** (Deleted by amendment.)

**Sec. 38.** (Deleted by amendment.)

**Sec. 39. 1. This ~~act becomes~~ section and sections 1 to 23, inclusive, 24, 25, 26, 27, 28, 29 and 30 to 38, inclusive, of this act become effective on July 1, 2017.**

**2. Sections 23.5, 23.7, 24.2, 24.5, 25.2, 25.4, 26.5, 27.1, 27.11 and 27.2 of this act become effective on:**

**(a) January 1, 2018, for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and**

**(b) January 1, 2019, for all other purposes.**

Assemblywoman Diaz moved that the Assembly do not concur in the Senate Amendment No. 953 to Assembly Bill No. 45.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

We still need to get this bill right, Mr. Speaker.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 418.

The following Senate amendment was read:

Amendment No. 806.

AN ACT relating to elections; providing that a voter may not be compelled to reveal under oath how he or she voted at any election; providing for the inspection during a contested election of certain records printed on paper of ballots voted by using a mechanical recording device; revising the method of counting ballots during a recount of an election; amending provisions specifying grounds upon which any election may be contested; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Under existing law, in certain proceedings, a person has a privilege to refuse to disclose the tenor of his or her vote at an election unless the vote was cast illegally. (NRS 47.020, 49.315; *Thomas v. Hardwick*, 126 Nev. 142, 146 n.4 (2010) (noting that under the privilege for voters recognized by NRS 49.315, potential jurors cannot be required to disclose how they voted on a particular ballot question))** Section 1 of this bill **supplements the privilege for voters recognized by existing law and provides that , in addition to the right to claim the privilege for voters recognized by existing law in applicable proceedings, a voter who casts a vote legally at an election may not , in any other proceedings or circumstances, be compelled to reveal under oath how he or she voted at [any] the election, and the voter has a privilege to refuse to disclose the tenor of his or her vote at the** election.

Under existing law, voted ballots, rejected ballots, spoiled ballots, challenge lists, certain records printed on paper of ballots voted by using a mechanical recording device and stubs of ballots used must be deposited in the vaults of the county clerk. The voted ballots are not subject to inspection by anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested or by the parties to the contest, jointly, pursuant to an order of such judge, body or board. (NRS 293.391) **Section 2** of this bill clarifies that records printed on

paper of ballots voted by using a mechanical recording device also are not subject to inspection by anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

Under existing law, if a recount of an election in a county or city that uses a mechanical voting system is demanded, or if a recount of an election affecting more than one county is demanded, an initial recount is done of ballots from 5 percent of the total number of precincts that voted in the election, or at least three precincts that voted in the election. If the initial recount shows a discrepancy of at least 1 percent or five votes, whichever is greater, a full recount of all ballots at the election for the office or ballot question is done. (NRS 293.404) **Section 3** of this bill deletes the provisions requiring the initial recount of 5 percent, or at least three, of the precincts that voted at the election. **Section 3** provides instead that all recounts must include a count and inspection of all ballots. **Section 3** further provides that all ballots must be recounted in the same manner in which the ballots were originally tabulated.

**Section 4** of this bill amends provisions specifying grounds upon which any election may be contested. (NRS 293.410)

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

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

~~*[No person]*~~ *In addition to the right to claim the privilege for voters recognized by NRS 49.315 in proceedings governed by title 4 of NRS, a voter who casts a vote legally at an election may not, in any other proceedings or circumstances, be compelled under oath to reveal how he or she voted at ~~any~~ the election, and the voter has a privilege to refuse to disclose the tenor of his or her vote at the election.*

**Sec. 2.** NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists collected pursuant to ~~NRS 293B.400~~ this title must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least

one newspaper of general circulation in the county not less than 2 weeks before the destruction.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2, except the voted ballots ~~and~~ and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk.

5. The voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk are not subject to the inspection of anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

**Sec. 3.** NRS 293.404 is hereby amended to read as follows:

293.404 1. Where a recount is demanded pursuant to the provisions of NRS 293.403, the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chair of the recount board unless the recount is for the office of county clerk, in which case the registrar of voters of the county, if a registrar of voters has been appointed for the county, shall act as chair of the recount board. If a registrar of voters has not been appointed for the county, the chair of the board of county commissioners, if the chair is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of county clerk, a registrar of voters has not been appointed for the county and the chair of the board of county commissioners is a candidate on the ballot, the chair of the board of county commissioners shall appoint another member of the board of county commissioners who is not a candidate on the ballot to act as chair of the recount board. A member of the board of county commissioners who is a candidate on the ballot may not serve as a member of the recount board.

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chair of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city, if the mayor is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of city clerk and the mayor of the city is a candidate on the



ballot, the mayor of the city shall appoint another member of the city council who is not a candidate on the ballot to act as chair of the recount board. A member of the city council who is a candidate on the ballot may not serve as a member of the recount board.

2. Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.

3. ~~{Except in counties or cities using a mechanical voting system, the}~~ **The** recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether ~~{those}~~ **all** ballots are marked as required by law.

~~{4. If a recount is demanded in a county or city using a mechanical voting system, the person who demanded the recount shall select the ballots for the office or ballot question affected from 5 percent of the total number of precincts for that particular office or ballot question, but in no case fewer than three precincts, after notification to each candidate for the office or the candidate's authorized representative.~~

~~—5. The recount board shall examine the selected ballots, including any duplicate or rejected ballots, shall determine whether the ballots have been voted in accordance with this title and shall recount the valid ballots}~~ **All ballots must be recounted** in the same manner in which the ballots were originally tabulated. ~~{If the recount of the selected ballots for all 5 percent of the precincts selected shows a total combined discrepancy of all precincts selected equal to or greater than 1 percent or five votes, whichever is greater, for the candidate demanding the recount or the candidate who won the election according to the original canvass of the returns, or in favor of or against a ballot question, according to the original canvass of the returns, the county or city clerk, as applicable, shall determine whether the person who demanded the recount is entitled to a recount and, if so, shall order a recount of all the ballots for that office or ballot question.~~

~~—6.}~~ **4.** The county or city clerk shall unseal and give to the recount board all ballots to be counted.

~~{7. In the case of a demand for a recount affecting more than one county, including, without limitation, a statewide office or a ballot question, the demand must be made to the Secretary of State. The person who demanded the recount shall select the ballots for the statewide office or ballot question affected from 5 percent of the total number of precincts for that particular office or ballot question after notification to each candidate for the office or the candidate's representative. The Secretary of State shall notify the county clerks of the 5 percent of statewide precincts selected by the person who demanded the recount to examine the ballots in accordance with the provisions of this section and to notify the Secretary of State of the results of the recount in their respective precincts. If the separate examinations, when combined, show a total discrepancy equal to or greater than 1 percent for the candidate demanding the recount or the candidate who won the election,~~

according to the original canvass of the returns, or in favor of or against a ballot question, according to the original canvass of the returns, the Secretary of State shall determine whether the person who demanded the recount is entitled to a recount and, if so, shall order the county or city clerk, as applicable, to recount all the ballots for that office or ballot question.

~~—8.]~~ 5. The Secretary of State may adopt regulations to carry out the provisions of this section.

**Sec. 4.** NRS 293.410 is hereby amended to read as follows:

293.410 1. A statement of contest shall not be dismissed by any court for want of form if the grounds of contest are alleged with sufficient certainty to inform the defendant of the charges the defendant is required to meet.

2. An election may be contested upon any of the following grounds:

(a) That the election board or any member thereof was guilty of malfeasance.

(b) That a person who has been declared elected to an office was not at the time of election eligible to that office.

(c) That ~~illegal~~:

(1) *Illegal or improper* votes were cast and counted ~~for the defendant, which, if taken from the defendant, will reduce the number of the defendant's legal votes below the number necessary to elect~~;

(2) *Legal and proper votes were not counted; or*

(3) *A combination of the circumstances described in subparagraphs (1) and (2) occurred,*

*↪ in an amount that is equal to or greater than the margin between the contestant and the defendant ~~[-]~~, or otherwise in an amount sufficient to raise reasonable doubt as to the outcome of the election.*

(d) That the election board, in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected.

(e) That the defendant *or any person acting, either directly or indirectly, on behalf of the defendant* has given, or offered to give, to any person ~~a bribe~~ *anything of value* for the purpose of ~~procuring his or her~~ *manipulating or altering the outcome of the election.*

(f) That there was a possible malfunction of any voting *device* or *electronic tabulator*, counting device ~~[-]~~ *or computer in a manner sufficient to raise reasonable doubt as to the outcome of the election.*

Assemblywoman Diaz moved that the Assembly concur in the Senate Amendment No. 806 to Assembly Bill No. 418.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

We like them.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 907.

AN ACT relating to elections; providing that a voter may not be compelled to reveal under oath how he or she voted at any election; providing for the inspection during a contested election of certain records printed on paper of ballots voted by using a mechanical recording device; revising the method of counting ballots during a recount of an election; amending provisions specifying grounds upon which any election may be contested; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, in certain proceedings, a person has a privilege to refuse to disclose the tenor of his or her vote at an election unless the vote was cast illegally. (NRS 47.020, 49.315; *Thomas v. Hardwick*, 126 Nev. 142, 146 n.4 (2010) (noting that under the privilege for voters recognized by NRS 49.315, potential jurors cannot be required to disclose how they voted on a particular ballot question)) **Section 1** of this bill supplements the privilege for voters recognized by existing law and provides that, in addition to the right to claim the privilege for voters recognized by existing law in applicable proceedings, a voter who casts a vote legally at an election may not, in any other proceedings or circumstances, be compelled to reveal under oath how he or she voted at the election, and the voter has a privilege to refuse to disclose the tenor of his or her vote at the election.

Under existing law, voted ballots, rejected ballots, spoiled ballots, challenge lists, certain records printed on paper of ballots voted by using a mechanical recording device and stubs of ballots used must be deposited in the vaults of the county clerk. The voted ballots are not subject to inspection by anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested or by the parties to the contest, jointly, pursuant to an order of such judge, body or board. (NRS 293.391) **Section 2** of this bill clarifies that records printed on paper of ballots voted by using a mechanical recording device also are not subject to inspection by anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

Under existing law, if a recount of an election in a county or city that uses a mechanical voting system is demanded, or if a recount of an election affecting more than one county is demanded, an initial recount is done of ballots from 5 percent of the total number of precincts that voted in the election, or at least three precincts that voted in the election. If the initial recount shows a discrepancy of at least 1 percent or five votes, whichever is greater, a full recount of all ballots at the election for the office or ballot question is done. (NRS 293.404) **Section 3** of this bill deletes the provisions requiring the initial recount of 5 percent, or at least three, of the precincts that voted at the election. **Section 3** provides instead that all recounts must

include a count and inspection of all ballots. **Section 3** further provides that all ballots must be recounted in the same manner in which the ballots were originally tabulated.

**Section 4** of this bill amends provisions specifying grounds upon which any election may be contested. (NRS 293.410)

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

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

*In addition to the right to claim the privilege for voters recognized by NRS 49.315 in proceedings governed by title 4 of NRS, a voter who casts a vote legally at an election may not, in any other proceedings or circumstances, be compelled under oath to reveal how he or she voted at the election, and the voter has a privilege to refuse to disclose the tenor of his or her vote at the election.*

**Sec. 2.** NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists collected pursuant to ~~NRS 293B.400~~ *this title* must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2, except the voted ballots ~~and~~ *and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk.*

5. The voted ballots *and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are* deposited with the county clerk are not subject to the inspection of anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

**Sec. 3.** NRS 293.404 is hereby amended to read as follows:

293.404 1. Where a recount is demanded pursuant to the provisions of NRS 293.403, the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chair of the recount board unless the recount is for the office of county clerk, in which case the registrar of voters of the county, if a registrar of voters has been appointed for the county, shall act as chair of the recount board. If a registrar of voters has not been appointed for the county, the chair of the board of county commissioners, if the chair is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of county clerk, a registrar of voters has not been appointed for the county and the chair of the board of county commissioners is a candidate on the ballot, the chair of the board of county commissioners shall appoint another member of the board of county commissioners who is not a candidate on the ballot to act as chair of the recount board. A member of the board of county commissioners who is a candidate on the ballot may not serve as a member of the recount board.

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chair of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city, if the mayor is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of city clerk and the mayor of the city is a candidate on the ballot, the mayor of the city shall appoint another member of the city council who is not a candidate on the ballot to act as chair of the recount board. A member of the city council who is a candidate on the ballot may not serve as a member of the recount board.

2. Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.

3. ~~[Except in counties or cities using a mechanical voting system, the]~~ **The** recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether ~~[those]~~ **all** ballots are marked as required by law.

~~[4. If a recount is demanded in a county or city using a mechanical voting system, the person who demanded the recount shall select the ballots for the office or ballot question affected from 5 percent of the total number of precincts for that particular office or ballot question, but in no case fewer~~

than three precincts, after notification to each candidate for the office or the candidate's authorized representative.

~~—5. The recount board shall examine the selected ballots, including any duplicate or rejected ballots, shall determine whether the ballots have been voted in accordance with this title and shall recount the valid ballots} All ballots must be recounted~~ in the same manner in which the ballots were originally tabulated. ~~{If the recount of the selected ballots for all 5 percent of the precincts selected shows a total combined discrepancy of all precincts selected equal to or greater than 1 percent or five votes, whichever is greater, for the candidate demanding the recount or the candidate who won the election according to the original canvass of the returns, or in favor of or against a ballot question, according to the original canvass of the returns, the county or city clerk, as applicable, shall determine whether the person who demanded the recount is entitled to a recount and, if so, shall order a recount of all the ballots for that office or ballot question.~~

~~—6.}~~ 4. The county or city clerk shall unseal and give to the recount board all ballots to be counted.

~~{7. In the case of a demand for a recount affecting more than one county, including, without limitation, a statewide office or a ballot question, the demand must be made to the Secretary of State. The person who demanded the recount shall select the ballots for the statewide office or ballot question affected from 5 percent of the total number of precincts for that particular office or ballot question after notification to each candidate for the office or the candidate's representative. The Secretary of State shall notify the county clerks of the 5 percent of statewide precincts selected by the person who demanded the recount to examine the ballots in accordance with the provisions of this section and to notify the Secretary of State of the results of the recount in their respective precincts. If the separate examinations, when combined, show a total discrepancy equal to or greater than 1 percent for the candidate demanding the recount or the candidate who won the election, according to the original canvass of the returns, or in favor of or against a ballot question, according to the original canvass of the returns, the Secretary of State shall determine whether the person who demanded the recount is entitled to a recount and, if so, shall order the county or city clerk, as applicable, to recount all the ballots for that office or ballot question.~~

~~—8.}~~ 5. The Secretary of State may adopt regulations to carry out the provisions of this section.

**Sec. 4.** NRS 293.410 is hereby amended to read as follows:

293.410 1. A statement of contest shall not be dismissed by any court for want of form if the grounds of contest are alleged with sufficient certainty to inform the defendant of the charges the defendant is required to meet.

2. An election may be contested upon any of the following grounds:

(a) That the election board or any member thereof was guilty of malfeasance.

(b) That a person who has been declared elected to an office was not at the time of election eligible to that office.

(c) That ~~illegal~~:

(1) *Illegal or improper* votes were cast and counted ~~for the defendant, which, if taken from the defendant, will reduce the number of the defendant's legal votes below the number necessary to elect~~;

(2) *Legal and proper votes were not counted; or*

(3) *A combination of the circumstances described in subparagraphs (1) and (2) occurred,*

*↪ in an amount that is equal to or greater than the margin between the contestant and the defendant [-], or otherwise in an amount sufficient to raise reasonable doubt as to the outcome of the election.*

(d) That the election board, in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected.

(e) That the defendant *or any person acting, either directly or indirectly, on behalf of the defendant* has given, or offered to give, to any person ~~a bribe~~ *anything of value* for the purpose of ~~procuring his or her~~ *manipulating or altering the outcome of the election.*

(f) That there was a ~~possible~~ malfunction of any voting *device* or *electronic tabulator*, counting device ~~[-]~~ *or computer in a manner sufficient to raise reasonable doubt as to the outcome of the election.*

Assemblywoman Diaz moved that the Assembly concur in the Senate Amendment No. 907 to Assembly Bill No. 418.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

We like them.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Joint Resolution No. 5.

The following Senate amendment was read:

Amendment No. 804.

SUMMARY—Proposes to amend the Nevada Constitution to remove the constitutional provisions governing the election and duties of the Board of Regents of the State University and to authorize the Legislature to provide by statute for the governance, control and management of the State University [.] and for the reasonable protection of individual academic freedom. (BDR C-60)

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to remove the constitutional provisions governing the election and duties of the Board of Regents of the State University and to authorize the Legislature to provide by statute for the governance, control and

management of the State University [.] **and for the reasonable protection of individual academic freedom.**

**Legislative Counsel's Digest:**

Article 11 of the Nevada Constitution, which is known as the Education Article, requires the Nevada Legislature to provide for the establishment of a State University that is controlled by a Board of Regents whose duties are prescribed by law. (Nev. Const. Art. 11, § 4) The Education Article also: (1) requires the Legislature to provide for the election of the members of the Board of Regents of the State University and to define their duties by law; and (2) authorizes the Board of Regents to control and manage the affairs of the State University and its funds under such regulations as may be provided by law. (Nev. Const. Art. 11, §§ 7, 8)

As required by the Education Article, the Legislature has provided by law for: (1) the establishment of the State University, which is known as the University of Nevada; and (2) the election of the members of the Board of Regents. (NRS 396.020, 396.040) Additionally, the Legislature has: (1) provided by law for the establishment of the Nevada System of Higher Education, which consists of the State University and other educational institutions, programs and operations; and (2) authorized the Board of Regents to administer the System and to prescribe rules for its governance and management. (NRS 396.020, 396.110, 396.230, 396.280, 396.300, 396.420, 396.440, 396.550)

This resolution proposes to amend the Nevada Constitution to remove the constitutional provisions governing the Board of Regents and to authorize the Legislature to provide by statute for the governance, control and management of the State University. (Nev. Const. Art. 11, §§ 4, 7) However, although this resolution removes the status of the Board of Regents as a constitutional body under the Nevada Constitution, this resolution does not change the status of the Board of Regents as a statutory body under existing statutory provisions, which authorize the Board of Regents to administer the Nevada System of Higher Education and prescribe rules for its governance and management. In addition, this resolution does not repeal, either expressly or by implication, any of those existing statutory provisions relating to the Board of Regents, including the existing statutory provisions that provide for the election of the members of the Board of Regents.

**Under the Education Article, the Legislature is authorized to encourage by all suitable means the promotion of intellectual, literary, scientific, mining, mechanical, agricultural, ethical and other educational improvements. (Nev. Const. Art. 11, § 1) In public institutions of higher education, rules which provide for the reasonable protection of individual academic freedom are intended to encourage the pursuit of knowledge and the search for academic truth and enlightenment. (Urofsky v. Gilmore, 216 F.3d 401, 410-11 (4th Cir. 2000); Demers v. Austin, 746 F.3d 402, 411-12 (9th Cir. 2014))**



**This resolution proposes to amend the Nevada Constitution to authorize the Legislature to provide by statute for the reasonable protection of individual academic freedom for students, faculty and other academic personnel of the public institutions of higher education in this State in order to facilitate the policies of encouraging by all suitable means the promotion of intellectual, literary, scientific, mining, mechanical, agricultural, ethical and other educational improvements. (Nev. Const. Art. 11, § 4)**

Under the federal Morrill Land Grant Act of 1862, each state was provided with certain federal land grants to be sold to support and maintain at least one college in the state that teaches both agriculture and mechanic arts, including military tactics, so long as the state agrees to certain terms and conditions regarding the preservation and use of the proceeds derived from the sale of the federal land grants. (Act of July 2, 1862, ch. 130, §§ 1-8, 12 Stat. 503-05, as amended and codified at 7 U.S.C. §§ 301 et seq.) To secure the benefits offered by the federal law, the Framers of the Nevada Constitution approved Section 8 of the Education Article to provide for the preservation and use of the proceeds derived from the sale of the federal land grants. (*Debates & Proceedings of the Nevada State Constitutional Convention of 1864*, at 586 and 589-91 (Andrew J. Marsh off. rep. 1866))

This resolution proposes to amend Section 8 of the Education Article to: (1) remove references to the Board of Regents; (2) delete obsolete provisions; (3) clarify citations to the pertinent federal law, including all amendments thereto; and (4) specify that the proceeds derived under the federal law must be invested by the State of Nevada in the manner required by law. (Nev. Const. Art. 11, § 8)

If this resolution is passed by the 2017 Legislature, it must also be passed by the next Legislature and then approved and ratified by the voters in an election before the proposed amendments to the Nevada Constitution become effective.

WHEREAS, Article 11 of the Nevada Constitution, which is known as the Education Article, requires the Legislature to provide for the establishment of a State University that is controlled by a Board of Regents whose duties are prescribed by law (Nev. Const. Art. 11, § 4); and

WHEREAS, The Education Article also requires the Legislature to provide for the election of the members of the Board of Regents and to define their duties by law (Nev. Const. Art. 11, § 7); and

WHEREAS, The Education Article authorizes the Board of Regents to control and manage the affairs of the State University and its funds under such regulations as may be provided by law (Nev. Const. Art. 11, §§ 7, 8); and

WHEREAS, When drafting the Education Article, the Framers of the Nevada Constitution purposefully added constitutional language to ensure that the powers and duties of the Board of Regents and its members “shall be

prescribed by the Legislature,” in order to “not leave it to be inferred, perhaps, that they have absolute control” over the State University (*Debates & Proceedings of the Nevada State Constitutional Convention of 1864*, at 586 (Andrew J. Marsh off. rep. 1866) (statement of Delegate George A. Nourse)); and

WHEREAS, The Framers believed that the Board of Regents’ control and management of the affairs of the State University should be governed by laws enacted by the Legislature (*Debates & Proceedings of the Nevada State Constitutional Convention of 1864*, at 585-87 (Andrew J. Marsh off. rep. 1866)); and

WHEREAS, The Framers did not create the Board of Regents as a constitutional body in the Education Article to give the Board of Regents unchecked autonomy from legislative oversight and control (*Debates & Proceedings of the Nevada State Constitutional Convention of 1864*, at 585-91 (Andrew J. Marsh off. rep. 1866)); and

WHEREAS, As required by the Education Article, the Legislature has provided by law for the establishment of the State University, known as the University of Nevada, and has provided by law for the election of the members of the Board of Regents (NRS 396.020, 396.040); and

WHEREAS, The Legislature has provided by law for the establishment of the Nevada System of Higher Education, which consists of the State University and other educational institutions, programs and operations, and for the Board of Regents to administer the System and to prescribe rules for its governance and management (NRS 396.020, 396.110, 396.230, 396.280, 396.300, 396.420, 396.440, 396.550); and

WHEREAS, In cases before the Nevada Supreme Court, the Board of Regents has asserted that its “unique constitutional status” gives it “virtual autonomy and thus immunity” from particular laws and policies enacted by the Legislature (*Board of Regents v. Oakley*, 97 Nev. 605, 607 (1981)); and

WHEREAS, Although the Nevada Supreme Court has rejected the Board of Regents’ broad assertion of autonomy and immunity from laws and policies enacted by the Legislature, the Nevada Supreme Court has recognized that the Board of Regents’ constitutional status prevents the Legislature from enacting certain legislation that directly “interferes with the Board’s essential management and control of the University.” (*Board of Regents v. Oakley*, 97 Nev. 605, 608 (1981); *King v. Board of Regents*, 65 Nev. 533, 564-69 (1948)); and

WHEREAS, Under our Nation’s fundamental, well-established and long-standing principles of representative government, the traditional role of the people’s elected representatives in the Legislature is to serve as the people’s legislative check of accountability to ensure that public bodies, agencies and officers in the other branches of government are carrying out their governmental functions for the benefit of the people and in a manner consistent with the laws and policies enacted by the Legislature; and

WHEREAS, The Board of Regents has, at various times, relied on its constitutional status and its authority to control and manage the affairs of the State University as a defensive shield and cloak against the people's legislative check of accountability, and the Board of Regents has, at various times, taken actions that have hindered, thwarted or undermined the Legislature's investigation, review and scrutiny of the institutions, programs and operations of the Nevada System of Higher Education; and

WHEREAS, Like other public bodies, agencies and officers of the State Government, the Board of Regents should be subject to the people's legislative check of accountability through legislative oversight and control, and the Board of Regents' control and management of the affairs of the State University should be governed by all laws enacted by the Legislature; and

WHEREAS, To secure accountability to the people's elected representatives in the Legislature, the Nevada Constitution should be amended to remove the Board of Regents' constitutional status so that the Board of Regents operates only as a statutory public body to ensure that it is subject to the people's legislative check of accountability through legislative oversight and control and to ensure that the Board of Regents' control and management of the affairs of the State University are governed by all laws enacted by the Legislature; and

WHEREAS, Amending the Nevada Constitution to remove the Board of Regents' constitutional status will allow the Legislature to exercise the full extent of its legislative power to review, reform and improve the control and management of the affairs of the State University and, in doing so, the Legislature also will have more options and greater flexibility to review, reform and improve all other institutions, programs and operations of the Nevada System of Higher Education; and

WHEREAS, Amending the Nevada Constitution to remove the Board of Regents' constitutional status will not repeal, either expressly or by implication, the existing statutory provisions which apply to the Board of Regents, the State University and all other institutions, programs and operations of the Nevada System of Higher Education, including, without limitation, the existing statutory provisions that provide for the voters to elect the members of the Board of Regents; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That **this resolution may be cited as the Nevada Higher Education Reform, Accountability and Oversight Amendment; and be it further**

**RESOLVED, That** Section 4 of Article 11 of the Nevada Constitution be amended to read as follows:

~~{Sec:}~~ **Sec. 4. 1.** The Legislature shall provide for the establishment of a State University which shall embrace departments for Agriculture, Mechanic Arts, and Mining ~~{to be controlled by a Board of Regents whose duties shall be prescribed by Law.}~~, **and ~~the~~ other departments deemed appropriate for the State University.**

2. The Legislature shall provide by law for ~~the~~ :

(a) The governance, control and management of the State University.

(b) The reasonable protection of individual academic freedom for persons who are enrolled in or who are employees or contractors of the State University and other public institutions of higher education in this State in order to facilitate the policies of Section 1 of this Article to encourage by all suitable means the promotion of intellectual, literary, scientific, mining, mechanical, agricultural, ethical and other educational improvements.

And be it further

RESOLVED, That Section 8 of Article 11 of the Nevada Constitution be amended to read as follows:

~~{Sec:}~~ **Sec. 8.** The ~~{Board of Regents shall, from the interest accruing from the first funds which come under their control, immediately organize and maintain the said Mining department in such manner as to make it most effective and useful. Provided, that all the}~~ proceeds of the public lands donated by Act of Congress approved July ~~{second AD. Eighteen hundred and sixty Two,}~~ 2, 1862, *ch. 130, 12 Stat. 503, and thereafter amended by Act of Congress*, for a college for the benefit of Agriculture ~~{,} the Mechanics}~~ and *Mechanic Arts*, ~~{and}~~ including Military tactics, shall be invested by the ~~{said Board of Regents}~~ *State of Nevada in the manner required by law* in a separate fund to be appropriated exclusively for the benefit of the first named departments to the *State University* as set forth in Section ~~{Four above,}~~ *4 of this Article*. And the Legislature shall provide that if through neglect or any other contingency, any portion of the fund so set apart ~~{, shall be}~~ is lost or misappropriated, the State of Nevada shall replace said amount so lost or misappropriated in said fund so that the principal of said fund shall remain forever undiminished. ~~{,}~~

And be it further

RESOLVED, That Section 7 of Article 11 of the Nevada Constitution be repealed.

#### TEXT OF REPEALED SECTION

**Sec: 7. Board of Regents: Election and duties.** The Governor, Secretary of State, and Superintendent of Public Instruction, shall for the first four years and until their successors are elected and qualified constitute a Board of Regents to control and manage the affairs of the University and the funds of the same under such regulations as may be provided by law. But the Legislature shall at its regular session next preceding the expiration of the term of office of said Board of Regents provide for the election of a new Board of Regents and define their duties.

Assemblywoman Diaz moved that the Assembly concur in the Senate Amendment No. 804 to Assembly Joint Resolution No. 5.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

The amendment further clarifies that the Resolution proposes to amend the *Nevada Constitution* to authorize the Legislature to provide by statute for the reasonable protection of individual academic freedom for students, faculty, and other academic personnel of the public institutions of higher education in the state.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 150.

The following Senate amendment was read:

Amendment No. 703.

AN ACT relating to private professional guardians; revising provisions governing the qualifications necessary to serve as a private professional guardian; requiring certain persons to submit fingerprints to the Division of Financial Institutions of the Department of Business and Industry not less than once every 5 years for the purpose of obtaining a report from the Federal Bureau of Investigation; requiring the Division to maintain a copy of all such reports; requiring the Commissioner of Financial Institutions to adopt regulations establishing any fee required to obtain such reports; **prohibiting a person from engaging in any activity relating to service as a private professional guardian without meeting the necessary requirements; revising provisions relating to an application for a license to engage in the business of a private professional guardian;** replacing references to the term “case manager”; **revising certain reporting requirements for private professional guardian companies; revising provisions relating to required fidelity bonds;** removing the provision that exempts private professional guardians from the provisions of law concerning summary administration granted by a court; **revising provisions relating to certain investigations by the Commissioner;** and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law provides that in order for a natural person to serve as a private professional guardian, the person must be: (1) qualified to serve as a guardian for an adult or a minor; and (2) a guardian who has a license to engage in the business of a private professional guardian or who does not have such a license but is certified by the Center for Guardianship Certification. (NRS 159.0595) **Section 2** of this bill removes the requirement relating to the licensure of a natural person and generally provides that in order for a person to serve as a private professional guardian, the person must be: (1) a natural person who is employed by an entity that is licensed to engage in the business of a private professional guardian and who is certified by the Center for Guardianship Certification; or (2) an entity that is licensed to engage in

the business of a private professional guardian and meets certain other requirements. **Sections 1, ~~4-9, 11~~ 4-7, 12, 13 and ~~15-20~~ 15-17** of this bill make conforming changes.

Existing law requires, as part of an application for a license to engage in the business of a private professional guardian, that certain persons submit to the Commissioner of Financial Institutions a complete set of fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation (hereinafter “FBI”) for its report. (NRS 628B.310) **Section 3** of this bill requires: (1) ~~for certain persons~~ **each natural person who acts in any capacity within a private professional guardian company** to submit to the Commissioner, not less than once every 5 years, a complete set of fingerprints and such written permission to enable the Division to obtain a report from the FBI; and (2) the Division to maintain a copy of all reports obtained from the FBI. **Section 3** also requires the Commissioner to adopt regulations establishing the amount of any fee required to obtain a report from the FBI.

Existing law also requires the Commissioner to investigate the facts of an application and the other requirements set forth by law to determine information about certain persons, including any person acting in a case manager capacity. (NRS 628B.330) ~~Existing law further requires the director or manager of a private professional guardian company to require fidelity bonds on certain persons, including a member of the company acting in a case manager capacity, to indemnify the company against loss. (NRS 628B.540))~~ **Sections 9 ~~1~~ and 10 ~~and 14~~** of this bill replace the term “case manager” with references to a **natural** person who acts in a capacity in which he or she is authorized to make discretionary decisions on behalf of the applicant or private professional guardian company, as applicable. **Sections 9 and 10 also revise provisions relating to an application for a license to engage in the business of a private professional guardian.**

**Existing law requires the director or manager of a private professional guardian company to require fidelity bonds in an amount of at least \$25,000 on certain persons. (NRS 628B.540) Section 14 of this bill requires a private professional guardian company to require such bonds on each natural person who acts in any capacity within the private professional guardian company.**

Existing law provides that with regard to guardianships and the administration of smaller estates, the court is authorized to grant a summary administration if it appears that the value of the property of a ward, after payment of all claims and expenses of the guardianship, does not exceed \$10,000. If the court grants a summary administration, the guardian is required to file an inventory and record of value with the court, and the court is authorized to impose certain requirements upon the guardian. (NRS 159.076) Existing law also provides that such provisions concerning

summary administration do not apply to a private professional guardian. (NRS 628B.550) **Section 15** removes this exemption.

**Section 8 of this bill provides that it is unlawful for any person who does not meet the requirements necessary to serve as a private professional guardian to engage in any activity relating to service as a private professional guardian. Section 19 of this bill requires the Commissioner to conduct an investigation if he or she receives a verified complaint that a person who does not meet the requirements necessary to serve as a private professional guardian is engaging in any activity relating to service as a private professional guardian.**

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

**Section 1.** NRS 159.024 is hereby amended to read as follows:

159.024 1. "Private professional guardian" means a person who receives compensation for services as a guardian to three or more wards who are not related to the guardian by blood or marriage ~~[-]~~ *and who meets the requirements set forth in NRS 159.0595.*

2. For the purposes of this chapter, the term includes ~~[-]~~

~~—(a) A person who~~ *an entity that* serves as a private professional guardian and ~~[who] is [required]~~ :

*(a) Required* to have a license issued pursuant to chapter 628B of NRS ~~[-]~~ ; *or*

~~(b) [A person who serves as a private professional guardian but who is exempt]~~ *Exempt* pursuant to NRS 159.0595 or 628B.110 from the requirement to have a license issued pursuant to chapter 628B of NRS.

3. The term does not include:

(a) A governmental agency.

(b) A public guardian appointed or designated pursuant to the provisions of chapter 253 of NRS.

**Sec. 2.** NRS 159.0595 is hereby amended to read as follows:

159.0595 1. In order for a person to serve as a private professional guardian, the person must be:

(a) ~~[Qualified to serve as a guardian pursuant to NRS 159.0613 if the ward is an adult or NRS 159.061 if the ward is a minor; and~~

~~—(b)] A [guardian]~~ *natural person* who ~~[has a license issued]~~ *is a certified guardian and is employed by an entity that is licensed* pursuant to chapter 628B of NRS ~~[or a certified guardian who]~~ , *unless the entity* is not required to have such a license pursuant to subsection ~~[3-~~

~~2. In order for an entity to serve as a private professional guardian, the]~~ 2; *or*

*(b) An entity [must:*

~~—(a) Be]~~ *that:*

*(1) Is* qualified to serve as a guardian pursuant to NRS 159.0613 if the ward is an adult;

~~[(b) Have]~~

(2) *Has* a license issued pursuant to chapter 628B of NRS , unless the entity is not required to have such a license pursuant to subsection ~~[3:]~~ 2; and

~~[(c) Have]~~

(3) *Has* a *private professional* guardian who ~~[has a license issued pursuant to chapter 628B of NRS or a certified guardian who is not required to have such a license pursuant to subsection 3]~~ *meets the requirements set forth in paragraph (a)* involved in the day-to-day operation or management of the entity.

~~[3.—In order for a person or]~~

2. An entity *that wishes* to serve as a private professional guardian ~~[, the person or entity]~~ is not required to have a license issued pursuant to chapter 628B of NRS if the ~~[person or]~~ entity is exempt from the requirement to have such a license pursuant to NRS 628B.110 . ~~[and the person or entity:]~~

~~—(a) Is a banking corporation as defined in NRS 657.016;~~

~~—(b) Is an organization permitted to act as a fiduciary pursuant to NRS 662.245;~~

~~—(c) Is a trust company as defined in NRS 669.070;~~

~~—(d) Is acting in the performance of his or her duties as an attorney at law;~~

~~—(e) Acts as a trustee under a deed of trust; or~~

~~—(f) Acts as a fiduciary under a court trust.~~

~~—4.]~~ 3. As used in this section:

(a) “Certified guardian” means a person who is certified by the Center for Guardianship Certification or any successor organization.

(b) “Entity” includes, without limitation, a corporation, whether or not for profit, a limited-liability company and a partnership.

~~[(c) “Person” means a natural person.]~~

Sec. 3. Chapter 628B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Each [member, partner, director, officer, manager or employee of a private professional guardian company, and any] natural person who acts in [a] any capacity [in which he or she is authorized to make discretionary decisions on behalf of the] within a private professional guardian company [:] shall, before acting in any such capacity and not less than once every 5 years thereafter, submit to the Commissioner [pursuant to this section or subsection 5 of NRS 628B.310, as applicable,] a complete set of fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.~~

2. The Division shall maintain a copy of all reports obtained pursuant to this section . ~~[and subsection 5 of NRS 628B.310.]~~

3. The Commissioner shall adopt regulations establishing the amount of any fee required to obtain a report pursuant to this section. All money



*received by the Commissioner must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.*

**Sec. 4.** NRS 628B.010 is hereby amended to read as follows:

628B.010 The Legislature finds and declares that:

1. There exists in this State a need, in order to provide for the protection of the public interest, to regulate ~~persons~~ **entities** engaged in the business of private professional guardians ~~and persons employed by such entities~~.

2. ~~Persons~~ **Entities** engaging in the business of private professional guardians must be licensed and regulated in such a manner as to promote advantages and convenience for the public while protecting the public interest.

3. It is the purpose of this chapter to bring under public supervision ~~persons who~~ **entities that** are engaged in or ~~who~~ desire to engage in the business of a private professional guardian and to ensure that there is established in this State an adequate, efficient and competitive private professional guardian service available to the courts and the public at large.

**Sec. 5.** NRS 628B.030 is hereby amended to read as follows:

628B.030 “Business of a private professional guardian” means the holding out by ~~a person~~ **an entity**, through advertising, solicitation or other means, that the ~~person~~ **entity or a person employed by the entity** is available to act for compensation as a private professional guardian.

**Sec. 6.** NRS 628B.080 is hereby amended to read as follows:

628B.080 1. “Private professional guardian” has the meaning ascribed to it in NRS 159.024.

2. For the purposes of this chapter, the term does not include ~~a person who~~ **an entity that** serves as a private professional guardian but ~~who~~ is exempt pursuant to NRS 159.0595 or 628B.110 from the requirement to have a license issued pursuant to this chapter.

**Sec. 7.** NRS 628B.090 is hereby amended to read as follows:

628B.090 1. “Private professional guardian company” means a ~~natural person or~~ business entity, including, without limitation, a sole proprietorship, partnership, limited-liability company or corporation, that is licensed pursuant to the provisions of this chapter to engage in the business of a private professional guardian, whether appointed by a court or hired by a private party.

2. For the purposes of this chapter, the term does not include a ~~natural person or~~ business entity which engages in the business of a private professional guardian but which is exempt pursuant to NRS 159.0595 or 628B.110 from the requirement to have a license issued pursuant to this chapter.

**Sec. 8.** NRS 628B.300 is hereby amended to read as follows:

628B.300 It is unlawful for any ~~person~~ **entity** to engage in any activity relating to service as a private professional guardian, including, without limitation, engaging in the business of a private professional guardian ~~[without having a license issued by the Commissioner pursuant to this~~

~~chapter 1~~, if the person does not meet the requirements set forth in NRS 159.0595.

**Sec. 9.** NRS 628B.310 is hereby amended to read as follows:

628B.310 1. ~~[A person wishing]~~ ***An applicant for a license*** to engage in the business of a private professional guardian in this State must file with the Commissioner an application on a form prescribed by the Commissioner, which must contain or be accompanied by such information as is required.

2. A nonrefundable fee of not more than \$750 must accompany the application. The applicant must also pay such reasonable additional expenses incurred in the process of investigation as the Commissioner deems necessary.

3. The application must contain:

(a) The name of the applicant and the name under which the applicant does business or expects to do business, if different.

(b) The complete business and residence addresses of the applicant.

(c) The character of the business sought to be carried on.

(d) The address of any location where business will be transacted.

(e) In the case of a firm or partnership, the full name and residence address of each member or partner and the manager.

(f) In the case of a corporation or voluntary association, the name and residence address of each director and officer and the manager.

(g) ***The name and residence address of each person who will be employed by the applicant as a private professional guardian pursuant to paragraph (a) of subsection 1 of NRS 159.0595.***

~~(h)~~ A statement by the applicant acknowledging that the applicant is required to comply with the provisions of NRS 159.0595 if issued a license.

~~(h)~~ ***(i)*** Any other information reasonably related to the applicant's qualifications for the license which the Commissioner determines to be necessary.

4. Each application for a license must have attached to it a financial statement showing the assets, liabilities and net worth of the applicant ~~[.]~~ ***and each person who will be employed by the applicant as a private professional guardian pursuant to paragraph (a) of subsection 1 of NRS 159.0595.***

5. In addition to any other requirements, each ~~[applicant or member, partner, director, officer, manager or case manager]~~ ***employee of an applicant, and any natural person who acts in [a] any capacity [in which he or she is authorized to make discretionary decisions on behalf of the applicant,] within a private professional guardian company*** shall ~~[submit to the Commissioner a complete set of fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.]~~ ***before acting in any such capacity, comply with the provisions of section 3 of this act.***

6. If the applicant is a corporation or limited-liability company, the articles of incorporation or articles of organization must contain:

(a) The name adopted by the private professional guardian company, which must distinguish it from any other private professional guardian company formed or incorporated in this State or engaged in the business of a private professional guardian in this State; and

(b) The purpose for which it is formed.

7. The Commissioner shall deem an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is submitted to the Commissioner. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays the required fees.

8. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section, subject to the following limitations:

(a) An initial fee of not more than \$1,500 for a license to transact the business of a private professional guardian; and

(b) A fee of not more than \$300 for each branch office that is authorized by the Commissioner.

9. 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.

**Sec. 10.** NRS 628B.330 is hereby amended to read as follows:

628B.330 1. Within 90 days after the application for a license is filed, the Commissioner shall investigate the facts of the application and the other requirements of this chapter to determine:

(a) That each person who will serve as a sole proprietor, partner of a partnership, member of a limited-liability company or director or officer of a corporation, ~~and~~ any person acting in a managerial ~~for case manager~~ capacity ~~or in a capacity in which he or she is authorized to make discretionary decisions on behalf of the applicant~~ and any person who will be employed by the applicant as a private professional guardian pursuant to paragraph (a) of subsection 1 of NRS 159.0595, as applicable:

(1) Has a good reputation for honesty, trustworthiness and integrity and displays competence to engage in the business of a private professional guardian in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of those qualifications, including, without limitation, evidence that the applicant has passed an examination for private professional guardians specified by the Commissioner.

(2) Has not been convicted of, or entered a plea of guilty or nolo contendere to, a felony or any crime involving fraud, misrepresentation, material omission, misappropriation, conversion or moral turpitude.

(3) Has not made a false statement of material fact on the application.

(4) Has not been a sole proprietor or an officer or member of the board of directors for an entity whose license issued pursuant to the provisions of this chapter was suspended or revoked within the 10 years immediately preceding the date of the application if, in the reasonable judgment of the Commissioner, there is evidence that the sole proprietor, officer or member materially contributed to the actions resulting in the suspension or revocation of the license.

(5) Has not been a sole proprietor or an officer or member of the board of directors for an entity whose license as a private professional guardian company which was issued by any other state, district or territory of the United States or any foreign country was suspended or revoked within the 10 years immediately preceding the date of the application if, in the reasonable judgment of the Commissioner, there is evidence that the sole proprietor, officer or member materially contributed to the actions resulting in the suspension or revocation of the license.

(6) Has not violated any of the provisions of this chapter or any regulations adopted pursuant thereto.

(b) That the financial status of each sole proprietor, partner, member or director and officer of the corporation ~~and~~, each person acting in a managerial ~~for case manager~~ capacity or in a capacity in which he or she is authorized to make discretionary decisions on behalf of the applicant and each person who will be employed by the applicant as a private professional guardian pursuant to paragraph (a) of subsection 1 of NRS 159.0595 indicates fiscal responsibility consistent with his or her position.

(c) That the name of the proposed business complies with all applicable statutes.

(d) That, except as otherwise provided in NRS 628B.540, the initial surety bond is not less than the amount required by NRS 159.065.

2. In rendering a decision on an application for a license, the Commissioner shall consider, without limitation:

(a) The proposed markets to be served and, if they extend outside this State, any exceptional risk, examination or supervision concerns associated with those markets;

(b) Whether the proposed organizational and equity structure and the amount of initial equity or fidelity and surety bonds of the applicant appear adequate in relation to the proposed business and markets, including, without limitation, the average level of assets under guardianship projected for each of the first 3 years of operation; and

(c) Whether the applicant has planned suitable annual audits conducted by qualified outside auditors of its books and records and its fiduciary activities under applicable accounting rules and standards as well as suitable internal audits.

**Sec. 11.** NRS 628B.380 is hereby amended to read as follows:

628B.380 1. A license issued pursuant to this chapter is not transferable or assignable, but upon the approval of the Commissioner and

any applicable court of jurisdiction, a ~~[licensee]~~ **private professional guardian company** may merge or consolidate with, or transfer its assets and control to, another ~~[person who]~~ **entity that holds a license pursuant to this chapter.** ~~[private professional guardian company.]~~ In determining whether to grant the approval, the Commissioner may consider the factors set forth in NRS 628B.330.

2. If a change in the control of a private professional guardian company occurs, the chief executive officer or managing member of the company shall report the change in control and the name of the person obtaining control to the Commissioner within 5 business days after obtaining knowledge of the change.

3. A private professional guardian company shall, within 5 business days after a change **occurs** in the chief executive officer, managing member, ~~for~~ a majority of the directors or managing directors of the company ~~[occurs]~~ **or the employment of any private professional guardian,** report the change to the Commissioner. The company shall include in its report to the Commissioner a statement of the past and current business and professional affiliations of each new chief executive officer, managing member, director, ~~for~~ managing director ~~[.]~~ **or private professional guardian.** A new chief executive officer, managing member, director, ~~for~~ managing director **or private professional guardian** shall furnish to the Commissioner a complete financial statement on a form prescribed by the Commissioner.

4. A person who intends to acquire control of a private professional guardian company shall submit an application to the Commissioner. The application must be submitted on a form prescribed by the Commissioner. The Commissioner shall conduct an investigation pursuant to NRS 628B.330 to determine whether the person has a good reputation for honesty, trustworthiness and integrity and is competent to control the private professional guardian company in a manner which protects the interests of the general public.

5. The private professional guardian company of which the applicant intends to acquire control shall pay the nonrefundable cost of the investigation as required by the Commissioner. If the Commissioner denies the application, the Commissioner may prohibit or limit the applicant's participation in the business.

6. As used in this section, "control" means the possession, directly or indirectly, of the authority to direct or cause the direction of the management and policy of a private professional guardian company, or a change in the ownership of at least 25 percent of the outstanding voting stock of, or participating members' interest in, the company.

**Sec. 12.** NRS 628B.520 is hereby amended to read as follows:

628B.520 1. A private professional guardian company licensed pursuant to this chapter shall maintain its principal office in this State.

2. To qualify as the principal office for the purposes of subsection 1, an office of the private professional guardian company must:

(a) Have a verifiable physical location in this State at which the private professional guardian company conducts such business operations in this State as are necessary to administer private professional guardianships in this State;

(b) Have available at the office a private professional guardian who *meets the requirements set forth in paragraph (a) of subsection 1 of NRS 159.0595* and is ~~licensed pursuant to this chapter,~~ a permanent resident of this State and at least 21 years of age;

(c) Have any license issued pursuant to this chapter conspicuously displayed;

(d) Have available at the office originals or true copies of all material business records and accounts of the private professional guardian company, which must be readily available to access and readily available for examination by the Division;

(e) Have available to the public written procedures for making claims against the surety bond required to be maintained pursuant to NRS 628B.540;

(f) Have available all services to residents of this State which are consistent with the business plan of the private professional guardian company included with the application for a license; and

(g) Comply with any other requirements specified by the Commissioner.

**Sec. 13.** NRS 628B.530 is hereby amended to read as follows:

628B.530 1. It is unlawful for any ~~person~~ *private professional guardian company* licensed pursuant to this chapter to engage in the business of a private professional guardian at any office outside this State without the prior approval of the Commissioner.

2. Before the Commissioner will approve a branch to be located outside this State, the private professional guardian *company* must:

(a) Obtain from that state any required license as a private professional guardian; or

(b) Provide proof satisfactory to the Commissioner that the private professional guardian company has met all the requirements to engage in the business of a private professional guardian in that state pursuant to its laws, including, without limitation, written documentation from the appropriate court or state agency that the private professional guardian company is authorized to do business in that state.

3. For each branch location of a private professional guardian company organized under the laws of this State, and every branch location in this State of a foreign private professional guardian company authorized to do business in this State, a request for approval and licensing must be filed with the Commissioner on forms prescribed by the Commissioner. A nonrefundable fee of not more than \$500, as provided by the Commissioner, must accompany each request. In addition, a fee of not more than \$200, to be prorated on the basis of the licensing year as provided by the Commissioner, must be paid at the time of making the request. Money collected pursuant to

this section must be deposited in the Investigative Account for Financial Institutions created by NRS 232.545.

4. A foreign corporation or limited-liability company wishing to engage in the business of a private professional guardian in this State must use a name that distinguishes it from any other private professional guardian in this State.

**Sec. 14.** NRS 628B.540 is hereby amended to read as follows:

628B.540 1. The Commissioner may require a private professional guardian company to maintain equity, fidelity and surety bonds in amounts that are more than the minimum required initially or at any subsequent time based on the Commissioner's assessment of the risks associated with the business plan of the private professional guardian or other information contained in the application, the Commissioner's investigation of the application or any examination of or filing by the private professional guardian company thereafter, including, without limitation, any examination before the opening of the business. In making such a determination, the Commissioner may consider, without limitation:

(a) The nature and type of business to be conducted by the private professional guardian company;

(b) The nature and liquidity of assets proposed to be held in the account of the private professional guardian company;

(c) The amount of fiduciary assets projected to be under the management or administration of the private professional guardian company;

(d) The type of fiduciary assets proposed to be held and any proposed depository of such assets;

(e) The complexity of the fiduciary duties and degree of discretion proposed to be undertaken by the private professional guardian company;

(f) The competence and experience of the proposed management of the private professional guardian company;

(g) The extent and adequacy of proposed internal controls;

(h) The proposed presence of annual audits by an independent certified public accountant, and the scope and frequency of such audits, whether they result in an opinion of the accountant and any qualifications to the opinion;

(i) The reasonableness of business plans for retaining or acquiring additional equity capital;

(j) The adequacy of fidelity and surety bonds and any additional insurance proposed to be obtained by the private professional guardian company for the purpose of protecting its fiduciary assets;

(k) The success of the private professional guardian company in achieving the financial projections submitted with its application for a license; and

(l) The fulfillment by the private professional guardian company of its representations and its descriptions of its business structures and methods and management set forth in its application for a license.

2. ~~The director or manager of a~~ A private professional guardian company shall require fidelity bonds in the amount of at least \$25,000 on ~~the~~

~~sole proprietor or each active officer, manager, employee and member acting in a managerial or case manager capacity and employee, or in a/ each natural person who acts in any capacity [in which he or she is authorized to make discretionary decisions on behalf of the] within the private professional guardian company f, regardless of whether the person receives a salary or other compensation from the private professional guardian company,] to indemnify the company against loss due to any dishonest, fraudulent or criminal act or omission by a person upon whom a bond is required pursuant to this section who acts alone or in combination with any other person. A bond required pursuant to this section may be in any form and may be paid for by the private professional guardian company.~~

3. A private professional guardian company shall obtain suitable insurance against burglary, robbery, theft and other hazards to which it may be exposed in the operation of its business.

4. A private professional guardian company shall obtain suitable surety bonds in accordance with NRS 159.065, as applicable.

5. The surety bond obtained pursuant to subsection 4 must be in a form approved by a court of competent jurisdiction and the Division and conditioned that the applicant conduct his or her business in accordance with the requirements of this chapter. The bond must be made and executed by the principal and a surety company authorized to write bonds in this State.

6. A private professional guardian company shall at least annually prescribe the amount or penal sum of the bonds or policies of the company and designate the sureties and underwriters thereof, after considering all known elements and factors constituting a risk or hazard. The action must be recorded in the minutes kept by the private professional guardian company and reported to the Commissioner.

7. The bond must cover all matters placed with the private professional guardian company during the term of the license or a renewal thereof.

8. An action may not be brought upon any bond after 2 years from the revocation or expiration of the license.

9. After 2 years, all liability of the surety or sureties upon the bond ceases if no action is commenced upon the bond.

**Sec. 15.** NRS 628B.550 is hereby amended to read as follows:

628B.550 1. The fiduciary relationship which exists between a private professional guardian and the ward of the private professional guardian may not be used for the private gain of the guardian other than the remuneration for fees and expenses. A private professional guardian may not incur any obligation on behalf of the guardianship that conflicts with the discharge of the duties of the private professional guardian.

2. Unless prior approval is obtained from a court of competent jurisdiction, a private professional guardian shall not:

(a) Have any interest, financial or otherwise, direct or indirect, in any business transaction or activity with the guardianship.



(b) Acquire an ownership, possessory, security or other pecuniary interest adverse to the ward.

(c) Be knowingly designated as a beneficiary on any life insurance policy or pension or benefit plan of the ward unless such designation was validly made by the ward before the adjudication of the person's incapacity.

(d) Directly or indirectly purchase, rent, lease or sell any property or services from or to any business entity in which the private professional guardian, or the spouse or relative of the guardian, is an officer, partner, director, shareholder or proprietor or in which such a person has any financial interest.

3. Any action taken by a private professional guardian which is prohibited by this section may be voided during the term of the guardianship or by the personal representative of the ward's estate. The private professional guardian is subject to removal and to imposition of personal liability through a proceeding for discharge, in addition to any other remedies otherwise available.

4. A court shall not appoint a private professional guardian that ~~is~~ **does not ~~[licensed pursuant to this chapter]~~ meet the requirements set forth in NRS 159.0595** as the guardian of a person or estate. The court must review each guardianship involving a private professional guardian on the anniversary date of the appointment of the private professional guardian. If a private professional guardian does not ~~[hold a current license]~~ **meet the requirements set forth in NRS 159.0595**, the court must replace the guardian until such time as the private professional guardian ~~[obtains the necessary license]~~ **meets such requirements**.

5. ~~[The provisions of NRS 159.076 regarding summary administration do not apply to a private professional guardian.]~~

~~—6.— A licensee]~~ A **private professional guardian** shall file any report required by the court in a timely manner.

**Sec. 16.** NRS 628B.560 is hereby amended to read as follows:

628B.560 1. Except as otherwise provided in NRS 159.076, a ~~[licensee]~~ **private professional guardian company** shall maintain a separate guardianship account for each ward into which all money received for the benefit of the ward must be deposited ~~[.]~~ **, unless otherwise ordered by the court ~~for~~ for a substantiated reason.** Each guardianship account must be maintained in an insured bank or credit union located in this State, be held in a name which is sufficient to distinguish it from the personal or general checking account of the ~~[licensee]~~ **private professional guardian company** and be designated as a guardianship account. Each guardianship account must at all times account for all money received for the benefit of the ward and account for all money dispersed for the benefit of the ward, and no disbursement may be made from the account except as authorized under chapter 159 of NRS or as authorized by court order.

2. Each ~~[licensee]~~ **private professional guardian company** shall keep a record of all money deposited in each guardianship account maintained for a

ward, which must clearly indicate the date and from whom the money was received, the date the money was deposited, the dates of withdrawals of money and other pertinent information concerning the transactions. Records kept pursuant to this subsection must be maintained for at least 6 years after the completion of the last transaction concerning the account. The records must be maintained at the premises in this State at which the ~~Licensee~~ **private professional guardian company** is authorized to conduct business.

3. The Commissioner or his or her designee may conduct an examination of the guardianship accounts and records relating to wards of each private professional guardian company licensed pursuant to this chapter at any time to ensure compliance with the provisions of this chapter.

4. During the first year a private professional guardian **company** is licensed in this State, the Commissioner or his or her designee may conduct any examinations deemed necessary to ensure compliance with the provisions of this chapter.

5. If there is evidence that a private professional guardian company has violated a provision of this chapter, the Commissioner or his or her designee may conduct additional examinations to determine whether a violation has occurred.

6. Each ~~Licensee~~ **private professional guardian company** shall authorize the Commissioner or his or her designee to examine all books, records, papers and effects of the private professional guardian company.

7. If the Commissioner determines that the records of a ~~Licensee~~ **private professional guardian company** are not maintained in accordance with subsections 1 and 2, the Commissioner may require the ~~Licensee~~ **private professional guardian company** to submit, within 60 days, an audited financial statement prepared from the records of the ~~Licensee~~ **private professional guardian company** by a certified public accountant who holds a certificate to engage in the practice of public accounting in this State. The Commissioner may grant a reasonable extension of time for the submission of the financial statement if an extension is requested before the statement is due.

8. Upon the request of the Division, a ~~Licensee~~ **private professional guardian company** must provide to the Division copies of any documents reviewed during an examination conducted by the Commissioner or his or her designee pursuant to subsection 4, 5 or 6. If the copies are not provided, the Commissioner may subpoena the documents.

9. For each examination of the books, papers, records and effects of a private professional guardian company that is required or authorized pursuant to this chapter, the Commissioner shall charge and collect from the private professional guardian company a fee for conducting the examination and preparing a report of the examination based upon the rate established by regulation pursuant to NRS 658.101. Failure to pay the fee within 30 days after receipt of the bill is grounds for revoking the license of the private professional guardian company.

10. All money collected under this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

**Sec. 17.** NRS 628B.730 is hereby amended to read as follows:

628B.730 1. If the Commissioner has reason to believe that grounds for the revocation or suspension of a license exist, the Commissioner shall give at least 20 days' written notice to the ~~{licensee}~~ **private professional guardian company** stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

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

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

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

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

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

(a) The ~~{licensee}~~ **private professional guardian company** has failed to pay the annual license fee;

(b) The ~~{licensee}~~ **private professional guardian company** has violated any provision of this chapter or any regulation adopted pursuant thereto or any lawful order of the Commissioner;

(c) The ~~{licensee}~~ **private professional guardian company** has failed to pay any applicable state or local tax as required;

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

(e) The ~~{licensee}~~ **private professional guardian company**:

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

(2) Has failed to remain open for the conduct of the business for a period of 30 consecutive days without good cause therefor.

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

5. If the Commissioner enters an order suspending or revoking a license pursuant to this section, the Commissioner shall send a copy of the order to each district court in this State.

**Sec. 18.** NRS 628B.920 is hereby amended to read as follows:

628B.920 A person who ~~[An entity that]~~ does not have a license issued pursuant to this chapter shall not:

1. Use the term “private professional guardian” or “guardianship services” as a part of ~~[his or her-its]~~ the person’s business name.
2. Advertise or use any sign which includes the term “private professional guardian.”

**Sec. 19.** NRS 628B.930 is hereby amended to read as follows:

628B.930 1. The Commissioner shall conduct an investigation if he or she receives a verified complaint that ~~[an unlicensed]~~ a person [entity] who does not meet the requirements set forth in NRS 159.0595 is engaging in ~~[an] any~~ activity ~~[for which a license is required pursuant to this chapter.]~~ relating to service as a private professional guardian.

2. If the Commissioner determines that ~~[an unlicensed]~~ a person [entity] who does not meet the requirements set forth in NRS 159.0595 is engaged in ~~[an] any~~ activity ~~[for which a license is required pursuant to this chapter.]~~ relating to service as a private professional guardian, the Commissioner shall:

(a) Issue and serve on the person [entity] an order to cease and desist from engaging in the activity until such time as the person [entity] obtains a license ~~issued by the Commissioner;~~ meets the requirements set forth in NRS 159.0595; and

(b) Send a copy of the order to each district court in this State.

3. If a person ~~[an entity]~~ upon whom ~~[which]~~ an order to cease and desist is served pursuant to subsection 2 does not comply with the order within 30 days after the service of the order, the Commissioner shall, after providing to the person [entity] notice and an opportunity for a hearing:

(a) Impose upon the person [entity] an administrative fine of \$10,000; or

(b) Enter into a written agreement with the person [entity] pursuant to which the person [entity] agrees to cease and desist from engaging in any activity in this State ~~[for which a license is required]~~ relating to ~~[the business of]~~ service as a private professional guardian and impose upon the person [entity] an administrative fine of not less than \$5,000 and not more than \$10,000.

4. The Commissioner shall bring suit in the name and on behalf of the State of Nevada against a person ~~[an entity]~~ upon whom ~~[which]~~ an administrative fine is imposed pursuant to subsection 3 to recover the amount of the administrative fine if:

(a) No petition for judicial review is filed pursuant to NRS 233B.130 and the fine remains unpaid for at least 90 days after notice of the imposition of the fine; or

(b) A petition for judicial review is filed pursuant to NRS 233B.130 and the fine remains unpaid for at least 90 days after the exhaustion of any right of appeal in the courts of this State resulting in a final determination that upholds the imposition of the fine.

5. A person's ~~[Any]~~ liability for an administrative fine is in addition to any other penalty provided for in this chapter.

**Sec. 20.** ~~[NRS 628B.940 is hereby amended to read as follows:~~

~~628B.940 1. If the Commissioner has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter, the Commissioner may, in addition to any action provided for in this chapter and chapter 233B of NRS and without prejudice thereto, enter an order requiring the person to cease and desist or to refrain from such violation. If the Commissioner enters such an order pursuant to this subsection, the Commissioner shall send a copy of the order to each district court in this State.~~

~~2. The Commissioner may bring an action to enjoin a person from engaging in or continuing a violation or from doing any act or acts in furtherance thereof. In any such action, irreparable harm and lack of an adequate remedy at law will be presumed and an order or judgment may be entered awarding a preliminary or final injunction as may be deemed proper. The findings of the Commissioner shall be deemed to be prima facie evidence and sufficient grounds, in the discretion of the court, for the issuance ex parte of a temporary restraining order.~~

~~3. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which an action is brought may impound, and appoint a receiver for, the property and business of [the person,] a private professional guardian company, including books, papers, documents and records pertaining thereto, or so much thereof as a court may deem reasonably necessary to prevent violations of this chapter through or by means of the use of property and business, whether such books, papers, documents and records are in the possession of the [person,] private professional guardian company, a registered agent acting on behalf of the [person] private professional guardian company or any other person. If a receiver is appointed and qualified, the receiver has such powers and duties relating to the custody, collection, administration, winding up and liquidation of such property and business as may be conferred upon the receiver by the court.~~

~~4. If a receiver is appointed pursuant to subsection 3, the receiver shall remit to the owners, members or shareholders of the private professional guardian company any amount of equity of the private professional guardian company remaining after the discharge of the liabilities and payment of the normal, prudent and reasonable expenses of the receivership.] (Deleted by amendment.)~~

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 703 to Assembly Bill No. 150.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The amendment removes the requirement for individual guardians to be licensed and instead requires private professional guardian companies to be licensed. Individual guardians still must meet other requirements such as fingerprinting and certification. It also requires guardianship companies to require bonds for private professional guardians under their employment. Lastly, it requires the Commissioner of Financial Institutions to conduct an investigation if he or she receives a verified complaint that a person who does not meet the requirements necessary to serve as a private professional guardian is engaging in any activity relating to service as a private professional guardian.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 161.

The following Senate amendment was read:

Amendment No. 855.

AN ACT relating to real property; requiring certain rental agreements to contain certain disclosures; creating certain presumptions with respect to certain crimes involving real property; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law sets forth certain requirements relating to a written rental agreement. (NRS 118A.200) **Section 1** of this bill requires a written rental agreement for a single-family residence , unless signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management, to contain a disclosure which states that: (1) there are rebuttable presumptions in **sections 1.3 and 1.7** of this bill that the tenant does not have lawful occupancy of the residence unless the agreement is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management and contains certain contact information for the landlord or the landlord's representative; and (2) the agreement is valid and enforceable regardless of whether the agreement is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management or contains certain contact information for the landlord or the landlord's representative.

**Sections 1.3 and 1.7** of this bill create rebuttable presumptions that a person who forcibly enters or takes up residence in an uninhabited or vacant dwelling knows that his or her entry or residency is without permission of the owner or the owner's representative unless he or she provides a written rental agreement that is notarized or is signed by an authorized agent of the owner who at the time of signing holds a permit to engage in property management and contains certain contact information for the owner or the owner's representative.

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

**Section 1.** NRS 118A.200 is hereby amended to read as follows:

118A.200 1. Any written agreement for the use and occupancy of a dwelling unit or premises must be signed by the landlord or his or her agent and the tenant or his or her agent.

2. The landlord shall provide one copy of any written agreement described in subsection 1 to the tenant free of cost at the time the agreement is executed and, upon request of the tenant, provide additional copies of any such agreement to the tenant within a reasonable time. The landlord may charge a reasonable fee for providing the additional copies.

3. Any written rental agreement must contain, but is not limited to, provisions relating to the following subjects:

- (a) Duration of the agreement.
- (b) Amount of rent and the manner and time of its payment.
- (c) Occupancy by children or pets.
- (d) Services included with the dwelling rental.
- (e) Fees which are required and the purposes for which they are required.
- (f) Deposits which are required and the conditions for their refund.
- (g) Charges which may be required for late or partial payment of rent or for return of any dishonored check.
- (h) Inspection rights of the landlord.
- (i) A listing of persons or numbers of persons who are to occupy the dwelling.
- (j) Respective responsibilities of the landlord and the tenant as to the payment of utility charges.
- (k) A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.
- (l) A summary of the provisions of NRS 202.470.
- (m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:
  - (1) A nuisance.
  - (2) A violation of a building, safety or health code or regulation.
- (n) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118A.325.

4. *In addition to the provisions required by subsection 3, any written rental agreement for a single-family residence which is not signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS must contain a disclosure at the top of the first page of the agreement, in a font size at least two times larger than any other font size in the agreement, which states that:*

*(a) There are rebuttable presumptions in NRS 205.0813 and 205.0817 that the tenant does not have lawful occupancy of the dwelling unless the agreement:*

*(1) Is notarized ~~for~~ or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; and*

*(2) Includes the current address and telephone number of the landlord or his or her authorized representative; and*

*(b) The agreement is valid and enforceable against the landlord and the tenant regardless of whether the agreement:*

*(1) Is notarized ~~for~~ or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; or*

*(2) Includes the current address and telephone number of the landlord or his or her authorized representative.*

5. The absence of a written agreement raises a disputable presumption that:

(a) There are no restrictions on occupancy by children or pets.

(b) Maintenance and waste removal services are provided without charge to the tenant.

(c) No charges for partial or late payments of rent or for dishonored checks are paid by the tenant.

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

~~{5-}~~ 6. It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to use any written agreement which does not conform to the provisions of this section, and any provision in an agreement which contravenes the provisions of this section is void.

7. *As used in this section, “single-family residence” means a structures that is comprised of not more than four units. The term does not include a manufactured home as defined in NRS 118B.015.*

**Sec. 1.3.** NRS 205.0813 is hereby amended to read as follows:

205.0813 1. A person who forcibly enters an uninhabited or vacant dwelling, knows or has reason to believe that such entry is without permission of the owner of the dwelling or an authorized representative of the owner and has the intent to take up residence or provide a residency to another therein is guilty of housebreaking.

2. *A person is presumed to know that an entry described in subsection 1 is without the permission of the owner of the dwelling or an authorized representative of the owner unless the person provides a written rental agreement that:*

*(a) Is notarized ~~for~~ or is signed by an authorized agent of the owner who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; and*

*(b) Includes the current address and telephone number of the owner or his or her authorized representative.*

3. A person convicted of housebreaking is guilty of:



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

~~{3-}~~ **4.** A person convicted of housebreaking and who has previously been convicted three or more times of housebreaking must not be released on probation or granted a suspension of sentence.

~~{4-}~~ **5.** As used in this section, “forcibly enters” means an entry involving:

- (a) Any act of physical force resulting in damage to the structure; or
- (b) The changing or manipulation of a lock to gain access.

**Sec. 1.7.** NRS 205.0817 is hereby amended to read as follows:

205.0817 1. A person who takes up residence in an uninhabited or vacant dwelling and knows or has reason to believe that such residency is without permission of the owner of the dwelling or an authorized representative of the owner is guilty of unlawful occupancy.

2. *A person is presumed to know that the residency described in subsection 1 is without the permission of the owner of the dwelling or an authorized representative of the owner unless the person provides a written rental agreement that:*

*(a) Is notarized ~~{-}~~ or is signed by an authorized agent of the owner who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; and*

*(b) Includes the current address and telephone number of the owner or his or her authorized representative.*

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

~~{3-}~~ **4.** A person who is accused of unlawful occupancy pursuant to subsection 1 and has previously been convicted two times of housebreaking, unlawful occupancy or any lesser included or related offense, or any combination thereof, arising from the same set of facts is presumed to have obtained residency of the dwelling with the knowledge that:

- (a) Any asserted lease is invalid; and
- (b) Neither the owner nor an authorized representative of the owner permitted the residency.

**Sec. 2.** This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 855 to Assembly Bill No. 161.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The amendment exempts a person who is an authorized agent of the landlord and who, at the time of signing a written rental agreement, holds a property management permit pursuant to Chapter 645 of NRS from the provisions of this bill.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 431.

The following Senate amendment was read:

Amendment No. 783.

ASSEMBLYWOMAN BUSTAMANTE ADAMS

**JOINT SPONSOR: SENATOR SETTELMAYER**

AN ACT relating to alcoholic beverages; revising provisions governing brew pubs; revising provisions governing a supplier of alcoholic beverages; **revising provisions authorizing the operation of wineries in this State;** revising provisions prohibiting a wholesaler dealer of alcoholic beverages from investing money in a retail liquor store; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes a person who is licensed to operate a brew pub to operate more than one such brew pub in a county but limits the person to manufacturing not more than 15,000 barrels for all of the brew pubs the person operates in that county in any calendar year. (NRS 597.230) **Section 4** of this bill authorizes a person to operate one or more brew pubs in this State and increases the number of barrels of malt beverages that such a person may manufacture for all the brew pubs he or she operates in this State during a calendar year to 40,000 barrels. **Section 4** additionally authorizes a person who operates one or more brew pubs in this State to transport malt beverages to a licensed person for the purpose of selling the malt beverages at a special event in this State. **Section 3.5** of this bill defines a special event as an event that lasts not longer than 1 calendar day and that occurs at a farmers' market or at an event designated as a county fair. **Section 4** further prohibits a person who operates a brew pub from selling at retail more than 5,000 barrels of malt beverages per calendar year and provides that of the 5,000 barrels, not more than 1,000 barrels may be sold in kegs.

**Section 9.5** of this bill requires the Department of Taxation to adopt and enforce regulations necessary to monitor the quantity of malt beverages manufactured pursuant to **section 4**. **Section 10** of this bill specifies that a person licensed to operate a brew pub may not engage in any other activity not authorized pursuant to **section 4** for which a license is required unless the person holds the license for that activity.

**Existing law authorizes a winery that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury and that obtains a winemaker's license from this State to: (1) produce, bottle, blend and age wine in this State; and (2) sell at retail or serve by the glass on its premises and, if applicable, at one other location, any wine produced, blended or aged by the winery. (NRS 369.200, 597.240) Under federal regulations, an alternating proprietorship is the operation of one or**

**more wineries by proprietors who use the same premises. (27 C.F.R. § 24.136) Section 4.5 of this bill specifically authorizes operation of a winery by an alternating proprietorship of not more than four proprietors that are federally bonded and permitted and that obtain a winemaker's license from this State to operate a winery in this State.**

Existing law defines the term “supplier” for the purposes of the regulation of alcoholic beverages and imposes certain requirements on a supplier of alcoholic beverages. (Chapters 369 and 597 of NRS) **Sections 1 and 9** of this bill include breweries, brew pubs and craft distilleries located in this State within the definition of “supplier” and, thus, impose on such breweries, brew pubs and craft distilleries the requirements of existing law applicable to a supplier. **Section 2** of this bill exempts certain smaller suppliers from the requirement to allow a wholesaler a period of 60 days to correct any failure to comply with the terms of a franchise agreement between the supplier and the wholesaler. **Section 3** of this bill revises certain prohibitions imposed on a supplier by prohibiting a supplier from engaging in certain conduct in relation to a wholesaler who sells, distributes, markets, advertises or promotes the alcoholic beverages produced by the supplier.

Existing law prohibits a wholesale dealer of alcoholic beverages from investing money, directly or indirectly in a retail liquor store. (NRS 369.485) **Section 12** of this bill prohibits the wholesale dealer from making such an investment through a subsidiary or agent.

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

**Section 1.** NRS 597.140 is hereby amended to read as follows:

597.140 “Supplier” means any person, partnership, corporation or other form of business enterprise engaged in business as a manufacturer, distiller, *craft distillery*, rectifier, brewer, *brew pub*, importer, vintner, broker or agent therefor, which distributes any or all of its brands of malt beverages, distilled spirits and wines, or all of them, through licensed wholesalers in this state.

**Sec. 2.** NRS 597.160 is hereby amended to read as follows:

597.160 1. Except as otherwise provided in subsection 4, if more than one franchise for the same brand or brands of malt beverages, distilled spirits and wines, or all of them, is granted to different wholesalers in this state, it is a violation of NRS 597.120 to 597.180, inclusive, for any supplier to discriminate between such wholesalers with respect to any of the terms, provisions and conditions of these franchises.

2. Except as otherwise provided in this subsection and notwithstanding the terms, provisions or conditions of any franchise, a supplier shall not unilaterally terminate or refuse to continue any franchise with a wholesaler or cause a wholesaler to resign from that franchise unless the supplier has first established good cause for that termination, noncontinuance or causing of that resignation. This subsection does not apply to a supplier who sells less than 2,000 barrels of malt beverages, less than 250 cases of distilled spirits or

less than 2,000 cases of wine in this state in any calendar year, or who operates a winery pursuant to NRS 597.240.

3. ~~{A}~~ ***Except as otherwise provided in this subsection, a*** wholesaler may, within 60 days after he or she receives a notice required pursuant to NRS 597.155, correct any failure to comply with the terms, provisions and conditions of the franchise alleged by the supplier. ***This subsection does not apply to a supplier who sells less than 2,000 barrels of malt beverages, less than 250 cases of distilled spirits or less than 2,000 cases of wine in this State in any calendar year, or who operates a winery pursuant to NRS 597.240.***

4. Unless otherwise specified by contract between the supplier and wholesaler, a supplier shall not grant more than one franchise to a wholesaler for any brand of alcoholic beverage in a marketing area.

**Sec. 3.** NRS 597.162 is hereby amended to read as follows:

597.162 A supplier shall not:

1. Prohibit a wholesaler from selling an alcoholic beverage of any other supplier;

2. ***Prevent a wholesaler from using best efforts to sell, market, advertise or promote an alcoholic beverage of any other supplier;***

3. ***Provide any reward or penalty to, or in any other way condition its relationship with, a wholesaler based upon the amount of sales the wholesaler makes of an alcoholic beverage of any other supplier;***

4. ***Disapprove a wholesaler's selection of a general manager or successor general manager based on the wholesaler's sales, marketing, advertising, promotion or retail placement of an alcoholic beverage of any other supplier;***

5. ***Require a wholesaler to report to the supplier any of the wholesaler's financial information associated with the purchase, sale or distribution of an alcoholic beverage of any other supplier;***

6. Fix or maintain the price at which a wholesaler may resell an alcoholic beverage purchased from the supplier;

~~{3-}~~ 7. Require a wholesaler to pay to the supplier all or any portion of the difference in the suggested retail price of an alcoholic beverage and the actual price at which the wholesaler sells the alcoholic beverage;

~~{4-}~~ 8. Require a wholesaler to accept delivery of any alcoholic beverage or any other item that is not voluntarily ordered by the wholesaler or otherwise not required under the franchise between the supplier and wholesaler or is in violation of any levels of inventory that are mutually agreed upon in writing by the supplier and wholesaler;

~~{5-}~~ 9. Prohibit or restrain, directly or indirectly, a wholesaler from participating in an organization that represents the interests of wholesalers for any lawful purpose; ~~{or}~~

10. ***Discriminate against, penalize or otherwise retaliate against a wholesaler because the wholesaler raises, alleges or otherwise brings to the***

*attention of the Department of Taxation an actual, potential or perceived violation of this chapter; or*

~~{6.}~~ **11.** Require a wholesaler to participate in or contribute to any advertising fund or promotional activity that:

(a) Is not used for advertising or a promotional activity in the marketing area of the wholesaler; or

(b) Requires a contribution by the wholesaler that exceeds any amount specified for that purpose in the franchise.

**Sec. 3.5.** NRS 597.200 is hereby amended to read as follows:

597.200 As used in NRS 597.190 to 597.255, inclusive, unless the context otherwise requires:

1. “Alcoholic beverage” means any malt beverage or spirituous, vinous or malt liquor which contains 1 percent or more ethyl alcohol by volume.

2. “Brew pub” means an establishment which manufactures malt beverages and sells those malt beverages at retail pursuant to the provisions of NRS 597.230.

3. “Craft distillery” means an establishment which:

(a) Manufactures distilled spirits from agricultural raw materials through distillation; and

(b) Is authorized to sell those distilled spirits pursuant to the provisions of this chapter.

4. “Distillation” means the process of producing or purifying spirituous liquor by successive evaporation and condensation.

5. “Engage in” includes participation in a business as an owner or partner, or through a subsidiary, affiliate, ownership equity or in any other manner.

6. “Instructional wine-making facility” means an instructional wine-making facility operated pursuant to NRS 597.245.

7. “Legal age” means the age at which a person is legally permitted to purchase an alcoholic beverage pursuant to NRS 202.020.

8. “Malt beverage” means beer, ale, porter, stout and other similar fermented beverages of any name or description, brewed or produced from malt, wholly or in part.

9. *“Special event” means an event that:*

*(a) Lasts not longer than 1 calendar day; and*

*(b) Occurs at:*

*(1) A farmers’ market, as defined in NRS 244.336; or*

*(2) An event designated as a county fair by a county fair and recreation board appointed pursuant to NRS 244A.599, 244A.601 or 244A.603.*

**10.** “Supplier” has the meaning ascribed to it in NRS 597.140.

~~{10.}~~ **11.** “Wine” has the meaning ascribed to it in NRS 369.140.

**Sec. 4.** NRS 597.230 is hereby amended to read as follows:

597.230 1. In any county, a person may operate a brew pub:

(a) In any redevelopment area established in that county pursuant to chapter 279 of NRS;

(b) In any historic district established in that county pursuant to NRS 384.005;

(c) In any retail liquor store as that term is defined in NRS 369.090; or

(d) In any other area in the county designated by the board of county commissioners for the operation of brew pubs. In a city which is located in that county, a person may operate a brew pub in any area in the city designated by the governing body of that city for the operation of brew pubs.

➔ A person who operates one or more brew pubs may not manufacture more than ~~15,000~~ **40,000** barrels of malt beverages for all the brew pubs he or she operates in ~~that county~~ **this State** in any calendar year.

2. The premises of any brew pub operated pursuant to this section must be conspicuously identified as a “brew pub.”

3. ~~[(A)]~~ **Except as otherwise provided in subsection 4,** a person who operates ~~[(a)]~~ **one or more** brew ~~[pub] pubs~~ pursuant to this section may, upon obtaining a license pursuant to chapter 369 of NRS and complying with any other applicable governmental requirements:

(a) Manufacture and store malt beverages on the premises **of one or more** of the brew ~~[pub] pubs~~ and:

(1) Sell and transport the malt beverages manufactured on the premises to a person holding a valid wholesale wine and liquor dealer’s license or wholesale beer dealer’s license issued pursuant to chapter 369 of NRS.

(2) Donate for charitable or nonprofit purposes and **, for the purposes of the donation,** transport the malt beverages manufactured on the premises in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

(b) **Manufacture and store malt beverages on the premises of one or more of the brew pubs and transport the malt beverages manufactured on the premises to a retailer, other than a person who operates a brew pub pursuant to this section, that holds a valid license pursuant to chapter 369 of NRS for the purpose of selling the malt beverages at a special event in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450. For the purposes of this paragraph, the person who operates one or more brew pubs shall not obtain more than 20 such special permits for the transportation of the malt beverages from the Department of Taxation pursuant to subsection 4 of NRS 369.450 within a calendar year.**

(c) Sell at retail **, not for resale,** malt beverages manufactured on or off the premises **of one or more** of the brew ~~[pub] pubs~~ for consumption on the premises.

~~[(c)]~~ (d) Sell at retail **, not for resale,** in packages sealed on the premises **of one or more of** the brew ~~[pub] pubs~~, malt beverages, including malt

beverages in unpasteurized form, manufactured on the premises for consumption off the premises.

**4. *The amount of malt beverages sold pursuant to paragraphs (b), (c) and (d) of subsection 3 must not exceed a total of 5,000 barrels in any calendar year. Of the 5,000 barrels, not more than 1,000 barrels may be sold in kegs.***

**Sec. 4.5. NRS 597.240 is hereby amended to read as follows:**

597.240 1. A winery that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury, **including, without limitation, an alternating proprietorship of not more than four such wineries,** and that has been issued a winemaker's license pursuant to NRS 369.200 may:

(a) Produce, bottle, blend and age wine.

(b) Import wine or juice from a winery that is located in another state and that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau, to be fermented into wine or, if already fermented, to be mixed with other wine or aged in a suitable cellar, or both.

2. A winery that has been issued a winemaker's license pursuant to NRS 369.200 on or before September 30, 2015, may:

(a) Sell at retail or serve by the glass, on its premises and at one other location, wine produced, blended or aged by the winery. The amount of wine sold at a location other than on the premises of the winery may not exceed 50 percent of the total volume of the wine sold by the winery.

(b) Serve by the glass, on its premises, any alcoholic beverage.

3. A winery that is issued a winemaker's license pursuant to NRS 369.200 on or after October 1, 2015:

(a) If 25 percent or more of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown in this State, may sell at retail or serve by the glass, on its premises, wine produced, blended or aged by the winery.

(b) If less than 25 percent of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown in this State, may sell at retail or serve by the glass, on its premises, not more than 1,000 cases of wine produced, blended or aged by the winery per calendar year.

4. The owner or operator of a winery shall not:

(a) Except as otherwise provided in paragraph (b) of subsection 2, sell alcoholic beverages on the premises of the winery other than wine produced, blended or aged by the winery.

(b) Produce, blend or age wine at any location other than on the premises of the winery.

5. The State Board of Agriculture may adopt regulations for the purposes of ensuring that a winery is in compliance with any requirements established by the Federal Government for labeling bottles of wine produced, blended or aged by the winery.

6. For the purposes of this section, an instructional wine-making facility is not a winery.

**Sec. 5.** Chapter 369 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 to 7.7, inclusive, of this act.

**Sec. 6.** *As used in this chapter, “brew pub” has the meaning ascribed to it in NRS 597.200.*

**Sec. 7.** *As used in this chapter, “brewery” means an establishment which manufactures malt beverages but does not sell those malt beverages at retail.*

**Sec. 7.3.** *As used in this chapter, “craft distillery” has the meaning ascribed to it in NRS 597.200.*

**Sec. 7.7.** *As used in this chapter, “malt beverage” has the meaning ascribed to it in NRS 597.200.*

**Sec. 8.** NRS 369.035 is hereby amended to read as follows:

369.035 1. As used in this chapter, “instructional wine-making facility” means an instructional wine-making facility operated pursuant to NRS 597.245.

2. For the purposes of this chapter:

(a) A person who operates an instructional wine-making facility is not a wine maker or a supplier, brewer, ***brew pub***, distiller, ***craft distillery***, manufacturer, producer, vintner, bottler, wholesaler, wholesale dealer, retailer or retail dealer of wine.

(b) An instructional wine-making facility is not a winery or a retail liquor store.

**Sec. 9.** NRS 369.111 is hereby amended to read as follows:

369.111 As used in this chapter, “supplier” means, with respect to liquor which is brewed, distilled, fermented, manufactured, rectified, produced or bottled:

1. Outside the United States:

(a) The brewer, distiller, manufacturer, producer, rectifier, vintner or bottler of the liquor, or his or her designated agent; or

(b) The owner of the liquor when it is first transported into any area under the jurisdiction of the United States Government, if the brewer, distiller, manufacturer, rectifier, producer, vintner or bottler of the liquor, or a designated agent of such a person, has not designated an importer to import the liquor into this State;

2. Within the United States but outside this State, the brewer, distiller, manufacturer, rectifier, producer, vintner or bottler of the liquor, or his or her designated agent; or

3. Within this State, the ***brewery***, ***brew pub***, distiller, ***craft distillery***, manufacturer, rectifier, producer or bottler of the liquor or his or her designated agent.

**Sec. 9.5.** NRS 369.150 is hereby amended to read as follows:

369.150 1. The Department is charged with the duty of administering the provisions of this chapter.



2. The Department shall:

(a) Prescribe and cause to be printed and issued free of charge all forms for applications and reports.

(b) Except as otherwise provided in NRS 369.430, issue free of charge all certificates and permits.

(c) Adopt and enforce all rules, regulations and standards necessary or convenient to carry out the provisions of this chapter.

(d) Adopt regulations to carry out the provisions of NRS 369.462 to 369.468, inclusive, 369.486 and 369.488.

*(e) Adopt and enforce all rules, regulations and standards necessary or convenient to monitor or survey the quantity of malt beverages manufactured by a brew pub within a calendar year for compliance with NRS 597.230.*

**Sec. 10.** NRS 369.180 is hereby amended to read as follows:

369.180 1. In addition to the limitations imposed by NRS 597.210 and 597.220, a person shall not:

(a) Import liquors into this State unless the person first secures an importer's license or permit from this State.

(b) Engage in business as a wholesale dealer of wines and liquors in this State unless the person first secures a wholesale wine and liquor dealer's license from this State.

(c) Engage in business as a wholesale dealer of beer in this State unless the person first secures a wholesale beer dealer's license from this State.

(d) Operate a winery in this State or export wine from this State unless the person first secures a wine-maker's license from this State.

(e) Operate an instructional wine-making facility in this State unless the person first secures a license for the instructional wine-making facility from this State.

(f) Operate a brewery in this State unless the person first secures a brewer's license from this State.

(g) Operate a brew pub in this State unless the person first secures a brew pub's license from this State.

(h) Operate a craft distillery in this State unless the person first secures a craft distiller's license from this State.

2. *A person who holds a license for a brew pub:*

*(a) May engage in any activity authorized by NRS 597.230.*

*(b) May not engage in any other activity for which a license is required pursuant to this chapter, unless the person holds the appropriate license for that activity.*

3. A person who holds a license for an instructional wine-making facility:

(a) May engage in any activity authorized by NRS 597.245.

(b) May not engage in any other activity for which a license is required pursuant to this chapter, unless the person holds the appropriate license for that activity.

~~{3-}~~ 4. A person who holds a license for a craft distillery:

(a) May engage in any activity authorized by NRS 597.235.

(b) May not engage in any other activity for which a license is required pursuant to this chapter, unless the person holds the appropriate license for that activity.

~~{4. As used in this section:~~

~~(a) "Brew pub" has the meaning ascribed to it in NRS 597.200.~~

~~(b) "Brewery" means an establishment which manufactures malt beverages but does not sell those malt beverages at retail.~~

~~(c) "Craft distillery" has the meaning ascribed to it in NRS 597.200.~~

~~(d) "Malt beverage" has the meaning ascribed to it in NRS 597.200.}~~

**Sec. 11.** NRS 369.382 is hereby amended to read as follows:

369.382 Except as otherwise provided in NRS 369.386, 369.415 , **597.230** and 597.235, a supplier shall not engage in the business of importing, wholesaling or retailing alcoholic beverages in this State.

**Sec. 12.** NRS 369.485 is hereby amended to read as follows:

369.485 1. The Legislature hereby declares:

(a) That it is a privilege to engage in the business of selling intoxicating liquor at the wholesale or retail level in this state;

(b) That the Legislature finds it necessary to impose certain restrictions on the exercise of such privilege; and

(c) That it is the policy of this state to preclude the acquisition or control of any retail liquor store by a wholesale liquor dealer.

2. As used in this section, unless the context requires otherwise:

(a) "Delinquent payment" means the failure of a retail liquor store to make payment to a wholesale dealer for liquor on or before the 15th day of the month following delivery by the wholesale dealer.

(b) "Payment" means the full legal discharge of the debt by the wholesale dealer's receipt of cash or its equivalent, including ordinary and recognized means for discharge of indebtedness excepting notes, pledges or other promises to pay at a future date. A postdated check, a check not promptly deposited for collection or a check dishonored on presentation for payment does not constitute payment.

(c) "Payment in cash" means the full legal discharge of the debt by delivery of cash, money order, certified check or a cashier's or similar bank officer's check.

3. A wholesale dealer shall not:

(a) Loan any money or other thing of value to a retail liquor store.

(b) Invest money, directly or indirectly, ***including through a subsidiary or agent,*** in a retail liquor store.

(c) Furnish or provide any premises, building, bar or equipment to a retail liquor store.

(d) Participate, directly or indirectly, in the operation of the business of a retail liquor store.

(e) Sell liquor to a retail liquor store except for payment on or before delivery or on terms requiring payment by the retail liquor store before or on the 10th day of the month following delivery of such liquor to it by the wholesale dealer.

(f) Sell liquor to a retail liquor store which is delinquent in payment to such wholesale dealer except for payment in cash on or before delivery.

4. On the 15th day of the month following the delivery of liquor and on the 15th day of each month thereafter, the wholesale dealer shall charge a retail liquor store which is delinquent a service charge of 1.5 percent of the amount of the unpaid balance.

5. The Department may impose the following penalties on a wholesale dealer who violates any of the provisions of this section within any 24-month period:

(a) For the first violation a penalty of not more than \$500.

(b) For the second violation a penalty of not more than \$1,000.

(c) For the third and any subsequent violation a penalty of not more than \$5,000 or by a license suspension, or by both such penalty and suspension.

6. The Department may, upon its own motion, and shall, upon the verified written complaint of any wholesale dealer, investigate the possible violation of any of the provisions of this section by any wholesale dealer.

**Sec. 13.** This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on July 1, 2017, for all other purposes.

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 783 to Assembly Bill No. 431.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The amendment adds a senator as a joint sponsor of the bill and authorizes the operation of a winery by an alternating proprietorship of not more than four proprietors that are federally bonded and permitted and obtain a winemaker's license from this state to operate a winery in Nevada.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 457.

The following Senate amendment was read:

Amendment No. 860.

AN ACT relating to professional licensing; requiring the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers and the Board of Examiners for Alcohol, Drug and Gambling Counselors to report certain information to the ~~Commission on Behavioral Health~~ **Legislative Committee on Health Care**; requiring new members of

those boards to complete an orientation; requiring those boards to adopt certain policies and regulations; authorizing those boards to enter into certain agreements; authorizing a person aggrieved by certain actions of those boards to appeal to the Commission; requiring the Commission to review all regulations adopted by those boards; revising the qualifications of certain members of the Commission; prohibiting certain persons from serving on the Commission; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law establishes: (1) the Board of Psychological Examiners, which regulates psychologists, behavior analysts and assistant behavior analysts; (2) the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, which regulates marriage and family therapists and clinical professional counselors; (3) the Board of Examiners for Social Workers, which regulates social workers; and (4) the Board of Examiners for Alcohol, Drug and Gambling Counselors, which regulates alcohol, drug and problem gambling counselors. (Chapters 641-641C of NRS) **Sections 2, 11, 18 and 25** of this bill require those boards to submit an annual report to the ~~{Commission on Behavioral Health}~~ **Legislative Committee on Health Care** concerning investigations and review of applications for the issuance or renewal of a license or certificate. **Sections 3, 12, 19 and 26** of this bill: (1) require each new member of those boards to complete an orientation within 60 days after appointment; and (2) require each board to establish policies concerning compensation and reviewing the performance of the staff of the board. **Sections 4, 13, 20 and 27** of this bill authorize the boards to enter into agreements with the Department of Health and Human Services or a division thereof to carry out or improve the performance of the boards' duties.

**Sections 5, 16, 21 and 28** of this bill require the same boards to adopt online application forms for the issuance or renewal of a license or certificate. **Sections 6, 14, 22, 29 and 34** of this bill authorize a person aggrieved by an order of any of those boards in refusing to issue or renew a license or certificate or imposing disciplinary action to appeal that order to the Commission on Behavioral Health. **Sections 34.5 and 37 of this bill provide for the expiration of the provisions authorizing such appeals on January 1, 2020.** **Sections 7, 15, 23 and 30** of this bill require each of the boards to adopt regulations establishing: (1) standards concerning the locations at which ~~{interns}~~ **persons obtaining supervised experience in psychology that is required for licensure** provide services; (2) standards concerning the supervision of ~~{interns}~~ **such persons** working at remote sites; and (3) a manner in which the qualifications for issuance or renewal of a license will be made available to the public. **Sections 7, 15, 23, 30 and 34** also require the Commission to review and make recommendations concerning all regulations adopted by the boards. **Section 32** of this bill: (1) revises the qualifications of certain members of the Commission; and (2) prohibits a member of any of those boards from serving concurrently as a member of the Commission. **Section 35** of this bill requires each of the

boards to submit a report to the ~~[Commission]~~ **Legislative Committee on Health Care** on or before January 1, 2018, concerning the costs of the board, the fees imposed by the board and the efforts of the board to recognize licenses, certificates and other credentials from jurisdictions outside this State and to carry out the provisions of this bill.

WHEREAS, Licensing boards that issue licenses and certificates to behavioral health professionals have an obligation to protect the safety of the public, promote the provision of high-quality behavioral health care and facilitate the licensure and certification of behavioral health professionals; and

WHEREAS, To achieve these objectives, such boards must develop and implement fair and transparent policies and procedures for the licensing, certification and regulation of behavioral health professionals; and

WHEREAS, The implementation of such policies and procedures will increase the availability and accessibility of high-quality behavioral health services to the residents of this State; now, therefore,

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

**Section 1.** Chapter 641 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

**Sec. 2.** *On or before February 1 of each year, the Board shall submit to the ~~[Commission on Behavioral Health]~~ **Legislative Committee on Health Care** a report which must include:*

*1. The number of complaints received, investigations completed, cases dismissed, cases settled and cases for which hearings were held within the immediately preceding calendar year; and*

*2. The number of applications for the issuance or renewal of a license received by the Board during the immediately preceding calendar year and the number of those applications for which the Board conducted additional review beyond the standard review regularly conducted by the Board.*

**Sec. 3.** *The Board shall:*

*1. Require each new member of the Board to complete orientation within 60 days after his or her appointment to the Board. The orientation must include, without limitation, instruction concerning:*

*(a) The purposes of the Board and the duties of its members;*

*(b) Applicable laws and regulations, including, without limitation, the provisions of NRS 641.230 to 641.320, inclusive, and section 6 of this act and the importance of complying with applicable laws and regulations in a timely manner; and*

*(c) Requirements concerning managing the finances of the Board.*

*2. Establish policies concerning compensation and reviewing the performance of the staff of the Board.*

*Sec. 4. The Board may enter into an agreement with the Department of Health and Human Services or a division thereof to provide services to carry out or improve any function of the Board. Such services may include, without limitation:*

- 1. Assistance in processing applications for the issuance or renewal of licenses;*
- 2. Technical assistance;*
- 3. Facilitating cooperation with other boards and licensing entities in this State or any other jurisdiction;*
- 4. Recommendations to improve and standardize procedures used by the Board; and*
- 5. Assistance in identifying resources for improving the operations of the Board.*

*Sec. 5. The Board shall prescribe forms for applying for the issuance or renewal of a license. The forms must:*

- 1. Be available to be completed on the Internet website maintained by the Board;*
- 2. Provide immediate, automatic feedback to the applicant concerning whether the applicant has submitted all required information; and*
- 3. Automatically store the data submitted by the applicant upon completion of the application.*

*Sec. 6. 1. Not later than 30 days after the Board denies an application for the issuance or renewal of a license or issues an order imposing disciplinary action against a licensee, the applicant or licensee aggrieved by the order may submit an appeal to the Commission on Behavioral Health. The Commission shall notify the Board not later than 10 days after receiving such an appeal.*

*2. The Commission shall, upon an appeal submitted pursuant to subsection 1, investigate the refusal of the Board to issue or renew a license or any disciplinary action imposed by the Board. The action of the Board remains in effect until the Commission renders a decision pursuant to subsection 3.*

*3. After conducting an investigation pursuant to subsection 2, the Commission shall render a decision on the appeal. In rendering a decision, the Commission shall presume that the action of the Board was proper and shall not substitute its judgment for that of the Board concerning the weight of evidence on a question of fact. The Commission may order the Board to issue or renew the license or modify or set aside the disciplinary action, as applicable, only if the Commission finds that the action of the Board:*

- (a) Violates constitutional or statutory provisions;*
- (b) Exceeds the statutory authority of the agency;*
- (c) Was made upon unlawful procedure;*
- (d) Is affected by other error of law;*

(e) *Is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or*

(f) *Is arbitrary or capricious or characterized by abuse of discretion.*

4. *An investigation conducted by the Commission pursuant to the provisions of this section is limited to the application for the issuance or renewal of a license and any information submitted in conjunction with the application or the record of the disciplinary proceeding created by the Board, as applicable. The Board shall provide those records to the Commission upon request. Unless the information is deemed a public record under the provisions of NRS 641.090 or 641.240 or other applicable law, the Commission shall keep the information confidential.*

Sec. 7. NRS 641.100 is hereby amended to read as follows:

641.100 1. *The Board shall adopt regulations prescribing:*

(a) *Uniform standards concerning the locations at which ~~interns~~ persons obtaining supervised experience that is required for licensure by the Board provide services;*

(b) *Standards concerning the electronic supervision of ~~interns~~ persons obtaining supervised experience that is required for licensure by the Board who are working at remote sites; and*

(c) *A manner by which the qualifications for the issuance or renewal of a license under the provisions of this chapter will be made available to the public such that those qualifications are clearly defined and easily understood.*

2. The Board may make and promulgate **any other** rules and regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensure of applicants, the granting, refusal, revocation or suspension of licenses, the practice of psychology and the practice of applied behavior analysis.

3. *On the date that the Board gives notice pursuant to NRS 233B.060 of its intent to adopt, amend or repeal a regulation, the Board shall submit the regulation to the Commission on Behavioral Health for review. The Commission shall review the regulation and make recommendations to the Board concerning the advisability of adopting, amending or repealing the regulation and any changes that the Commission deems advisable.*

Sec. 8. NRS 641.160 is hereby amended to read as follows:

641.160 1. Each person desiring a license must:

(a) Make application to the Board upon a form, and in a manner, prescribed by the Board ~~[-]~~ **pursuant to section 5 of this act.** The application must be accompanied by the application fee prescribed by the Board and include all information required to complete the application.

(b) As part of the application and at his or her own expense:

(1) Arrange to have a complete set of fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Board; and

(2) Submit to the Board:

(I) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background; or

(II) Written verification, on a form prescribed by the Board, stating that the set of fingerprints of the applicant was taken and directly forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History and that the applicant provided written permission authorizing the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background.

2. The Board may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1, submit those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Board deems necessary; and

(b) Request from each agency to which the Board submits the fingerprints any information regarding the applicant's background as the Board deems necessary.

3. An application is not considered complete and received for purposes of evaluation pursuant to subsection 4 of NRS 641.170 until the Board receives a complete set of fingerprints or verification that the fingerprints have been forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History, and written authorization from the applicant pursuant to this section.

**Sec. 9.** NRS 641.312 is hereby amended to read as follows:

641.312 1. Any person who has been placed on probation or whose license has been limited, suspended or revoked, ***and whose appeal pursuant to section 6 of this act has been denied,*** is entitled to judicial review of the order.

2. Every order which limits the practice of psychology or suspends or revokes a license is effective from the date the Board certifies the order until the date the order is modified or reversed by ***an order of the Commission on Behavioral Health pursuant to section 6 of this act or*** a final judgment of the court.

3. The district court shall give a petition for judicial review of the order priority over other civil matters which are not expressly given priority by law.



Sec. 10. Chapter 641A of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 14, inclusive, of this act.

Sec. 11. *On or before February 1 of each year, the Board shall submit to the ~~[Commission on Behavioral Health]~~ Legislative Committee on Health Care a report which must include:*

1. *The number of complaints received, investigations completed, cases dismissed, cases settled and cases for which hearings were held within the immediately preceding calendar year; and*

2. *The number of applications for the issuance or renewal of a license received by the Board during the immediately preceding calendar year and the number of those applications for which the Board conducted additional review beyond the standard review regularly conducted by the Board.*

Sec. 12. *The Board shall:*

1. *Require each new member of the Board to complete orientation within 60 days after his or her appointment to the Board. The orientation must include, without limitation, instruction concerning:*

*(a) The purposes of the Board and the duties of its members;*

*(b) Applicable laws and regulations, including, without limitation, the provisions of NRS 641A.310 to 641A.400, inclusive, and section 14 of this act and the importance of complying with applicable laws and regulations in a timely manner; and*

*(c) Requirements concerning managing the finances of the Board.*

2. *Establish policies concerning compensation and reviewing the performance of the staff of the Board.*

Sec. 13. *The Board may enter into an agreement with the Department of Health and Human Services or a division thereof to provide services to carry out or improve any function of the Board. Such services may include, without limitation:*

1. *Assistance in processing applications for the issuance or renewal of licenses;*

2. *Technical assistance;*

3. *Facilitating cooperation with other boards and licensing entities in this State or any other jurisdiction;*

4. *Recommendations to improve and standardize procedures used by the Board; and*

5. *Assistance in identifying resources for improving the operations of the Board.*

Sec. 14. 1. *Not later than 30 days after the Board denies an application for the issuance or renewal of a license or issues an order imposing disciplinary action against a licensee, the applicant or licensee aggrieved by the order may submit an appeal to the Commission on Behavioral Health. The Commission shall notify the Board not later than 10 days after receiving such an appeal.*

2. *The Commission shall, upon an appeal submitted pursuant to subsection 1 or its own motion, investigate the refusal of the Board to issue*

*or renew a license or any disciplinary action imposed by the Board. The action of the Board remains in effect until the Commission renders a decision pursuant to subsection 3.*

*3. After conducting an investigation pursuant to subsection 2, the Commission shall render a decision on the appeal. In rendering a decision, the Commission shall presume that the action of the Board was proper and shall not substitute its judgment for that of the Board concerning the weight of evidence on a question of fact. The Commission may order the Board to issue or renew the license or modify or set aside the disciplinary action, as applicable, only if the Commission finds that the action of the Board:*

- (a) Violates constitutional or statutory provisions;*
- (b) Exceeds the statutory authority of the agency;*
- (c) Was made upon unlawful procedure;*
- (d) Is affected by other error of law;*
- (e) Is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or*
- (f) Is arbitrary or capricious or characterized by abuse of discretion.*

*4. An investigation conducted by the Commission pursuant to the provisions of this section is limited to the application for the issuance or renewal of a license and any information submitted in conjunction with the application or the record of the disciplinary proceeding created by the Board, as applicable. The Board shall provide those records to the Commission upon request. Unless the information is deemed a public record under the provisions of NRS 641A.191 or 641A.320 or other applicable law, the Commission shall keep the information confidential.*

*5. An order of the Board suspending or revoking a license or imposing other disciplinary action against a licensee is final for purposes of judicial review upon the denial of an appeal pursuant to this section.*

**Sec. 15.** NRS 641A.160 is hereby amended to read as follows:

641A.160 **1.** The Board shall adopt regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensing of applicants, the granting, refusal, revocation or suspension of licenses, and the practice of marriage and family therapy and the practice of clinical professional counseling as those practices apply to this chapter.

**2. The regulations adopted pursuant to subsection 1 must prescribe:**

- (a) Uniform standards concerning the locations at which interns provide services;*
- (b) Standards concerning the electronic supervision of interns working at remote sites; and*
- (c) A manner by which the qualifications for the issuance or renewal of a license under the provisions of this chapter will be made available to the public such that those qualifications are clearly defined and easily understood.*

3. *On the date that the Board gives notice pursuant to NRS 233B.060 of its intent to adopt, amend or repeal a regulation, the Board shall submit the regulation to the Commission on Behavioral Health for review. The Commission shall review the regulation and make recommendations to the Board concerning the advisability of adopting, amending or repealing the regulation and any changes that the Commission deems advisable.*

Sec. 16. NRS 641A.210 is hereby amended to read as follows:

641A.210 1. Each person desiring a license must apply to the Board upon a form, and in a manner, prescribed by the Board. The application must be accompanied by the application fee prescribed by the Board and all information required to complete the application.

2. *The Board shall prescribe forms for applying for the issuance or renewal of a license. The forms must:*

(a) *Be available to be completed on the Internet website maintained by the Board;*

(b) *Provide immediate, automatic feedback to the applicant concerning whether the applicant has submitted all required information; and*

(c) *Automatically store the data submitted by the applicant upon completion of the application.*

Sec. 17. Chapter 641B of NRS is hereby amended by adding thereto the provisions set forth as sections 18 to 22, inclusive, of this act.

Sec. 18. *On or before February 1 of each year, the Board shall submit to the ~~{Commission on Behavioral Health}~~ Legislative Committee on Health Care a report which must include:*

1. *The number of complaints received, investigations completed, cases dismissed, cases settled and cases for which hearings were held within the immediately preceding calendar year; and*

2. *The number of applications for the issuance or renewal of a license received by the Board during the immediately preceding calendar year and the number of those applications for which the Board conducted additional review beyond the standard review regularly conducted by the Board.*

Sec. 19. *The Board shall:*

1. *Require each new member of the Board to complete orientation within 60 days after his or her appointment to the Board. The orientation must include, without limitation, instruction concerning:*

(a) *The purposes of the Board and the duties of its members;*

(b) *Applicable laws and regulations, including, without limitation, the provisions of NRS 641B.400 to 641B.450, inclusive, and section 22 of this act and the importance of complying with applicable laws and regulations in a timely manner; and*

(c) *Requirements concerning managing the finances of the Board.*

2. *Establish policies concerning compensation and reviewing the performance of the staff of the Board.*

Sec. 20. *The Board may enter into an agreement with the Department of Health and Human Services or a division thereof to provide services to*

*carry out or improve any function of the Board. Such services may include, without limitation:*

- 1. Assistance in processing applications for the issuance or renewal of licenses;*
- 2. Technical assistance;*
- 3. Facilitating cooperation with other boards and licensing entities in this State or any other jurisdiction;*
- 4. Recommendations to improve and standardize procedures used by the Board; and*
- 5. Assistance in identifying resources for improving the operations of the Board.*

*Sec. 21. The Board shall prescribe forms for applying for the issuance or renewal of a license. The forms must:*

- 1. Be available to be completed on the Internet website maintained by the Board;*
- 2. Provide immediate, automatic feedback to the applicant concerning whether the applicant has submitted all required information; and*
- 3. Automatically store the data submitted by the applicant upon completion of the application.*

*Sec. 22. 1. Not later than 30 days after the Board denies an application for the issuance or renewal of a license or issues an order imposing disciplinary action against a licensee, the applicant or licensee aggrieved by the order may submit an appeal to the Commission on Behavioral Health. The Commission shall notify the Board not later than 10 days after receiving such an appeal.*

*2. The Commission shall, upon an appeal submitted pursuant to subsection 1 or its own motion, investigate the refusal of the Board to issue or renew a license or any disciplinary action imposed by the Board. The action of the Board remains in effect until the Commission renders a decision pursuant to subsection 3.*

*3. After conducting an investigation pursuant to subsection 2, the Commission shall render a decision on the appeal. In rendering a decision, the Commission shall presume that the action of the Board was proper and shall not substitute its judgment for that of the Board concerning the weight of evidence on a question of fact. The Commission may order the Board to issue or renew the license or modify or set aside the disciplinary action, as applicable, only if the Commission finds that the action of the Board:*

- (a) Violates constitutional or statutory provisions;*
- (b) Exceeds the statutory authority of the agency;*
- (c) Was made upon unlawful procedure;*
- (d) Is affected by other error of law;*
- (e) Is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or*
- (f) Is arbitrary or capricious or characterized by abuse of discretion.*

4. *An investigation conducted by the Commission pursuant to the provisions of this section is limited to the application for the issuance or renewal of a license and any information submitted in conjunction with the application or the record of the disciplinary proceeding created by the Board, as applicable. The Board shall provide those records to the Commission upon request. Unless the information is deemed a public record under the provisions of NRS 641B.170 or 641B.430 or other applicable law, the Commission shall keep the information confidential.*

5. *An order of the Board suspending or revoking a license or imposing other disciplinary action against a licensee is final for purposes of judicial review upon the denial of an appeal pursuant to this section.*

Sec. 23. NRS 641B.160 is hereby amended to read as follows:

641B.160 1. The Board shall adopt:

~~1-1~~ (a) Such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter; ~~and~~

~~2-1~~ (b) Regulations establishing reasonable standards for the psychiatric training and experience necessary for a clinical social worker to be authorized to make the certifications described in NRS 433A.170, 433A.195 and 433A.200 ~~1-1~~;

(c) *Regulations prescribing uniform standards concerning the locations at which interns provide services;*

(d) *Regulations prescribing standards concerning the electronic supervision of interns working at remote sites; and*

(e) *Regulations prescribing the manner by which the qualifications for the issuance or renewal of a license under the provisions of this chapter will be made available to the public such that those qualifications are clearly defined and easily understood.*

2. *On the date that the Board gives notice pursuant to NRS 233B.060 of its intent to adopt, amend or repeal a regulation, the Board shall submit the regulation to the Commission on Behavioral Health for review. The Commission shall review the regulation and make recommendations to the Board concerning the advisability of adopting, amending or repealing the regulation and any changes that the Commission deems advisable.*

Sec. 24. Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections 25 to 29, inclusive, of this act.

Sec. 25. *On or before February 1 of each year, the Board shall submit to the ~~{Commission on Behavioral Health}~~ Legislative Committee on Health Care a report which must include:*

1. *The number of complaints received, investigations completed, cases dismissed, cases settled and cases for which hearings were held within the immediately preceding calendar year; and*

2. *The number of applications for the issuance or renewal of a license or certificate received by the Board during the immediately preceding calendar year and the number of those applications for which the Board*

*conducted additional review beyond the standard review regularly conducted by the Board.*

**Sec. 26. The Board shall:**

*1. Require each new member of the Board to complete orientation within 60 days after his or her appointment to the Board. The orientation must include, without limitation, instruction concerning:*

*(a) The purposes of the Board and the duties of its members;*

*(b) Applicable laws and regulations, including, without limitation, the provisions of NRS 641C.700 to 641C.760, inclusive, and section 29 of this act and the importance of complying with applicable laws and regulations in a timely manner; and*

*(c) Requirements concerning managing the finances of the Board.*

*2. Establish policies concerning compensation and reviewing the performance of the staff of the Board.*

**Sec. 27. The Board may enter into an agreement with the Department of Health and Human Service or a division thereof to provide services to carry out or improve any function of the Board. Such services may include, without limitation:**

*1. Assistance in processing applications for the issuance or renewal of licenses and certificates;*

*2. Technical assistance;*

*3. Facilitating cooperation with other boards and licensing entities in this State or any other jurisdiction;*

*4. Recommendations to improve and standardize procedures used by the Board; and*

*5. Assistance in identifying resources for improving the operations of the Board.*

**Sec. 28. The Board shall prescribe forms for applying for the issuance or renewal of a license or certificate. The forms must:**

*1. Be available to be completed on the Internet website maintained by the Board;*

*2. Provide immediate, automatic feedback to the applicant concerning whether the applicant has submitted all required information; and*

*3. Automatically store the data submitted by the applicant upon completion of the application.*

**Sec. 29. 1. Not later than 30 days after the Board denies an application for the issuance or renewal of a license or certificate or issues an order imposing disciplinary action against a licensee or the holder of a certificate, the applicant, licensee or holder of a certificate aggrieved by the order may submit an appeal to the Commission on Behavioral Health. The Commission shall notify the Board not later than 10 days after receiving such an appeal.**

*2. The Commission shall, upon an appeal submitted pursuant to subsection 1 or its own motion, investigate the refusal of the Board to issue or renew a license or certificate or any disciplinary action imposed by the*

*Board. The action of the Board remains in effect until the Commission renders a decision pursuant to subsection 3.*

*3. After conducting an investigation pursuant to subsection 2, the Commission shall render a decision on the appeal. In rendering a decision, the Commission shall presume that the action of the Board was proper and shall not substitute its judgment for that of the Board concerning the weight of evidence on a question of fact. The Commission may order the Board to issue or renew the license or certificate or modify or set aside the disciplinary action, as applicable, only if the Commission finds that the action of the Board:*

- (a) Violates constitutional or statutory provisions;*
- (b) Exceeds the statutory authority of the agency;*
- (c) Was made upon unlawful procedure;*
- (d) Is affected by other error of law;*
- (e) Is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or*
- (f) Is arbitrary or capricious or characterized by abuse of discretion.*

*4. An investigation conducted by the Commission pursuant to the provisions of this section is limited to the application for the issuance or renewal of a license or certificate and any information submitted in conjunction with the application or the record of the disciplinary proceeding created by the Board, as applicable. The Board shall provide those records to the Commission upon request. Unless the information is deemed a public record under the provisions of NRS 641C.720 or 641C.760 or other applicable law, the Commission shall keep the information confidential.*

*5. An order of the Board suspending or revoking a license or certificate or imposing other disciplinary action against a licensee or the holder of a certificate is final for purposes of judicial review upon the denial of an appeal pursuant to this section.*

**Sec. 30.** NRS 641C.200 is hereby amended to read as follows:

641C.200 1. The Board shall adopt such regulations as are necessary to carry out the provisions of this chapter, including, without limitation, regulations that prescribe:

- (a) The ethical standards for licensed and certified counselors and certified interns; ~~and~~*
- (b) The requirements for continuing education for the renewal, restoration or reinstatement of a license or certificate ~~[-]~~;*
- (c) Uniform standards concerning the locations at which interns provide services;*
- (d) Standards concerning the electronic supervision of interns working at remote sites; and*
- (e) The manner by which the qualifications for the issuance or renewal of a license or certificate under the provisions of this chapter will be made*

*available to the public such that those qualifications are clearly defined and easily understood.*

2. The Board may adopt regulations that prescribe:

(a) The contents of a written and oral examination concerning the practice of counseling problem gamblers;

(b) The grounds for initiating disciplinary action against a certified problem gambling counselor or certified problem gambling counselor intern; and

(c) Disciplinary procedures for certified problem gambling counselors and certified problem gambling counselor interns, including the suspension, revocation and reinstatement of a certificate as a problem gambling counselor or problem gambling counselor intern.

3. Any regulations adopted by the Board pursuant to this section must be consistent with the provisions of chapter 622A of NRS.

**4. *On the date that the Board gives notice pursuant to NRS 233B.060 of its intent to adopt, amend or repeal a regulation, the Board shall submit the regulation to the Commission on Behavioral Health for review. The Commission shall review the regulation and make recommendations to the Board concerning the advisability of adopting, amending or repealing the regulation and any changes that the Commission deems advisable.***

**Sec. 31.** NRS 641C.260 is hereby amended to read as follows:

641C.260 Each applicant for a license or certificate must submit to the Board:

1. An application on a form ~~provided~~ ***prescribed*** by the Board ~~to~~ ***pursuant to section 28 of this act;***

2. A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

3. The application fee prescribed in NRS 641C.470.

**Sec. 32.** NRS 232.361 is hereby amended to read as follows:

232.361 1. There is hereby created in the Department a Commission on Behavioral Health consisting of 10 members appointed by the Governor, at least 3 of whom have training or experience in dealing with intellectual disabilities.

2. The Governor shall appoint:

(a) A psychiatrist licensed to practice medicine in this State, from a list of three candidates submitted by the Nevada Psychiatric Association;

(b) A psychologist licensed to practice in this State and experienced in clinical practice, from a list of four candidates submitted by the Nevada Psychological Association, two of whom must be from northern Nevada and two of whom must be from southern Nevada;

(c) A physician, other than a psychiatrist, licensed to practice medicine in this State and who has experience in dealing with intellectual disabilities,



from a list of three candidates submitted by the Nevada State Medical Association;

(d) A **clinical** social worker **licensed to practice in this State** who ~~has a master's degree and~~ has experience in dealing with mental illness or intellectual disabilities, or both;

(e) A registered nurse licensed to practice in this State who has experience in dealing with mental illness or intellectual disabilities, or both, from a list of three candidates submitted by the Nevada Nurses Association;

(f) A marriage and family therapist **or clinical professional counselor** licensed ~~to practice in this State, from a list of three candidates submitted by the Nevada Association for Marriage and Family Therapy;~~ **pursuant to chapter 641A of NRS;**

(g) A person who ~~has knowledge and experience in the prevention of alcohol and drug abuse and the treatment and recovery of alcohol and drug abusers through a program or service provided~~ **is licensed or certified** pursuant to chapter ~~[458]~~ **641C** of NRS ~~[- from a list of three candidates submitted by the Division of Public and Behavioral Health of the Department;]~~ **who is not an intern;**

(h) A current or former recipient of mental health services provided by the State or any agency thereof;

(i) A representative of the general public who has a special interest in the field of mental health; and

(j) A representative of the general public who has a special interest in the field of intellectual disabilities.

3. The Governor shall appoint the Chair of the Commission from among its members.

4. After the initial terms, each member shall serve a term of 4 years. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this section to replace that member for the remainder of the unexpired term.

**5. A person may not serve concurrently as a member of the Commission and a member of the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers or the Board of Examiners for Alcohol, Drug and Gambling Counselors.**

**Sec. 33.** 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 sections 6, 14, 22 and 29 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. 34.** NRS 433.314 is hereby amended to read as follows:

433.314 The Commission shall:

1. Establish policies to ensure adequate development and administration of services for persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders, including services to prevent mental illness, intellectual disabilities and related conditions, substance use disorders and co-occurring disorders, and services provided without admission to a facility or institution;

2. Set policies for the care and treatment of persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders provided by all state agencies;

3. Review the programs and finances of the Division; ~~and~~

4. Report at the beginning of each year to the Governor and at the beginning of each odd-numbered year to the Legislature on the quality of the care and treatment provided for persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders in this State and on any progress made toward improving the quality of that care and treatment ~~[-]~~;

5. *Hear appeals, conduct investigations and issue orders pursuant to sections 6, 14, 22 and 29 of this act; and*

6. *Review and make recommendations concerning regulations submitted to the Commission for review pursuant to NRS 641.100, 641A.160, 641B.160 and 641C.200.*

**Sec. 34.5. NRS 433.314 is hereby amended to read as follows:**

433.314 The Commission shall:

1. Establish policies to ensure adequate development and administration of services for persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders, including services to prevent mental illness, intellectual disabilities and related conditions, substance use disorders and co-occurring disorders, and services provided without admission to a facility or institution;

2. Set policies for the care and treatment of persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders provided by all state agencies;

3. Review the programs and finances of the Division;

4. Report at the beginning of each year to the Governor and at the beginning of each odd-numbered year to the Legislature on the quality of the care and treatment provided for persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders in this State and on any progress made toward improving the quality of that care and treatment; and

5. ~~[[Hear appeals, conduct investigations and issue orders pursuant to sections 6, 14, 22 and 29 of this act; and~~

~~—6.—~~ Review and make recommendations concerning regulations submitted to the Commission for review pursuant to NRS 641.100, 641A.160, 641B.160 and 641C.200.

**Sec. 35.** 1. On or before January 1, 2018, the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and

Clinical Professional Counselors, the Board of Examiners for Social Workers and the Board of Examiners for Alcohol, Drug and Gambling Counselors, respectively, shall each:

(a) Conduct an analysis of the necessity of the costs of the Board, whether the fees charged by the Board are necessary and sufficient to pay those costs, the Board's compliance with applicable law and the need for revision of the regulations of the Board. The analysis must include, without limitation, an analysis of the Board's:

(1) Recognition of licenses, certificates and other credentials from jurisdictions outside this State, including, without limitation, the number of licenses by endorsement it has issued during the 3-year period ending on December 1, 2017; and

(2) Efforts to comply with the amendatory provisions of this act.

(b) Submit to the ~~{Commission on Behavioral Health}~~ **Legislative Committee on Health Care** a report containing the results of the analysis conducted pursuant to paragraph (a).

2. ~~{On or before June 30, 2018, the Commission}~~ **The Legislative Committee on Health Care** shall review the reports submitted to subsection 1 and ~~{require the}~~ **may make recommendations to:**

(a) ~~The~~ Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers or the Board of Examiners for Alcohol, Drug and Gambling Counselors, as applicable, ~~{to take}~~ **concerning** any action necessary to comply with existing law or improve the processes used by the board.

(b) **The 80th Session of the Nevada Legislature concerning any appropriate legislation necessary to improve the processes used by the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers or the Board of Examiners for Alcohol, Drug and Gambling Counselors.**

**Sec. 35.5.** Not later than March 1, 2018, each person who is serving on January 1, 2018, as a member of the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers or the Board of Examiners for Alcohol, Drug and Gambling Counselors, shall complete the orientation required for a new member of the Board of which he or she is a member pursuant to section 3, 12, 19 or 26 of this act, respectively.

**Sec. 36.** 1. The term of any member of the Commission on Behavioral Health who is serving on the Commission pursuant to paragraph (d) or (g) of subsection 2 of NRS 232.361 on October 1, 2017, who does not meet the qualifications prescribed by paragraph (d) or (g) of subsection 2, as applicable, of NRS 232.361, as amended by section 32 of this act, expires on that date. The Governor shall appoint a person who meets the qualifications

prescribed by paragraph (d) or (g) of subsection 2, as applicable, of NRS 232.361, as amended by section 32 of this act, to serve the remainder of that term.

2. The term of any member of the Commission on Behavioral Health who is serving on the Commission in violation of subsection 5 of NRS 232.361, as amended by section 32 of this act, on October 1, 2017, expires on that date. The Governor shall appoint a person similarly qualified to serve the remainder of that term.

**Sec. 36.5. 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. 37.** 1. This section and sections 1 to 31, inclusive, 33, 34, 35, ~~and~~ 35.5 **and 36.5** of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2018, for all other purposes.

2. Sections 32 and 36 of this act become effective on October 1, 2017.

**3. Sections 6, 14, 22 and 29 of this act and the amendatory provisions of section 9 of this act expire by limitation on December 31, 2019.**

**4. Section 34.5 of this act becomes effective on January 1, 2020.**

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 860 to Assembly Bill No. 457.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The amendment requires the boards referenced in this bill to submit an annual report with certain information to the Legislative Committee on Health Care. It requires the boards referenced in this bill to submit a report to the Legislative Committee on Health Care on or before January 1, 2018, concerning the cost of the board, the fees imposed by the board, and the efforts of the board to recognize licenses and certificates from other jurisdictions. It sunsets the provisions of the bill that relate to authorizing a person aggrieved by an order of any of the boards to appeal that order to the Commission on Behavioral Health on January 1, 2020, and clarifies the language to align with the Board's specific nomenclature for pre and full license registrants.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 454.

The following Senate amendment was read:

Amendment No. 697.

AN ACT relating to accountants; revising provisions relating to the qualifications and appointment of members of the Nevada State Board of Accountancy; revising provisions relating to the adoption or amendment of rules of professional conduct by the Board; revising the qualifications for a certificate of certified public accountant; revising certain educational and work experience requirements for a certificate of certified public accountant;

**eliminating the requirement that an accounting firm which performs attest services but which does not have an office in this State must register with the Board; providing that such an accounting firm may perform attest services under the same conditions as it practices and performs nonattest services;** authorizing the issuance of a cease and desist order to a person believed to be engaged in the unlawful practice of accounting; repealing provisions relating to the registration of public accountants and business entities formed by public accountants; increasing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law generally provides for the regulation of accountants in this State. (Chapter 628 of NRS) **Sections 1, 3 and 4** of this bill revise definitions relating to services to be performed by accountants to conform with the seventh edition of the Uniform Accountancy Act, published by the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy.

**Section 9** of this bill requires the Nevada State Board of Accountancy to provide notice of proposed new rules of professional conduct or amendments to rules of professional conduct to permit holders by electronic mail rather than by delivery by the United States Postal Service. **Section 10** of this bill removes the requirement that to qualify for a certificate of certified public accountant, the applicant must either be a resident of this State or designate an agent in this State to receive service of process for the applicant. **Sections 11-13** of this bill revise certain educational, work experience and examination requirements for a certificate of certified public accountant.

**Section 14.2 of this bill eliminates the requirement that a partnership, corporation, limited-liability company or sole proprietorship must register with the Board in order to perform attest services for a client having his or her home office in this State. (NRS 628.335) Section 14.2 additionally authorizes such a partnership, corporation, limited-liability company or sole proprietorship to perform attest services for a client having his or her home office in this State without registering only if the partnership, corporation, limited-liability company or sole proprietorship meets the existing criteria for nonattest services. Sections 13.5, 14.4-14.8 and 31.5 of this bill make conforming changes necessitated by the revisions to section 14.2.**

**Section 28** of this bill authorizes the Board to provide another licensing board or agency with otherwise confidential and privileged records relating to a complaint if the Board is cooperating in an investigation by that board or agency. **Section 39** of this bill authorizes the Board to issue a cease and desist order to a person the Board believes to be engaging in certain unlawful acts relating to accounting. **Section 40** of this bill increases the penalty for committing certain unlawful acts relating to accounting from a misdemeanor to a gross misdemeanor.

**Section 45** of this bill repeals provisions relating to the registration and regulation of registered public accountants and business entities formed by public accountants. **Sections 5, 6, 8, ~~14-27, 29-38~~ 14, 15-27, 29-31, 32-38 and 41-44** of this bill make conforming changes.

Under existing law, the Nevada Society of Certified Public Accountants is required to submit to the Governor the names of at least three persons qualified for membership on the Board for each position on the Board to be filled by a certified public accountant. (NRS 628.075) **Section 7** of this bill authorizes the Nevada Society of Certified Public Accountants to recommend to the Governor the reappointment of a current Board member who is eligible for reappointment without submitting other names for consideration.

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

**Section 1.** Chapter 628 of NRS is hereby amended by adding thereto a new section to read as follows:

*“Report,” when used with respect to any attest or compilation service, means an opinion, report or other form of language that states or implies assurance as to the reliability of the attested information or compiled financial statements, and that also includes or is accompanied by a statement or implication that the person or firm issuing it has special knowledge or competence in accounting or auditing. Such a statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the person or firm is an accountant or auditor, or from the language of the report itself. The term includes any form of language which disclaims an opinion when such form of language is conventionally understood to imply any positive assurance as to the reliability of the attested information or compiled financial statements referred to, or special competence on the part of the person or firm issuing such language, including, without limitation, another form of language that is conventionally understood to imply such assurance or such special knowledge or competence.*

**Sec. 2.** NRS 628.003 is hereby amended to read as follows:

628.003 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 628.005 to 628.033, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

**Sec. 3.** NRS 628.005 is hereby amended to read as follows:

628.005 “Attest,” “attesting” and “attestation” mean *providing* the issuance of opinions, reports or other documents which state or imply assurance of the reliability of information when the opinions, reports or other documents are accompanied by or contain any name, title or wording which indicates that the person or other entity which has issued them is an accountant or auditor, or has expert knowledge in accounting or auditing. The terms include any disclaimer of an opinion when the disclaimer is in a form which is understood to imply any positive assurance of the reliability of



~~the information and expertise on the part of the person making the disclaimer.]~~ following services:

1. *An audit or other engagement to be performed in accordance with the Statements on Auditing Standards (SAS) published by the American Institute of Certified Public Accountants.*

2. *A review of a financial statement to be performed in accordance with the Statements on Standards for Accounting and Review Services (SSARS) published by the American Institute of Certified Public Accountants.*

3. *An examination of prospective financial information to be performed in accordance with the Statements on Standards for Attestation Engagements (SSAE) published by the American Institute of Certified Public Accountants.*

4. *An engagement to be performed in accordance with the standards of the Public Company Accounting Oversight Board.*

5. *An examination, review or agreed upon procedures engagement to be performed in accordance with the SSAE, other than an examination described in subsection 3.*

**Sec. 4.** NRS 628.014 is hereby amended to read as follows:

628.014 "Compilation" means ~~the presentation, in the form of financial statements prepared]~~ *providing a service to be performed* in accordance with the Statements on Standards for Accounting and Review Services (SSARS) published by the American Institute of Certified Public Accountants, ~~[of information]~~ that is ~~[a representation by]~~ *presented in* the ~~[owner or management]~~ *form of [an entity] financial statements, of information that is the representation of the owner or management* without undertaking to ~~[state or imply assurance of the reliability of]~~ *express any assurance on* the ~~[information.]~~ *statements.*

**Sec. 5.** NRS 628.0345 is hereby amended to read as follows:

628.0345 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, ~~[any registration or license granted to a registered public accountant pursuant to NRS 628.350]~~ or a permit issued pursuant to NRS 628.380 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 certificate issued pursuant to NRS 628.190 to 628.310, inclusive, ~~[any registration or license granted to a registered public accountant pursuant to NRS 628.350]~~ or a permit issued pursuant to NRS 628.380 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 certificate ~~[, registration, license]~~ or permit; or

(b) A separate form prescribed by the Board.

3. A certificate ~~[, registration, license]~~ or permit described in subsection 1 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. 6.** NRS 628.045 is hereby amended to read as follows:

628.045 1. ~~{Except as otherwise provided in subsection 2, the}~~ *The* Governor shall appoint to the Board ~~{six}~~:

(a) ~~Six~~ members who are certified public accountants ~~{in the State of Nevada and one member who is a registered public accountant}~~ in the State of Nevada ~~[. Of the six members who are certified public accountants:]~~ *of whom:*

~~{(a)}~~ (1) One member must be employed by the government or by private industry; and

~~{(b)}~~ (2) Five members must be engaged in the practice of public accounting.

~~{2. Whenever the total number of registered public accountants who practice is 10 or fewer, the Board must consist of six members who are certified public accountants and the member who is a registered public accountant until that member's term of office expires. Thereafter, the Board must consist of:~~

~~—(a) Six members who are certified public accountants, one of whom must be employed by the government or by private industry.]~~

(b) One member who represents the public. This member must not be:

(1) A certified public accountant ~~{;} or~~ a public accountant ; ~~{for a registered public accountant;} or~~

(2) The spouse or the parent or child, by blood, marriage or adoption, of a certified public accountant ~~{;} or~~ a public accountant . ~~{for a registered public accountant.~~

~~—3.} 2.~~ No person may be appointed to the Board unless he or she is:

(a) Engaged in active practice as a certified public accountant ~~for registered public accountant~~ and holds a live permit to practice public accounting in this State, or is appointed as the member who represents the public.

(b) A resident of the State of Nevada.

**Sec. 7.** NRS 628.075 is hereby amended to read as follows:

628.075 1. ~~The~~ ***Except as otherwise provided in subsection 2, the Nevada Society of Certified Public Accountants shall, at least 30 days before the beginning of any term, or within 30 days after a position on the Board becomes vacant, submit to the Governor the names of at least three persons qualified for membership on the Board for each position to be filled by a certified public accountant. The Governor shall appoint new members or fill the vacancy from the list, or request a new list. If the Nevada Society of Certified Public Accountants fails to submit timely nominations for a position on the Board, the Board may submit nominations to the Governor, who shall appoint members from among the nominees or request a new list.***

***2. If the term of a current member of the Board is expiring and that member is eligible for reappointment to the Board, the Nevada Society of Certified Public Accountants may recommend to the Governor the reappointment of that member without having to submit additional names for consideration to the Governor.***

**3.** The Governor may appoint any qualified person who is a resident of this State to the position which is to be occupied by a person who represents the public.

**Sec. 8.** NRS 628.130 is hereby amended to read as follows:

628.130 The Board shall:

1. Have a seal of which judicial notice must be taken.

2. Keep records of its proceedings. In any proceedings in court, civil or criminal, arising out of or founded upon any provision of this chapter, copies of those records certified as correct under the seal of the Board are admissible in evidence as tending to prove the contents of the records.

3. Maintain a website on the Internet or its successor and post on its website:

(a) The names arranged alphabetically by classifications of all accountants and business entities holding ~~licenses,~~ certificates, registrations or permits under this chapter.

(b) The names of the members of the Board.

(c) Such other matter as may be deemed proper by the Board.

**Sec. 9.** NRS 628.160 is hereby amended to read as follows:

628.160 1. The Board may by regulation adopt and amend rules of professional conduct appropriate to establish and maintain a high standard of quality, integrity and dignity in the profession of public accountancy.

2. In addition to the requirements of chapter 233B of NRS, the Board shall ~~at least 60 days before the adoption of any such rule or amendment, mail copies of the~~ ***provide notice of any such*** proposed rule or amendment

to each holder of a live permit, to the *electronic mail* address shown in the records of the Board, ~~together~~ **along** with ~~a notice~~ **information** advising the holder of the permit of the date, time and place of the hearing on the proposed rule or amendment and requesting that he or she submit any comments thereon at least 15 days before the hearing. The comments are advisory only. ~~[Failure by inadvertence or error to mail the rule, amendment or notice to each holder of a permit does not affect the validity of any rule or amendment if the Board has made an effort in good faith to mail the notice to all holders of permits.]~~ **The Board shall also make available on its Internet website the proposed rule or amendment.**

3. The Board may adopt regulations concerning the professional conduct of corporations, partnerships and limited-liability companies practicing certified public accounting or public accounting which it deems consistent with or required by the public welfare, including regulations:

(a) Governing the style, name and title of the corporations, partnerships and limited-liability companies.

(b) Governing the affiliation of the corporations, partnerships and limited-liability companies with any other organizations.

**Sec. 10.** NRS 628.190 is hereby amended to read as follows:

628.190 1. Except as otherwise provided in this section and NRS 628.310, a certificate of certified public accountant must be granted by the Board to any person who:

(a) Is ~~a resident of this State or, if not a resident, has designated to the Board an agent who is a resident for notification and service of process;~~

~~—(b) Is a person who is~~ without any history of acts involving dishonesty or moral turpitude;

~~(c)~~ **(b)** Complies with the requirements of education and **work** experience as provided in NRS 628.200;

~~(d)~~ **(c)** Has submitted to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

~~(e)~~ **(d)** Has passed the examination prescribed by the Board.

2. The Board may refuse to grant a certificate of certified public accountant to an applicant if he or she has been convicted of a felony in this State or an offense in another state or jurisdiction which would be a felony if committed in this State.

3. The Board may issue a provisional certificate to an applicant until the Board receives the report from the Federal Bureau of Investigation.

**Sec. 11.** NRS 628.200 is hereby amended to read as follows:

628.200 1. Except as otherwise provided in subsection 4, the requirements of education for a certificate of certified public accountant are:

(a) At least 150 semester hours or an equivalent number of quarter hours; and

(b) A baccalaureate degree or an equivalent degree from a college or university recognized by the Board:

(1) With a major in accounting, or what the Board determines to be substantially the equivalent of a major in accounting; or

(2) With a major other than accounting supplemented by what the Board determines to be substantially the equivalent of an accounting major, including related courses in other areas of business administration.

2. The requirement for **work** experience for a certificate of certified public accountant is:

(a) Two years of public accounting experience in a partnership, corporation, limited-liability company or sole proprietorship engaged in the practice of public accounting under the direct supervision of a person who is a certified public accountant; or

(b) ~~Experience in internal auditing work or governmental accounting and auditing work~~ **Other work experience under the direct supervision of a person engaged in active practice as a certified public accountant**, of a character and for a length of time sufficient in the opinion of the Board to be substantially equivalent to the requirements of paragraph (a).

3. The Board:

(a) Shall adopt regulations concerning:

(1) The number of semester hours or an equivalent number of quarter hours in accounting and other courses required by an applicant to satisfy the requirements of subsection 1.

(2) The public accounting experience ~~[, internal auditing work, and governmental accounting and auditing]~~ **or other work experience** required by an applicant to satisfy the requirements of subsection 2.

(b) May provide by regulation for the substitution of qualified programs of continuing education to satisfy partially the requirement of **work** experience described in paragraph (b) of subsection 2 or may add any program to the requirement of **work** experience.

4. Notwithstanding any provision of this section to the contrary, an applicant for a certificate of certified public accountant who has received conditional credit pursuant to NRS 628.260 for passing a section of the examination required for a certificate, and who applies that credit to subsequent passage of the examination, is subject to the educational requirements to receive a certificate that were in effect on the date on which the applicant ~~[first received the conditional credit.]~~ **passed all sections of the examination.**

**Sec. 12.** NRS 628.240 is hereby amended to read as follows:

628.240 A candidate for a certificate of certified public accountant who has met the educational requirements as prescribed by the Board pursuant to NRS 628.230 is eligible to take the examination without waiting until he or she meets the requirements of **work** experience if the candidate also meets the requirements of ~~[paragraphs]~~ **paragraph** (a) ~~[and (b)]~~ of subsection 1 of NRS 628.190.

**Sec. 13.** NRS 628.310 is hereby amended to read as follows:

628.310 1. The Board may waive the examination, the requirements for education or the requirements for *work* experience, or any combination thereof, required under NRS 628.190, and may issue a certificate as a certified public accountant to any person who is the holder of a certificate as a certified public accountant then in effect issued under the laws of any state or other jurisdiction of the United States approved by the Board, constituting a recognized qualification for the practice of public accounting comparable to that of a certified public accountant of this State, if:

(a) The person has passed an examination that is substantially the same as the examination conducted pursuant to NRS 628.230 with a grade that would have been a passing grade in this State on the date on which the person received his or her original certificate;

(b) The person has experience in the practice of public accountancy, either as a certified public accountant or as a staff accountant employed by a partnership, corporation, limited-liability company or sole proprietorship engaged in the practice of public accounting and working under the direct supervision of a person who is a certified public accountant, while holding a certificate as a certified public accountant for more than 4 of the 10 years immediately preceding his or her making application pursuant to this chapter; and

(c) The requirements for education of the state or other jurisdiction from which the person received his or her original certificate are determined by the Board to satisfy the requirements for education of this State.

2. The Board may ~~[waive the examination, the requirements for education or the requirements for experience, or any combination thereof, under NRS 628.190, and may]~~ issue a certificate as a certified public accountant to any person who is the holder of an equivalent certificate then in effect issued by a foreign country if:

(a) Persons who are certified as public accountants in this State are granted similar privileges by the foreign country in which the applicant is certified;

(b) The applicant's certificate:

(1) Was issued by the appropriate authority that regulates the practice of public accountancy in the foreign country in which the certificate was issued;

(2) Has not expired or been revoked or suspended; and

(3) Authorizes the applicant to issue reports upon financial statements;

(c) The requirements for education and examination of the regulatory authority of the foreign country were substantially equivalent to the requirements for education and examination of this State on the date on which the applicant received his or her certificate;

(d) The applicant:

(1) Complied with requirements for experience in the foreign country in which the certificate was issued that are substantially equivalent to the requirements set forth in NRS 628.200; or

(2) Has completed in any state at least 4 years of public accounting experience, or equivalent experience determined to be appropriate by the Board, within the 10 years immediately preceding his or her making application for certification in this State;

(e) The applicant has passed a written examination on national standards for public accounting and ethics that is acceptable to the Board; and

(f) The applicant submits with the application a list of all jurisdictions in which he or she has applied for and received a certificate to practice public accounting.

3. A person who is granted a certificate as a certified public accountant pursuant to subsection 2 shall notify the Board, in writing, within 30 days after:

(a) The person is issued an equivalent certificate to practice public accounting by another jurisdiction or is denied the issuance of such a certificate;

(b) A certificate to practice public accounting issued to the person by another jurisdiction is revoked or suspended; or

(c) Another jurisdiction in which the person is certified to practice public accounting commences any type of disciplinary action against the person.

**Sec. 13.5. NRS 628.315 is hereby amended to read as follows:**

628.315 1. Except as otherwise provided in this chapter, a natural person who holds a valid license as a certified public accountant from any state other than this State shall be deemed to be a certified public accountant for all purposes under the laws of this State other than this chapter.

2. A natural person granted practice privileges pursuant to subsection 1 is not required to obtain:

(a) A certificate pursuant to NRS 628.190; or

(b) A permit pursuant to NRS 628.380.

3. A natural person granted practice privileges pursuant to subsection 1 and a partnership, corporation, limited-liability company or sole proprietorship that employs such a person shall be deemed to consent, as a condition of the grant of such practice privileges:

(a) To the personal and subject matter jurisdiction, and disciplinary authority, of the Board.

(b) To comply with the provisions of this chapter and the regulations of the Board.

(c) That, in the event that the license from the state wherein the natural person's principal place of business is located becomes invalid, the natural person will cease offering or engaging in the practice of professional accounting in this State individually and on behalf of a partnership, corporation, limited-liability company or sole proprietorship.

(d) To the appointment of the state board that issued the license as the agent upon whom process may be served in any investigation, action or proceeding relating to the natural person or the partnership, corporation, limited-liability company or sole proprietorship by the Board.

4. A natural person granted practice privileges pursuant to subsection 1 may perform attest services for a client having his or her home office in this State only if the partnership, corporation, limited-liability company or sole proprietorship that employs the person is registered pursuant to NRS 628.335 ~~[-] or is exempt from registration pursuant to subsection 3 of NRS 628.335.~~

**Sec. 14.** NRS 628.325 is hereby amended to read as follows:

628.325 1. One or more natural persons may organize a corporation for the practice of public accounting under the Professional Entities and Associations Act, chapter 89 of NRS. The corporation is not required to have more directors than shareholders, but at least one director must be a shareholder. The other directors need not, but may, be shareholders.

2. One or more natural persons may:

- (a) Organize a corporation pursuant to chapter 78 of NRS;
- (b) Qualify to do business as a foreign corporation pursuant to chapter 80 of NRS;
- (c) Organize a limited-liability company pursuant to chapter 86 of NRS;
- or
- (d) Register as a foreign limited-liability company pursuant to chapter 86 of NRS,

↳ to practice public accounting.

3. The organization, qualification or registration of a corporation or company pursuant to subsection 2:

- (a) Does not modify:
  - (1) The relationship between an accountant and a client;
  - (2) The liability arising out of that relationship; or
  - (3) The compliance of the corporation or company with this chapter or any regulations adopted pursuant thereto.
- (b) Does not render:
  - (1) A person liable in tort for any act in which he or she has not personally participated.

(2) The manager, a member or an employee of a limited-liability company liable in contract for any contract which the person executes on behalf of a limited-liability company within the limits of his or her authority.

4. Notwithstanding any specific statute to the contrary, a simple majority of the ownership of a corporation, partnership or limited-liability company organized for the practice of public accounting in this State, in terms of the financial interests and voting rights of all shareholders, partners, officers, members and principals thereof, must belong to persons who are certified public accountants in any state . ~~[-] or registered public accountants in this State.~~ Each shareholder, partner, officer, member or principal whose principal place of business is in this State and who performs professional services in this State must be ~~[-]~~

~~—(a) If the corporation, partnership or limited liability company registered with the Board is a corporation, partnership or limited liability company of~~



~~certified public accountants,]~~ a certified public accountant in this State in good standing . ~~[-and~~

~~—(b) If the corporation, partnership or limited liability company registered with the Board is a corporation, partnership or limited liability company of public accountants, a certified public accountant or registered public accountant in this State in good standing.]~~

5. A corporation, partnership or limited-liability company organized for the practice of public accounting in this State may have as a shareholder, partner, officer, member or principal any natural person who is not a certified public accountant in any state ~~for a registered public accountant in this State]~~ if:

(a) The natural person is actively engaged in the business of the corporation, partnership or limited-liability company, or any affiliate thereof; and

(b) The corporation, partnership or limited-liability company complies with any other requirements that the Board by regulation may impose.

**Sec. 14.2. NRS 628.335 is hereby amended to read as follows:**

628.335 1. The Board shall grant or renew registration to a partnership, corporation, limited-liability company or sole proprietorship that demonstrates its qualifications therefor in accordance with this chapter.

2. A partnership, corporation or limited-liability company with an office in this State shall register with the Board if the partnership, corporation or limited-liability company:

(a) Performs attest services;

(b) Performs compilation services;

(c) Is engaged in the practice of public accounting; or

(d) Is styled and known as a certified public accountant or uses the abbreviation “C.P.A.”

3. A partnership, corporation, limited-liability company or sole proprietorship that does not have an office in this State ~~[-~~

~~—(a) Shall register with the Board if the partnership, corporation, limited liability company or sole proprietorship performs attest services for a client having his or her home office in this State.~~

~~—(b) May]~~ may practice public accounting, may perform compilation services or other professional services within the practice of public accounting ~~[other than]~~ , including, without limitation, attest services , for a client having his or her home office in this State, may be styled and known as a certified public accountant and may use the title or designation “certified public accountant” and the abbreviation “C.P.A.” without registering with the Board only if:

~~[(1)]~~ (a) Persons who are certified public accountants in any state constitute a simple majority, in terms of financial interests and voting rights of all partners, shareholders, officers, members and principals thereof, of the ownership of the partnership, corporation, limited-liability company or sole proprietorship;

~~[(2)]~~ (b) The partnership, corporation, limited-liability company or sole proprietorship complies with the provisions of subsection 5 of NRS 628.325, if applicable;

~~[(3)]~~ (c) A natural person granted practice privileges pursuant to NRS 628.315 practices such public accounting or performs such compilation services or such other professional services within the practice of public accounting for the client having his or her home office in this State; and

~~[(4)]~~ (d) The partnership, corporation, limited-liability company or sole proprietorship can lawfully perform such services in the state where the natural person described in ~~subparagraph (3)]~~ paragraph (c) has his or her principal place of business.

4. A natural person granted practice privileges pursuant to NRS 628.315 must not be required to obtain a permit from this State pursuant to NRS 628.380 if the person performs such professional services for:

(a) Which a partnership, corporation, limited-liability company or sole proprietorship is required to register pursuant to this section or is exempt from registration pursuant to subsection ~~[(2)]~~ 3; or

(b) A partnership, corporation or limited-liability company registered pursuant to the provisions of NRS 628.325.

**Sec. 14.4. NRS 628.340 is hereby amended to read as follows:**

628.340 1. A partnership required to register with the Board pursuant to NRS 628.335 or which performs attest services and is exempt from registration pursuant to subsection 3 of NRS 628.335 must meet the following requirements:

(a) At least one general partner must be either a certified public accountant of this State in good standing or, if the partnership ~~is required to register]~~ performs attest services and is exempt from registration pursuant to ~~paragraph (a) of]~~ subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.

(b) Each partner who is a resident of this State and is personally and regularly engaged within this State in the practice of public accounting as a member thereof, or whose principal place of business is in this State and who is engaged in the practice of professional accounting in this State, must be a certified public accountant of this State in good standing.

(c) Each partner who is personally and regularly engaged in the practice of public accounting in this State must be either a certified public accountant of this State in good standing or, if the partnership ~~is required to register]~~ performs attest services and is exempt from registration pursuant to ~~paragraph (a) of]~~ subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.

(d) Each partner who is regularly engaged in the practice of public accounting within the United States must be a certified public accountant in good standing of some state or jurisdiction of the United States.

(e) Each manager in charge of an office of the partnership in this State must be either a certified public accountant of this State in good standing or a natural person granted practice privileges pursuant to NRS 628.315.

(f) A corporation or limited-liability company which is registered pursuant to NRS 628.343 or 628.345 or which is exempt from registration pursuant to subsection 3 of NRS 628.335 may be a partner, and a partnership which is registered pursuant to this section or which is exempt from registration pursuant to subsection 3 of NRS 628.335 may be a general partner, in a partnership engaged in the practice of public accounting.

2. Application for registration must be made upon the affidavit of ~~either~~ a general partner who holds a live permit to practice in this State as a certified public accountant ~~, for, if the partnership is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~ The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A partnership which is so registered may use the words “certified public accountants” or the abbreviation “C.P.A.’s” or “CPA’s” in connection with its partnership name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a partner from any partnership so registered.

**Sec. 14.6. NRS 628.343 is hereby amended to read as follows:**

628.343 1. A corporation required to register with the Board pursuant to NRS 628.335 or which performs attest services and is exempt from registration pursuant to subsection 3 of NRS 628.335 shall comply with the following requirements:

(a) The sole purpose and business of the corporation must be to furnish to the public services not inconsistent with this chapter or the regulations of the Board, except that the corporation may invest its money in a manner not incompatible with the practice of public accounting.

(b) The principal officer of the corporation and any officer or director having authority over the practice of public accounting by the corporation must be a certified public accountant of some state in good standing.

(c) At least one shareholder of the corporation must be either a certified public accountant of this State in good standing or, if the corporation ~~is required to register~~ performs attest services and is exempt from registration pursuant to ~~paragraph (a) of~~ subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.

(d) Each manager in charge of an office of the corporation in this State and each shareholder or director who is regularly and personally engaged within this State in the practice of public accounting must be either a certified public accountant of this State in good standing or, if the corporation ~~is required to register~~ performs attest services and is exempt from registration pursuant to ~~paragraph (a) of~~ subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.

(e) In order to facilitate compliance with the provisions of this section relating to the ownership of stock, there must be a written agreement binding the shareholders or the corporation to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder. The corporation may retire any amount of stock for this purpose, notwithstanding any impairment of its capital, so long as one share remains outstanding.

(f) The corporation shall comply with other regulations pertaining to corporations practicing public accounting in this State adopted by the Board.

2. Application for registration must be made upon the affidavit of ~~either~~ a shareholder who holds a live permit to practice in this State as a certified public accountant ~~for, if the corporation is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.~~ The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A corporation which is so registered may use the words “certified public accountants” or the abbreviation “C.P.A.’s” or “CPA’s” in connection with its corporate name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a shareholder from any corporation so registered.

**Sec. 14.8. NRS 628.345 is hereby amended to read as follows:**

628.345 1. A limited-liability company required to register with the Board pursuant to NRS 628.335 or which performs attest services and is exempt from registration pursuant to subsection 3 of NRS 628.335 shall comply with the following requirements:

(a) The sole purpose and business of the limited-liability company must be to furnish to the public services not inconsistent with this chapter or the regulations of the Board, except that the limited-liability company may invest its money in a manner not incompatible with the practice of public accounting.

(b) The manager, if any, of the limited-liability company must be a certified public accountant of some state in good standing.

(c) At least one member of the limited-liability company must be either a certified public accountant of this State in good standing or, if the limited-liability company ~~is required to register~~ performs attest services and is exempt from registration pursuant to ~~paragraph (a) of~~ subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.

(d) Each person in charge of an office of the limited-liability company in this State and each member who is regularly and personally engaged within this State in the practice of public accounting must be either a certified public accountant of this State in good standing or, if the limited-liability company ~~is required to register~~ performs attest services and is exempt from registration pursuant to ~~paragraph (a) of~~ subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.

(e) In order to facilitate compliance with the provisions of this section relating to the ownership of interests, there must be a written agreement binding the members or the limited-liability company to purchase any interest offered for sale by, or not under the ownership or effective control of, a qualified member.

(f) The limited-liability company shall comply with other regulations pertaining to limited-liability companies practicing public accounting in this State adopted by the Board.

2. Application for registration must be made upon the affidavit of the manager or a member of the limited-liability company. The affiant must hold a live permit to practice in this State as a certified public accountant. ~~For, if the limited liability company is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.235, be a natural person granted practice privileges pursuant to NRS 628.315.~~ The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A limited-liability company which is so registered may use the words “certified public accountants” or the abbreviation “C.P.A.’s” or “CPA’s” in connection with its name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a member from any limited-liability company so registered.

**Sec. 15.** NRS 628.370 is hereby amended to read as follows:

628.370 1. Each office established or maintained in this State for the practice of public accounting in this State by a certified public accountant or a partnership, corporation or limited-liability company composed of certified public accountants ~~[, or by a registered public accountant or a partnership, corporation or limited liability company composed of registered public accountants.]~~ must be registered annually under this chapter with the Board. The Board may charge a fee for the registration of an office in an amount set by regulation.

2. The Board shall by regulation prescribe the procedure to be followed in registering offices.

**Sec. 16.** NRS 628.375 is hereby amended to read as follows:

628.375 1. Before a certified public accountant ~~[, a registered public accountant]~~ or a partnership, corporation or limited-liability company composed of certified public accountants ~~[or registered public accountants]~~ with an office in this State engages in the practice of public accounting in this State under a fictitious name, the person or entity must register the fictitious name with the Board.

2. The Board shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that prescribe:

- (a) The procedure for registering a fictitious name with the Board; and
- (b) The fee for registering a fictitious name with the Board.

**Sec. 17.** NRS 628.380 is hereby amended to read as follows:

628.380 1. Permits to engage in the practice of public accounting in this State must be issued by the Board to holders of the certificate of certified public accountant issued under NRS 628.190 to 628.310, inclusive, ~~and to registered public accountants registered or licensed pursuant to NRS 628.350,~~ if all offices of the holder of a certificate ~~for registrant~~ are maintained and registered as required under NRS 628.370, and if the holder of a certificate ~~for registrant~~ has complied with the continuing education requirements provided in this chapter and in the Board's regulations.

2. All permits expire on December 31 of each year and may be renewed annually for a period of 1 year by holders of certificates ~~and registrants~~ in good standing upon payment of an annual renewal fee set by the Board by regulation.

3. Failure of a holder of a certificate ~~for registrant~~ to apply for an annual permit to practice deprives him or her of the right to a permit, unless the Board, in its discretion, determines that the failure was caused by excusable neglect.

4. The Board shall adopt a regulation specifying the fee for the renewal of a permit after January 31 of each year.

5. The Board may provide by regulation for the placing of certificates ~~and registrations~~ on a retired or inactive status. The regulation may provide for a procedure for applying for retired or inactive status and for applying to return to active status, and must specify fees, if any, to accompany the applications.

**Sec. 18.** NRS 628.385 is hereby amended to read as follows:

628.385 The Legislature finds that:

1. The explosion of knowledge and the increasing complexity of practice make it essential that certified public accountants ~~and public accountants~~ continue to develop their competence and maintain the general quality of the practice of their profession.

2. The public interest requires that certified public accountants ~~and registered public accountants~~ provide competent service in all areas of their practice.

3. Formal programs of continuing education provide certified public accountants ~~and public accountants~~ with the opportunity to maintain the general quality of the practice of their profession.

4. It is in the public interest to require that certified public accountants ~~and registered public accountants~~ who have certificates ~~and who have been registered, respectively,~~ under the provisions of this chapter comply with requirements for continuing education adopted by the Board as a prerequisite to the issuance or renewal of permits to engage in the practice of public accounting pursuant to NRS 628.380.

**Sec. 19.** NRS 628.386 is hereby amended to read as follows:

628.386 1. The Board may by regulation prescribe, amend or repeal rules, including, but not limited to:

- (a) A definition of basic requirements for continuing education;
- (b) A delineation of qualifying programs;
- (c) A system of control and reporting; and
- (d) A program to ensure that licensees are maintaining the standards of the profession.

2. In exercising its power under this section, the Board shall establish standards which will assure reasonable currency of knowledge as a basis for a high standard of practice by certified public accountants . ~~and registered public accountants.~~ The standards must be established in a manner to assure that a variety of alternatives are available to certificate holders ~~and registrants~~ to comply with the requirements of continuing education for renewal of permits and must take cognizance of specialized areas of practice.

**Sec. 20.** NRS 628.387 is hereby amended to read as follows:

628.387 The Board may, in accordance with the intent of this chapter, make exceptions from continuing education requirements for certificate holders ~~for registrants~~ not engaged in public practice, or for reasons of health, military service or other good cause, except that if such certificate holder ~~for registrant~~ returns to the practice of public accounting he or she shall meet such continuing education requirements as the Board may determine.

**Sec. 21.** NRS 628.388 is hereby amended to read as follows:

628.388 The Board may appoint a Committee on Continuing Education consisting of certified public accountants ~~and registered public accountants~~ in active practice and holding live permits. Upon assignment and as directed by the Board, the Committee shall assist the Board in the administration of the provisions of this chapter for continuing education.

**Sec. 22.** NRS 628.390 is hereby amended to read as follows:

628.390 1. After giving notice and conducting a hearing, the Board may revoke, or may suspend for a period of not more than 5 years, any certificate issued under NRS 628.190 to 628.310, inclusive, any practice privileges granted pursuant to NRS 628.315 or 628.335 ~~any registration or license granted to a registered public accountant under NRS 628.350,~~ or any registration of a partnership, corporation, limited-liability company, sole proprietorship or office, or may revoke, suspend or refuse to renew any permit issued under NRS 628.380, or may publicly censure the holder of any permit, ~~license~~ **certificate** or registration or any natural person granted practice privileges pursuant to NRS 628.315, for any one or any combination of the following causes:

(a) Fraud or deceit in obtaining a certificate as a certified public accountant ~~or in obtaining registration or a license as a public accountant under this chapter~~ or in obtaining a permit to practice public accounting under this chapter.

(b) Dishonesty, fraud or gross negligence by a certified ~~for registered~~ public accountant or a natural person granted practice privileges pursuant to NRS 628.315.

- (c) Violation of any of the provisions of this chapter.
  - (d) Violation of a regulation or rule of professional conduct adopted by the Board under the authority granted by this chapter.
  - (e) Conviction of a felony relating to the practice of public accounting under the laws of any state or jurisdiction.
  - (f) Conviction of any crime:
    - (1) An element of which is dishonesty or fraud; or
    - (2) Involving moral turpitude,↪ under the laws of any state or jurisdiction.
  - (g) Cancellation, revocation, suspension, placing on probation or refusal to renew authority to practice as a certified public accountant ~~for a registered public accountant~~ by any other state, for any cause other than failure to pay an annual registration fee or to comply with requirements for continuing education or review of his or her practice in the other state.
  - (h) Suspension, revocation or placing on probation of the right to practice before any state or federal agency.
  - (i) Unless the person has been placed on inactive or retired status, failure to obtain an annual permit under NRS 628.380, within:
    - (1) Sixty days after the expiration date of the permit to practice last obtained or renewed by the holder of a certificate ; ~~for registrant;~~ or
    - (2) Sixty days after the date upon which the holder of a certificate ~~for registrant~~ was granted the certificate , ~~for registration;~~ if no permit was ever issued to the person, unless the failure has been excused by the Board.
  - (j) Conduct discreditable to the profession of public accounting or which reflects adversely upon the fitness of the person to engage in the practice of public accounting.
  - (k) Making a false or misleading statement in support of an application for a certificate ~~[, registration]~~ or permit of another person.
  - (l) Committing an act in another state or jurisdiction which would be subject to discipline in that state.
2. After giving notice and conducting a hearing, the Board may deny an application to take the examination prescribed by the Board pursuant to NRS 628.190, deny a person admission to such an examination, invalidate a grade received for such an examination or deny an application for a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, to a person who has:
- (a) Made any false or fraudulent statement, or any misleading statement or omission relating to a material fact in an application:
    - (1) To take the examination prescribed by the Board pursuant to NRS 628.190; or
    - (2) For a certificate issued pursuant to NRS 628.190 to 628.310, inclusive;
  - (b) Cheated on an examination prescribed by the Board pursuant to NRS 628.190 or any such examination taken in another state or jurisdiction of the United States;



(c) Aided, abetted or conspired with any person in a violation of the provisions of paragraph (a) or (b); or

(d) Committed any combination of the acts set forth in paragraphs (a), (b) and (c).

3. In addition to other penalties prescribed by this section, the Board may impose a civil penalty of not more than \$5,000 for each violation of this section.

4. The Board shall not privately censure the holder of any permit ~~[-license,] or certificate [for registration]~~ or any natural person granted practice privileges pursuant to NRS 628.315.

5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

**Sec. 23.** NRS 628.393 is hereby amended to read as follows:

628.393 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 certificate issued pursuant to NRS 628.190 to 628.310, inclusive, ~~[a registration or license granted to a registered public accountant pursuant to NRS 628.350]~~ or a permit issued pursuant to NRS 628.380, the Board shall deem the certificate ~~[-registration, license]~~ or permit 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 certificate ~~[-registration, license]~~ or permit by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate ~~[-registration, license]~~ or permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, ~~[a registration or license granted to a registered public accountant pursuant to NRS 628.350]~~ or a permit issued pursuant to NRS 628.380 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 certificate ~~[-registration, license]~~ or permit was suspended stating that the person whose certificate ~~[-registration, license]~~ or permit was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

**Sec. 24.** NRS 628.395 is hereby amended to read as follows:

628.395 In addition to any penalty which it may assess pursuant to NRS 628.390, the Board may suspend any of the provisions of an order issued pursuant to that section and place the certified ~~[-registered]~~ public accountant on probation, subject to limitations and conditions specified by the Board, which may include requirements for continuing education or for a review of the accountant's practice, either periodically or continuously.

**Sec. 25.** NRS 628.400 is hereby amended to read as follows:

628.400 1. After giving notice and conducting a hearing, the Board shall revoke the registration of a partnership, corporation or limited-liability company if at any time it does not have all the qualifications prescribed by the section of this chapter under which it qualified for registration.

2. After giving notice and conducting a hearing, the Board may revoke or suspend the registration of a partnership, corporation or limited-liability company, or may censure the partnership, corporation or limited-liability company, or impose a sanction authorized by NRS 628.390 ~~[ ]~~ **or 628.395**, for any of the causes enumerated in subsection 1 of NRS 628.390, or for one or both of the following additional causes:

(a) The revocation or suspension of the certificate or registration or the revocation or suspension or refusal to renew the permit to practice of any partner or shareholder who is personally engaged in the practice of public accounting in this State, whether or not he or she holds a live permit in this State.

(b) The cancellation, revocation, suspension or refusal to renew the authority of the partnership, corporation or limited-liability company, or any partner, shareholder or member thereof to practice public accounting in any other state for any cause other than failure to pay an annual registration fee or comply with a requirement for continuing education or practice review in the other state.

**Sec. 26.** NRS 628.410 is hereby amended to read as follows:

628.410 1. The Board may initiate proceedings under this chapter:

(a) On its own motion;

(b) On the complaint of any person; or

(c) On a complaint made by a board of accountancy of another state.

2. A written notice of the hearing must be served on the respondent not less than 30 days before the date of the hearing, either personally or by mailing a copy thereof by registered or certified mail to the address of the respondent last known to the Board.

3. If, after having been served with the notice of hearing, the respondent fails to appear at the hearing and defend, the Board may proceed to hear evidence against the respondent and may enter such order as is justified by the evidence. The order is final unless the respondent petitions for a review thereof. Within 30 days after the date of any order, upon a showing of good cause for failing to appear and defend, the Board may reopen the proceedings and may permit the respondent to submit evidence in his or her behalf.

4. At any hearing, a respondent may be represented before the Board by counsel or by a certified public accountant ~~for registered public accountant~~ of this State in good standing. The respondent is entitled, on application to the Board, to the issuance of subpoenas to compel the attendance of witnesses on his or her behalf.

5. The Board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents. In case of

disobedience to a subpoena, the Board may invoke the aid of any court of this State in requiring the attendance and testimony of witnesses and the production of documentary evidence.

6. A hearing may be conducted by:

(a) The Board, less any member or members who have been disqualified, without the appointment of persons to hear the case in place of the disqualified members; or

(b) A member of the Board appointed by the Board as a hearing officer, with the remaining members of the Board, less any member or members who have been disqualified, to review the record, make a final decision and issue the order,

↪ unless the Board, after disqualifications, consists of less than three members to hear or review the case, in which circumstance the Governor must appoint one or more qualified persons so that the panel which hears or reviews the case consists of at least three persons.

7. A stenographic record of the hearing must be kept and a transcript thereof filed with the Board.

8. At all hearings, the Attorney General or a deputy designated by the Attorney General or such other legal counsel as may be employed shall appear and represent the Board.

9. The decision of the Board must be by majority vote thereof.

**Sec. 27.** NRS 628.415 is hereby amended to read as follows:

628.415 1. Any disciplinary action taken by a hearing officer or panel pursuant to NRS 628.140 is subject to the same procedural requirements which apply to disciplinary actions taken by the Board, and the officer or panel has those powers and duties given to the Board in relation thereto.

2. A decision of the hearing officer or panel relating to the imposition of a civil penalty, costs and attorney's fees is a final decision in a contested case. Any party aggrieved by a decision of the officer or panel to place a certified ~~for registered~~ public accountant on probation or revoke or suspend a certificate ~~or~~ permit ~~registration or license~~ may appeal that decision to the Board.

**Sec. 28.** NRS 628.418 is hereby amended to read as follows:

628.418 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential ~~and~~ **and privileged**.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. ***The provisions of this section do not prohibit the Board or an employee of the Board from cooperating with another licensing board or any other agency that is investigating a person who holds a certificate or a permit issued pursuant to NRS 628.380 or a partnership, corporation,***

*limited-liability company or sole proprietorship that is registered with the Board pursuant to NRS 628.335, by providing documents or other information relating to a complaint.*

**Sec. 29.** NRS 628.420 is hereby amended to read as follows:

628.420 Upon application in writing and after a hearing, the Board may:

1. Issue a new certificate to a certified public accountant whose certificate has been revoked;

2. ~~Permit the reregistration of a public accountant whose registration has been revoked;~~

~~—3.]~~ Reissue or modify the suspension of any permit to practice public accounting which has been revoked or suspended, unless the permit was suspended pursuant to NRS 425.540; or

~~[4.]~~ 3. Modify any action taken against any person or any order which it has issued pursuant to NRS 628.390.

**Sec. 30.** NRS 628.430 is hereby amended to read as follows:

628.430 All statements, records, schedules, working papers and memoranda made by a certified public accountant ~~[a registered public accountant]~~ or a natural person granted practice privileges pursuant to NRS 628.315 incident to or in the course of professional service to clients by the accountant, except reports submitted by a certified public accountant ~~[a registered public accountant]~~ or a natural person granted practice privileges pursuant to NRS 628.315 to a client, are the property of the accountant, in the absence of an express agreement between the accountant and the client to the contrary. No such statement, record, schedule, working paper or memorandum may be sold, transferred or bequeathed, without the consent of the client or the client's personal representative or assignee, to anyone other than one or more surviving partners or new partners of the accountant or to his or her corporation.

**Sec. 31.** NRS 628.435 is hereby amended to read as follows:

628.435 1. A practitioner shall comply with all professional standards for accounting and documentation related to an attestation applicable to particular engagements.

2. Except as otherwise provided in this section and in all professional standards for accounting and documentation related to an attestation applicable to particular engagements, a practitioner shall retain all documentation related to an attestation for not less than 5 years after the date of the report containing the attestation.

3. Documentation related to an attestation that, at the end of the retention period set forth in subsections 1 and 2, is a part of or subject to a pending investigation of, or disciplinary action against, a practitioner must be retained and must not be destroyed until the practitioner has been notified in writing that the investigation or disciplinary action has been closed or concluded.

4. As used in this section:

(a) "Documentation related to an attestation" includes, without limitation:

(1) All documentation relating to consultations and resolutions of any differences of professional opinion regarding the exercise of professional judgment relating to an attestation; and

(2) Documentation of the findings or issues related to the attestation that, based on the judgment of the practitioner after an objective analysis of the facts and circumstances, is determined to be significant, regardless of whether the documentation includes information or data that is inconsistent with the final conclusions of the practitioner.

(b) "Practitioner" means:

(1) A holder of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, ~~[any registration or license granted to a registered public accountant pursuant to NRS 628.350]~~ or a permit issued pursuant to NRS 628.380;

(2) A partnership, corporation, limited-liability company or sole proprietorship registered pursuant to NRS 628.335; or

(3) A natural person granted practice privileges pursuant to NRS 628.315.

**Sec. 31.5. NRS 628.435 is hereby amended to read as follows:**

628.435 1. A practitioner shall comply with all professional standards for accounting and documentation related to an attestation applicable to particular engagements.

2. Except as otherwise provided in this section and in all professional standards for accounting and documentation related to an attestation applicable to particular engagements, a practitioner shall retain all documentation related to an attestation for not less than 5 years after the date of the report containing the attestation.

3. Documentation related to an attestation that, at the end of the retention period set forth in subsections 1 and 2, is a part of or subject to a pending investigation of, or disciplinary action against, a practitioner must be retained and must not be destroyed until the practitioner has been notified in writing that the investigation or disciplinary action has been closed or concluded.

4. As used in this section:

(a) "Documentation related to an attestation" includes, without limitation:

(1) All documentation relating to consultations and resolutions of any differences of professional opinion regarding the exercise of professional judgment relating to an attestation; and

(2) Documentation of the findings or issues related to the attestation that, based on the judgment of the practitioner after an objective analysis of the facts and circumstances, is determined to be significant, regardless of whether the documentation includes information or data that is inconsistent with the final conclusions of the practitioner.

(b) "Practitioner" means:

(1) A holder of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, or a permit issued pursuant to NRS 628.380;

(2) A partnership, corporation, limited-liability company or sole proprietorship registered pursuant to NRS 628.335 ~~or~~ or which is performing attest services while exempt from registration pursuant to subsection 3 of NRS 628.335; or

(3) A natural person granted practice privileges pursuant to NRS 628.315.

**Sec. 32.** NRS 628.440 is hereby amended to read as follows:

628.440 This chapter does not prohibit any person from serving as an employee of, or an assistant to, a certified public accountant ~~for registered public accountant~~ who holds a live permit, or a partnership, corporation or limited-liability company composed of certified public accountants ~~for registered public accountants registered pursuant to NRS 628.360, 628.363 or 628.365~~ if the employee or assistant does not issue any accounting or financial statement over his or her name.

**Sec. 33.** NRS 628.470 is hereby amended to read as follows:

628.470 A natural person shall not assume or use the title or designation “public ~~accountant,~~” “~~registered public~~ accountant” or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that he or she is a public accountant unless the person:

1. ~~Is a registered public accountant, holds a live permit and all of the person's offices in this State for the practice of public accounting are maintained and registered as required under NRS 628.370;~~

~~—2.~~ Has received a certificate as a certified public accountant under NRS 628.190 to 628.310, inclusive, holds a live permit and all of the person's offices in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

~~{3.}~~ 2. Is a natural person granted practice privileges pursuant to NRS 628.315.

**Sec. 34.** NRS 628.480 is hereby amended to read as follows:

628.480 A partnership, corporation, limited-liability company or sole proprietorship shall not assume or use the title or designation “public accountant” or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that the partnership, corporation, limited-liability company or sole proprietorship is composed of public accountants unless the partnership, corporation, limited-liability company or sole proprietorship is:

1. Registered as a partnership, corporation, limited-liability company or sole proprietorship of ~~{registered public accountants or as a partnership, corporation, limited liability company or sole proprietorship of}~~ certified public accountants and all offices of the partnership, corporation, limited-liability company or sole proprietorship in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

2. Performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

**Sec. 35.** NRS 628.510 is hereby amended to read as follows:

628.510 1. Except as otherwise provided in subsection 2, a person shall not sign or affix his or her name or the name of a partnership, corporation, limited-liability company or sole proprietorship, or any trade or assumed name used by the person or by the partnership, corporation, limited-liability company or sole proprietorship in business, with any wording indicating that he or she is an accountant or auditor, or that the partnership, corporation, limited-liability company or sole proprietorship is authorized to practice as an accountant or auditor or with any wording indicating that the person or the partnership, corporation, limited-liability company or sole proprietorship has expert knowledge in accounting or auditing, to any accounting or financial statement, or attest to any accounting or financial statement, unless:

(a) The person holds a live permit or the partnership, corporation, limited-liability company or sole proprietorship is registered pursuant to NRS 628.335 ~~[- 628.360, 628.363 or 628.365]~~ and all of the person's offices in this State for the practice of public accounting are maintained and registered under NRS 628.370;

(b) The person is a natural person granted practice privileges pursuant to NRS 628.315; or

(c) The partnership, corporation, limited-liability company or sole proprietorship is performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

2. The provisions of subsection 1 do not prohibit:

(a) Any officer, employee, partner, principal or member of any organization from affixing his or her signature to any statement or report in reference to the financial affairs of that organization with any wording designating the position, title or office which he or she holds in the organization.

(b) Any act of a public official or public employee in the performance of his or her duties as such.

(c) Any person who does not hold a live permit from preparing a financial statement or issuing a report if the statement or report, respectively, includes a disclosure that:

(1) The person who prepared the statement or issued the report does not hold a live permit issued by the Board; and

(2) The statement or report does not purport to have been prepared in compliance with the professional standards of accounting adopted by the Board.

**Sec. 36.** NRS 628.520 is hereby amended to read as follows:

628.520 A person shall not sign or affix the name of a partnership, corporation, limited-liability company or sole proprietorship with any wording indicating that it is a partnership, corporation, limited-liability company or sole proprietorship composed of accountants or auditors or

persons having expert knowledge or special expertise in accounting or auditing, to any accounting or financial statement, or attest to any accounting or financial statement, unless the partnership, corporation, limited-liability company or sole proprietorship is:

1. Registered pursuant to NRS 628.335 ~~[- 628.360, 628.363 or 628.365]~~ and all of its offices in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

2. Performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

**Sec. 37.** NRS 628.540 is hereby amended to read as follows:

628.540 1. Except as otherwise provided in subsection 2, a person, partnership, corporation, limited-liability company or sole proprietorship shall not engage in the practice of public accounting or hold himself, herself or itself out to the public as an “accountant” or “auditor” by use of either or both of those words ~~[- or by use of the word “accounting.”]~~ ***in connection with any other language which implies that such a person or firm holds a certificate, permit or registration or has special competence as an accountant or auditor*** on any sign, card, letterhead or in any advertisement or directory unless:

(a) If a natural person, he or she holds a live permit or has been granted practice privileges pursuant to NRS 628.315; or

(b) If a partnership, corporation, limited-liability company or sole proprietorship, it is registered pursuant to NRS 628.335 ~~[- 628.360, 628.363 or 628.365]~~ or is performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

2. The provisions of subsection 1 do not prohibit:

(a) Any officer, employee, partner, shareholder, principal or member of any organization from describing himself or herself by the position, title or office he or she holds in that organization.

(b) Any act of a public official or public employee in the performance of his or her duties as such.

**Sec. 38.** NRS 628.550 is hereby amended to read as follows:

628.550 1. A person shall not assume or use the title or designation “certified public accountant” or “public accountant” in conjunction with names indicating or implying that there is a partnership, corporation or limited-liability company, or in conjunction with the designation “and Company” or “and Co.” or a similar designation, if there is in fact no bona fide partnership, corporation or limited-liability company:

(a) Registered under NRS 628.335 ; ~~[- 628.360, 628.363 or 628.365;]~~ or

(b) Performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

~~[→ A sole proprietor or partnership lawfully using a title or designation in conjunction with any names or designation on April 1, 1960, may continue to do so if the sole proprietor or partnership otherwise complies with the provisions of this chapter.]~~



2. A person, partnership, corporation or limited-liability company shall not engage in the practice of public accounting under any name which is misleading as to:

- (a) The legal form of the firm;
- (b) The persons who are partners, officers, shareholders or members; or
- (c) Any other matter.

➔ The names of past partners, shareholders or members may be included in the name of a firm or its successors.

**Sec. 39.** NRS 628.570 is hereby amended to read as follows:

628.570 Whenever in the judgment of the Board any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of NRS 628.435 or 628.450 to 628.550, inclusive, the Board may ***issue and serve on the person an order to cease and desist or*** make application to an appropriate court for an order enjoining the acts or practices, and upon a showing by the Board that the person has engaged, or is about to engage, in any of those acts or practices, an injunction, restraining order or such order as may be appropriate must be granted by the court without a bond.

**Sec. 40.** NRS 628.580 is hereby amended to read as follows:

628.580 1. Any person who violates any provision of NRS 628.435 or 628.450 to 628.550, inclusive, is guilty of a ***gross*** misdemeanor.

2. Whenever the Board has reason to believe that any person is liable to punishment under this section, it may certify the facts to the Attorney General or other appropriate enforcement officer, who may, in his or her discretion, cause appropriate proceedings to be brought.

**Sec. 41.** NRS 628A.010 is hereby amended to read as follows:

628A.010 As used in this chapter, unless the context otherwise requires:

- 1. "Client" means a person who receives advice from a financial planner.
- 2. "Compensation" means a fee for services provided by a financial planner to a client or a commission or other remuneration derived by a financial planner from a person other than the client as the result of the purchase of a good or service by the client.
- 3. "Financial planner" means a person who for compensation advises others upon the investment of money or upon provision for income to be needed in the future, or who holds himself or herself out as qualified to perform either of these functions, but does not include:

(a) An attorney and counselor at law admitted by the Supreme Court of this State;

(b) A certified public accountant ~~for a public accountant licensed~~ ***who holds a certificate issued*** pursuant to NRS 628.190 to 628.310, inclusive; ~~or 628.350;~~

(c) A broker-dealer or sales representative licensed pursuant to NRS 90.310 or exempt under NRS 90.320;

(d) An investment adviser licensed pursuant to NRS 90.330 or exempt under NRS 90.340; or

(e) A producer of insurance licensed pursuant to chapter 683A of NRS or an insurance consultant licensed pursuant to chapter 683C of NRS, whose advice upon investment or provision of future income is incidental to the practice of his or her profession or business.

**Sec. 42.** NRS 172.205 is hereby amended to read as follows:

172.205 The grand jury shall have the power, with the consent of the board of county commissioners, to engage the services of an attorney other than and in addition to the district attorney, certified ~~for registered~~ public accountants, and such other skilled persons as may be necessary in the performance of its inquisitorial powers.

**Sec. 43.** NRS 361.375 is hereby amended to read as follows:

361.375 1. The State Board of Equalization, consisting of five members appointed by the Governor, is hereby created. The Governor shall designate one of the members to serve as Chair of the Board.

2. The Governor shall appoint:

(a) One member who is a certified public accountant . ~~for a registered public accountant.~~

(b) One member who is a property appraiser with a professional designation.

(c) One member who is versed in the valuation of centrally assessed properties.

(d) Two members who are versed in business generally.

3. Only three of the members may be of the same political party and no more than two may be from the same county.

4. An elected public officer or his or her deputy, employee or any person appointed by him or her to serve in another position must not be appointed to serve as a member of the State Board of Equalization.

5. After the initial terms, members serve terms of 4 years, except when appointed to fill unexpired terms. No member may serve more than two full terms consecutively.

6. Any member of the State Board of Equalization may be removed by the Governor if, in the opinion of the Governor, that member is guilty of malfeasance in office or neglect of duty.

7. Each member of the State Board of Equalization is entitled to receive a salary of not more than \$80, as fixed by the Board, for each day actually employed on the work of the Board.

8. While engaged in the business of the State Board of Equalization, each member and employee of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

9. A majority of the members of the State Board of Equalization constitutes a quorum, and a majority of the Board shall determine the action of the Board. The Board may adopt regulations governing the conduct of its business.

10. The State Board of Equalization shall comply with any applicable regulation adopted by the Nevada Tax Commission.

11. The staff of the State Board of Equalization must be provided by the Department and the Executive Director is the Secretary of the Board.

**Sec. 44.** NRS 678.390 is hereby amended to read as follows:

678.390 1. The board may appoint an audit committee to make an annual audit of the financial records of the credit union and any interim audits as may be deemed necessary by the board or as may be directed by the Commissioner. A copy of the report must be submitted to the board and the Commissioner and a summary presented to the members at the next annual meeting.

2. The audit committee may by unanimous vote suspend any director, officer or member of the credit union following an audit, for any violation of this chapter, the charter or bylaws or for any other practice which the audit committee deems to be unsafe or unauthorized. In such cases, the audit committee shall call a special meeting of the members not less than 7 nor more than 21 days following the suspension and the suspension must be ratified or overturned by the members.

3. Any member of the audit committee may be suspended by the board for the same reasons and in the same manner as provided in subsection 2.

4. The audit committee may by a majority vote call a special meeting of the members to consider any violation of this chapter, the charter or bylaws or any practice of the credit union deemed by the audit committee to be unsafe or unauthorized.

5. The board of directors or the audit committee may employ the services of a certified public accountant ~~for a registered public accountant~~ to complete the necessary audit of the records of the credit union.

**Sec. 45.** NRS 628.029, 628.350, 628.360, 628.363 and 628.365 are hereby repealed.

**Sec. 46. 1.** This section and sections 1 to 13, inclusive, 14, 15 to 31, inclusive, and 32 to 45, inclusive, of this act ~~becomes~~ **become** effective upon passage and approval.

**2.** Sections 13.5, 14.2 to 14.8, inclusive, and 31.5 of this act become effective on January 1, 2019.

#### LEADLINES OF REPEALED SECTIONS

**628.029** “Registered public accountant” defined.

**628.350** Requirements for issuance of license as public accountant.

**628.360** Requirements for registration as partnership of public accountants.

**628.363** Requirements for registration as corporation of public accountants.

**628.365** Requirements for registration as limited-liability company of public accountants.

Assemblywoman Bustamante Adams moved that the Assembly do not concur in the Senate Amendment No. 697 to Assembly Bill No. 454.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:  
Some additional work still needs to be done in this area.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 321.

The following Senate amendment was read:

Amendment No. 695.

SUMMARY—Authorizes a county or city to require a hosting platform **and certain users of hosting platforms** to provide certain reports and information to a county or city. (BDR 20-1138)

AN ACT relating to local government; authorizing the board of county commissioners of a county and the city council or governing body of an incorporated city to adopt an ordinance requiring certain hosting platforms **and owners and lessees of property who use hosting platforms** to submit quarterly reports to the county or city; prescribing the contents of such a report; authorizing the issuance of a subpoena to a hosting platform, **owner or lessee** for the production of certain documents, records or materials; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

This bill authorizes the board of county commissioners of a county or the city council or governing body of an incorporated city to adopt an ordinance requiring the submission of quarterly reports by **: (1) an online hosting platform that facilitates the rental of a residential unit or a room or space within a residential unit for the purposes of transient lodging ~~to~~ ; and (2) certain owners or lessees of residential units which use hosting platforms to facilitate such rentals.** Under this bill, the quarterly report must include certain information concerning the rentals facilitated by the hosting platform in the county or city, as applicable, and the revenue from such rentals. This bill further requires the ordinance to authorize an agency of the county or city, as applicable, to issue a subpoena requiring a hosting platform, **owner or lessee** to produce documents, records or materials necessary for determining whether a rental of a residential unit or a room or space within a residential unit has violated the laws of this State or an ordinance adopted by the county or city in which the residential unit is located.

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

**Section 1.** Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of county commissioners may adopt an ordinance requiring ~~for~~ :

(a) A hosting platform that facilitates the rental of a residential unit in the county or a room or space within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the county ~~for~~ of the information required by subsection 2 that is collected by the hosting platform.

(b) An owner or lessee which uses a hosting platform that facilitates the rental of a residential unit in the county or a room or space within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the county of any information required by subsection 2 regarding the rental that is not collected by the hosting platform.

2. The report required by subsection 1 must state ~~for~~, for the quarter:

(a) The number of bookings, listings, owners and lessees for the county;

(b) The average number of bookings per listing for the county;

(c) ~~The annual~~ Current year-to-date booking value for the county;

(d) Current year-to-date revenue collected ~~for~~ from all rentals through the hosting platform in the county, disaggregated by owner or lessee ; ~~for~~ the county; and

~~(d)~~ (e) The average length of a rental in the county.

3. An ordinance adopted pursuant to subsection 1 must authorize an agency of the county to issue subpoenas for the production of documents, records or materials ~~necessary~~ relevant for determining whether a residential unit in the county or a room or space within such a residential unit has been rented in violation of any law of this State or an ordinance adopted by the board of county commissioners of the county. The ordinance must provide that such a subpoena may be issued only if:

(a) There is evidence sufficient to support a reasonable belief that a residential unit in the county or a room or space within such a residential unit has been rented or is being rented in violation of any law of this State or an ordinance adopted by the board of county commissioners of the county;

(b) The subpoena identifies the rental alleged to be in violation of any law of this State or an ordinance adopted by the board of county commissioners of the county and the provision of law or ordinance allegedly violated.

↪ A subpoena issued pursuant to ~~this subsection~~ the ordinance must be mailed ~~to the hosting platform~~ by regular and certified mail ~~for~~ to the hosting platform or, if applicable, the owner or lessee who was required to file a quarterly report regarding the rental pursuant to the ordinance.

4. An ordinance adopted pursuant to subsection 1 must require ~~for~~ :

(a) A hosting platform to whom a subpoena has been issued pursuant to the ordinance to:

~~[(a)]~~ (1) Provide notice of the subpoena to the user of the hosting platform who provided the rental identified in the subpoena.

~~[(b)]~~ (2) Produce any subpoenaed books, papers or documents not later than 21 days after providing the notice required by ~~[paragraph (a)]~~ subparagraph (1) unless otherwise ordered by a court.

(b) An owner or lessee of a rental to whom a subpoena has been issued pursuant to the ordinance to produce any subpoenaed books, papers or documents not later than 21 days after the issuance of the subpoena, unless otherwise ordered by a court.

5. If a ~~[hosting platform that]~~ person to whom a subpoena has been issued ~~[a subpoena]~~ pursuant to an ordinance adopted pursuant to subsection 1 refuses to produce any document, record or material that the subpoena requires, the agency of the county issuing the subpoena may apply to the district court for the judicial district in which the county is located for the enforcement of the subpoena in the manner provided by law for the enforcement of a subpoena in a civil action.

6. As used in this section:

(a) “Hosting platform” means a person who, for a fee or other charge, provides on an Internet website an online platform that facilitates the rental of a residential unit or a room or space within a residential unit by an owner or lessee of the residential unit for the purposes of transient lodging, including, without limitation, through advertising, matchmaking or other means.

(b) “Residential unit” means a single-family residence or an individual residential unit within a larger building, including, without limitation, an apartment, condominium, townhouse or duplex. The term does not include a timeshare or other property subject to the provisions of chapter 119A of NRS.

Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The city council or other governing body of an incorporated city may adopt an ordinance requiring ~~[(a)]~~ :

(a) A hosting platform that facilitates the rental of a residential unit in the incorporated city or a room or space within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the incorporated city ~~[(a)]~~ of the information required by subsection 2 that is collected by the hosting platform.

(b) An owner or lessee which uses a hosting platform that facilitates the rental of a residential unit in the county or a room or space within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the incorporated city of any information required by subsection 2 regarding the rental that is not collected by the hosting platform.

2. *The report required by subsection 1 must state ~~for~~, for the quarter:*

(a) *The number of bookings, listings, owners and lessees for the incorporated city;*

(b) *The average number of bookings per listing for the incorporated city;*

(c) ~~*The annual revenues*~~ *Current year-to-date booking value for the incorporated city;*

(d) *Current year-to-date revenue collected ~~per~~ from all rentals through the hosting platform in the incorporated city, disaggregated by owner or lessee; ~~for the incorporated city~~ and*

~~((d))~~ (e) *The average length of a rental in the incorporated city.*

3. *An ordinance adopted pursuant to subsection 1 must authorize an agency of the incorporated city to issue subpoenas for the production of documents, records or materials ~~necessary~~ relevant for determining whether a residential unit in the incorporated city or a room or space within such a residential unit has been rented in violation of any law of this State or an ordinance adopted by the city council or governing body of the incorporated city. The ordinance must provide that such a subpoena may be issued only if:*

(a) *There is evidence sufficient to support a reasonable belief that a residential unit in the incorporated city or a room or space within a residential unit has been rented or is being rented in violation of any law of this State or an ordinance adopted by the city council or governing body of the incorporated city;*

(b) *The subpoena identifies the rental alleged to be in violation of any law of this State or an ordinance adopted by the city council or governing body of the incorporated city and the provision of law or ordinance allegedly violated.*

↪ *A subpoena issued pursuant to ~~this subsection~~ the ordinance must be mailed ~~to the hosting platform~~ by regular and certified mail ~~to~~ to the hosting platform or, if applicable, the owner or lessee who was required to file a quarterly report regarding the rental pursuant to the ordinance.*

4. *An ordinance adopted pursuant to subsection 1 must require ~~to~~ :*

(a) *A hosting platform to whom a subpoena has been issued to:*

~~((a))~~ (1) *Provide notice of the subpoena to the user of the hosting platform who provided the rental identified in the subpoena.*

~~((b))~~ (2) *Produce any subpoenaed books, papers or documents not later than 21 days after providing the notice required by ~~paragraph (a)~~ subparagraph (1) unless otherwise ordered by a court.*

*(b) An owner or lessee of a rental to whom a subpoena has been issued pursuant to the ordinance to produce any subpoenaed books, papers or documents not later than 21 days after the issuance of the subpoena, unless otherwise ordered by a court.*

5. *If a ~~hosting platform that~~ person to whom a subpoena has been issued ~~a subpoena~~ pursuant to an ordinance adopted pursuant to*

*subsection 1 refuses to produce any document, record or material that the subpoena requires, the agency of the incorporated city issuing the subpoena may apply to the district court for the judicial district in which the investigation is being carried out for the enforcement of the subpoena in the manner provided by law for the enforcement of a subpoena in a civil action.*

6. As used in this section:

(a) “Hosting platform” means a person who, for a fee or other charge, provides on an Internet website an online platform that facilitates the rental of a residential unit or a room or space within a residential unit by an owner or lessee of the residential unit for the purposes of transient lodging, including, without limitation, through advertising, matchmaking or other means.

(b) “Residential unit” means a single-family residence or an individual residential unit within a larger building, including, without limitation, an apartment, condominium, townhouse or duplex. The term does not include a timeshare or other property subject to the provisions of chapter 119A of NRS.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 695 to Assembly Bill No. 321.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment clarifies that timeshares are not subject to the provisions of the bill, requires an owner or lessee of certain transient lodging to provide certain information to the county if information is not reported to the hosting platform, and adds certain reporting information that must be provided by the hosting platform or the owner or lessee of the transient lodging.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 379.

The following Senate amendment was read:

Amendment No. 795.

AN ACT relating to local governments; authorizing, under certain circumstances, the governing body of a county ~~or city~~ ~~for town~~ to create a parks, trails and open space district; setting forth the duties and authority of the board of trustees of such a district; providing penalties; and providing other matters properly relating thereto.

#### **Legislative Counsel’s Digest:**

This bill authorizes, under certain circumstances, the governing body of a county ~~or city~~ ~~for town~~ to create a parks, trails and open space district.

Sections 7-12 of this bill set forth the process for such a governing body to create such a district. Section 7 provides general authority for the creation of such a district. Section 8 provides that the creation of a district is initiated by:



(1) a resolution adopted by the governing body; or (2) a petition to a governing body by an owner of property within the proposed boundaries of the district.

**Section 8.3 of this bill requires the governing body of a county or city to create a service plan for a proposed district before creating the district. Section 8.4 of this bill requires the governing body to hold a public hearing to consider the service plan of the proposed district. Section 8.5 of this bill authorizes the governing body to approve the service plan, disapprove the service plan or conditionally approve the service plan. Section 8.6 of this bill sets forth certain circumstances where a governing body must disapprove the service plan of a proposed district. Section 8.7 of this bill requires an ordinance creating a district to incorporate the approved service plan. Section 8.7 also requires material modifications to the service plan to be made by the governing body in the same manner as the original approval of the service plan.**

**Section 9** provides that after the creation of a district is initiated ~~and~~ **the service plan is approved**, the relevant county or city clerk must mail written notice to all property owners within the proposed district. **Section 10** authorizes any owner of property within the proposed district to protest the creation of the district. **Section 11** sets forth certain circumstances where the creation of a district is prohibited.

**Section 13** of this bill provides for the appointment of initial members of the board of trustees of a district. **Sections 16 and 17** of this bill set forth how members of the board of trustees will be elected after the initial appointment of members.

**Sections 19 and 20** of this bill prohibit members of the board of trustees of a district from being interested in the purchase or sale of property belonging to the district or entering into certain contracts.

**Sections 25-29** of this bill set forth the various powers of a board in relation to parks, trails and open space.

**Section 29.5 of this bill authorizes any local government within the boundaries of a district to contribute part of its revenue to support the facilities, improvements or projects of the district.**

**Section 30** of this bill authorizes a board **, under certain circumstances,** to establish fees or special assessments for facilities, improvements or projects of the district. **Section 30.5 of this bill sets forth the procedure in certain counties to follow when a potential dwelling unit within the district is not being charged for the services provided by the district.** **Sections 34 and 35** of this bill authorize **, under certain circumstances,** a board to impose ad valorem taxes. **Sections 30, 31 and 34-38** of this bill set forth the process for imposing and collecting any such fees, special assessments or ad valorem taxes.

**Sections 40-42** of this bill set forth the procedure for changing the boundaries of a district.

**Sections 43-47** of this bill authorize a board, under certain circumstances, to issue bonds and borrow money.

**Sections 32 and 49-51** of this bill set forth the requirements for the dissolution, merger or consolidation of a district.

WHEREAS, Parks, trails and open spaces are essential to the health, quality of life and economic prosperity of the residents of this State; and

WHEREAS, Well-maintained parks, trails and open spaces stimulate economic growth and enhance the vitality of local and regional communities; and

WHEREAS, Protecting water quality and wildlife habitat and ensuring safety in parks, trails and open spaces encourage participation in healthy outdoor activities; and

WHEREAS, It is necessary to provide sustainable and reliable funding for the creation and maintenance of parks, trails and open spaces; now, therefore,

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

**Section 1.** Title 25 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 53, inclusive, of this act.

**Sec. 2.** ~~This chapter shall be known and~~ *may be cited as the Nevada Parks, Trails and Open Space District Act.*

**Sec. 3. 1.** *It is hereby declared as a matter of legislative determination that:*

*(a) The organization of parks, trails and open space districts having the purposes, powers, rights, privileges and immunities provided in this chapter will serve a public use and will promote the health, safety, prosperity, security and general welfare of the inhabitants thereof and of the State of Nevada;*

*(b) The acquisition, construction, reconstruction, restoration, improvement, maintenance and operation of any facility, improvement or project authorized in this chapter is in the public interest and constitutes a part of the established and permanent policy of the State of Nevada; and*

*(c) Each district organized pursuant to the provisions of this chapter shall be a body corporate and politic and a quasi-municipal corporation. For the accomplishment of these purposes the provisions of this chapter shall be broadly construed.*

**2.** *It is hereby further declared that the provisions of this chapter are not intended to provide a method for financing the costs of developing private property.*

**3.** *It is hereby further declared as a matter of legislative determination that the notice provided for in this chapter for each hearing and action to be taken is reasonably calculated to inform the parties of all proceedings which may directly and adversely affect their legally protected interests.*

Sec. 4. As used in this chapter, unless the context otherwise requires:

1. "Board of trustees" and "board" alone each means the board of trustees of a district.

2. "Clerk" means:

(a) If a district is created or proposed to be created by a county, ~~for town,~~ the county clerk.

(b) If a district is created or proposed to be created by a city, the city clerk.

3. "Facility," "improvement" and "project" includes, without limitation, any structure, undertaking or system which a district is authorized to acquire, improve, equip, maintain or operate. A project may consist of all kinds of personal and real property, including, without limitation, land, elements, improvements and fixtures thereon, property of any nature appurtenant thereto or used in connection therewith, and every estate, interest and right therein, legal or equitable, including terms for years, or any combination thereof.

4. "Governing body" means the governing body of ~~the~~ a county ~~or city and town~~ that proposes to create or creates a district pursuant to this chapter.

5. "Interested party" includes, without limitation, a member of the public, an owner of property within a proposed district or a district, each county, city, town and special district with territory proposed to be located or located within the boundaries of a proposed district or district.

6. "Mail" means a single mailing first class or its equivalent, postage prepaid, by deposit in the United States mail, at least 15 days before the designated time or event.

~~6.~~ 7. "Parks, trails and open space district" and "district" each means any parks, trails and open space district organized or, in the case of organizational provisions, proposed to be organized pursuant to this chapter.

~~7.~~ 8. "Special district" means any water district, sanitation district, water and sanitation district, municipal power district, mosquito abatement district, public cemetery district, swimming pool district, television maintenance district, weed control district, general improvement district or any other quasi-municipal corporation organized under the local improvement and service district laws of this State as enumerated in title 25 of NRS. The term does not include a local improvement district created pursuant to chapter 309 of NRS or a housing authority.

9. "Trustee" means a member of a board of trustees.

Sec. 5. For the purpose of computing any period of time prescribed in this chapter, the first day of the designated action or time must be excluded and the last day of the designated action or time must be included.

Sec. 6. 1. This chapter being necessary to secure the public health, safety, convenience and welfare, it shall be liberally construed to effect its purposes.

2. *This chapter, without reference to other statutes of the State, except as specifically provided in this chapter, shall constitute full authority for the authorization and issuance of bonds hereunder. No other law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized by this chapter to be done shall be construed as applying to any proceedings taken under this chapter or acts done pursuant thereto, it being intended that this chapter shall provide a separate method of accomplishing its objectives, and not an exclusive one. This chapter must not be construed as repealing, amending or changing any such other law.*

Sec. 7. 1. *Except as otherwise provided in this chapter, the governing body of any county ~~or~~ or city ~~for town~~ within this State is hereby vested with jurisdiction, power and authority to create one or more districts within the county ~~or~~ or city ~~for town~~ which it serves.*

2. *No member of a governing body shall be disqualified to perform any duty imposed by this chapter by reason of ownership of property within any proposed district.*

Sec. 8. 1. *The creation of a district may be initiated by:*

(a) *A resolution adopted by the governing body of any county ~~or~~ or city ~~for town~~ or*

(b) *Except as otherwise provided in subsection 2, a petition submitted by any owner of property proposed to be located in the district to the governing body of a county ~~or~~ or city ~~for town~~. A governing body that receives a petition pursuant to this paragraph is not required to create a district or take any action in relation to the petition.*

2. *If the proposed boundaries of a district include areas within more than one county ~~or~~ or city ~~for town~~ and the creation of the district is initiated by petition pursuant to paragraph (b) of subsection 1, the petition must be submitted to the governing body of the county ~~or~~ or city ~~for town~~ in which is located the largest proportion of the geographic area of the proposed district.*

3. *A resolution adopted pursuant to paragraph (a) of subsection 1 or a petition submitted pursuant to paragraph (b) of subsection 1 must set forth the proposed name, powers, purpose and boundaries of the district.*

4. *A district may be entirely within or entirely without, or partly within or partly without, one or more counties ~~or~~ and cities ~~and towns~~ and the district may consist of noncontiguous tracts or parcels of property.*

Sec. 8.2. 1. *The Legislature hereby determines and declares that the procedures contained in sections 8.3 to 8.7, inclusive, of this act are necessary for the coordinated and orderly creation of districts and for the logical extension of services for parks, trails and open space throughout the State.*

2. *It is the purpose of sections 8.3 to 8.7, inclusive, of this act to prevent unnecessary proliferation and fragmentation of services for parks, trails*

and open space, to encourage the extension of existing districts rather than the creation of new districts and to avoid excessive diffusion of local tax sources.

Sec. 8.3. 1. If a resolution is adopted pursuant to paragraph (a) of subsection 1 of section 8 of this act or if the governing body of a county or city considers the creation of a district after receiving a petition pursuant to paragraph (b) of subsection 1 of section 8 of this act, the governing body must create a service plan for the proposed district before the governing body may determine whether to create the district.

2. The service plan must:

(a) Consist of a financial survey and, if applicable, a preliminary engineering or architectural survey showing how the proposed services are to be provided and financed.

(b) Include a map of the boundaries of the proposed district and an estimate of the population and assessed valuation of the proposed district.

(c) Describe the facilities, improvements or projects to be constructed, the standards of such construction, the services to be provided by the district, an estimate of costs, including, without limitation, the cost of acquiring land, engineering services, legal services, proposed indebtedness, including, without limitation, proposed maximum interest rates and any discounts, any other proposed bonds and any other securities to be issued and their type or character, annual operation and maintenance expenses and other major expenses related to the formation and operation of the district.

(d) Outline the details of any arrangement or proposed agreement with any county or city for the performance of any services between the proposed district and such county or city. The form of any such contract to be used, if available, must be attached to the service plan.

3. If the boundaries of a proposed district include territory within more than one county or city, the service plan must be filed with the governing body of each such county or city.

Sec. 8.4. 1. At any regular meeting of the governing body that is considering whether to create a district, the governing body must set a date for a public hearing where the governing body will consider the service plan for the proposed district. The date for the public hearing to consider such a service plan must be not later than 30 days after the date of the regular meeting.

2. The governing body that is considering whether to create a district must provide written notice of the date, time and location of the public hearing on the service plan to:

(a) The county clerk of each county in which the district is to be located;

(b) The governing body of each county or city that has territory within the boundaries of the proposed district;

(c) The governing body of any special district which has levied an ad valorem property tax within the next preceding tax year and has boundaries within a county in which the district is located; and

(d) If the district was initiated by a petition submitted pursuant to paragraph (b) of subsection 1 of section 8 of this act, the persons who submitted the petition.

3. The governing body that is considering whether to create a district must publish legal notice of the date, time, location and purpose of the public hearing on the service plan in a newspaper of general circulation within the county once each week for a period of 3 successive weeks by three publications, the first of which must be at least 20 days before the hearing date. Such publications shall constitute constructive notice to the residents and property owners within the proposed district.

4. If there is a county planning commission or a regional county planning commission, the service plan must be delivered to each such planning commission. Each such county planning commission or regional county planning commission must study the service plan and a representative thereof must present its recommendations to the governing body at the public hearing.

5. At the public hearing of the governing body to consider the service plan, all interested parties must be afforded an opportunity to be heard under such rules of procedure as may be established by the governing body. Any testimony or evidence which in the discretion of the governing body is relevant to the formation of the proposed district must be considered.

Sec. 8.5. 1. Subject to the provisions of section 8.6 of this act, with reference to the review of any service plan for the proposed district, the governing body may:

(a) Approve the service plan without condition or modification;

(b) Disapprove the service plan for any of the reasons listed in section 8.6 of this act; or

(c) Conditionally approve the service plan subject to the submission of additional information relating to or modifying the plan.

2. Within 20 days after the completion of the public hearing, the governing body shall advise all interested parties in writing of its action on the service plan. If the service plan is approved as submitted, a resolution of approval must be issued. If the service plan is disapproved, the specific detailed reasons for such disapproval must be set forth in writing. If the service plan is conditionally approved, the changes or modifications to be made in, or additional information relating to, the service plan together with the reasons for such changes, modifications or additional information shall also be set forth in writing. Upon the incorporation of such changes, modifications or additional information in the service plan for the proposed district, the governing body must issue a resolution of approval.

Sec. 8.6. 1. A governing body shall not approve the service plan for a proposed district if:

(a) There is insufficient existing and projected need for service in the area to be serviced by the proposed district;

(b) The existing service in the area to be served by the proposed district is adequate for present and projected needs;

(c) Adequate service is, or will be, available to the area by other existing municipal or quasi-municipal corporations within a reasonable time and on a comparable basis;

(d) The proposed district is incapable of providing economic and sufficient service to the area within its proposed boundaries;

(e) The area to be included in the proposed district does not have or will not have the financial ability to discharge the proposed indebtedness, other securities, or other obligations to be incurred on a reasonable basis;

(f) The facility, improvement, project and service standards of the proposed district are incompatible with the facility, improvement, project and service standards of adjacent municipalities and special districts;

(g) The proposed district is being formed for the primary purpose of financing the cost of developing private property; or

(h) The governing body determines that the service plan for the proposed district is not in the public interest.

2. If the governing body requests changes or additional information, final approval of the service plan must be contingent upon modification of the service plan to include such changes or additional information.

3. The determinations and findings of the governing body must be based solely upon the service plan and evidence presented at the hearing held pursuant to section 8.4 of this act.

Sec. 8.7. 1. The creation of a district must not be approved before the resolution of approval of the service plan. The approved service plan and the resolution of approval must be incorporated by reference in the ordinance creating the district after there has been a compliance with all other legal procedures for the formation of the proposed district.

2. If the service plan is approved, any interested party is entitled to appear and be heard at the hearing of the governing body held to consider the creation of the district pursuant to section 10 of this act.

3. Upon final approval by a governing body for the formation of the district, the facilities, improvements, projects, services and financial arrangements of the district must conform to the approved service plan.

4. After the organization of a district pursuant to the provisions of this chapter material modifications of the service plan as originally approved may be made by the board of trustees of the district only by petition to and approval by the governing body that formed the district in substantially the same manner as is provided for the approval of an original service plan. Such modifications are required only with regard to changes of a basic or

essential nature and are not required for changes of a mechanical type necessary only for the execution of the original service plan.

5. Any unreasonable departure from the service plan as originally approved, or, if the same has been modified, then from the service plan as modified, may be enjoined at any time by a district court upon motion of the governing body or any interested party.

Sec. 9. After the ~~creation of~~ service plan for a proposed district is ~~initiated~~ approved pursuant to ~~section 8~~ sections 8.2 to 8.7, inclusive, of this act, and before taking final action to create the district, the governing body shall cause the clerk ~~shall~~ to mail written notice to all property owners within the proposed area of the district informing the property owners of the proposed creation of a district. The notice must set forth the proposed name, powers, purpose and boundaries of the district and the time and place of the hearing that will be held by the governing body to determine whether to create the district and where the person may protest its creation.

Sec. 10. 1. Any person who owns property which is located within the proposed area of the district may, on or before the date of the hearing, submit a written protest to the creation of the district.

2. The governing body shall give full consideration to all protests which have been submitted and hear all persons desiring to be heard and, thereafter, adopt an ordinance creating the district or determining that the district must not be created.

3. Except as otherwise provided in section 11 of this act, at the hearing to consider the creation of the district or at a subsequent hearing to which the hearing is adjourned, the governing body may create the district by ordinance if the governing body makes findings that the creation of the district is economically sound and feasible.

4. Any ordinance creating a district may ~~contain~~ :

(a) Contain changes to the proposed name, powers, purpose or boundaries of the district as may be considered by the governing body to be equitable and necessary.

(b) Require that the creation of the district is only effective upon approval by a majority of voters who live within the boundaries of the district at the next general election.

Sec. 11. A governing body shall not create a district pursuant to the provisions of this chapter:

1. If a service plan for the district has not been approved pursuant to sections 8.2 to 8.7, inclusive, of this act.

2. If, at or before the hearing held pursuant to section 10 of this act, a majority of property owners within the proposed area of the district submit written protests to the creation of the district pursuant to that section. ~~1.~~

~~2.~~ 3. If the proposed boundaries of ~~the~~ the district include areas within more than one county ~~or city or town~~ and the governing bodies of all such counties ~~and cities and towns~~ have not entered into an interlocal



agreement that includes, without limitation, the consent of each governing body to the creation of the district. ~~For~~

~~3. Such an interlocal agreement may include any provision relating to the district, including, without limitation, provisions related to the:~~

~~(a) Formation, operation or funding of the district; or~~

~~(b) Selection and membership of the board of trustees of the district.~~

4. If the proposed boundaries of a district overlap with the boundaries of one or more general improvement districts created pursuant to chapter 318 of NRS and the board of trustees of each such general improvement district has not by resolution consented to the creation of the district.

5. If the governing body determines that the creation of the district is not in the public interest.

Sec. 12. 1. Except as otherwise provided in subsection 2, the adoption of an ordinance creating a district establishes the regular organization of the district, which is a governmental subdivision of this State, a body corporate and politic and a quasi-municipal corporation.

2. Within 30 days immediately following the effective date of such ordinance any person who has filed a written protest, as provided in section 10 of this act, shall have the right to commence an action in any court of competent jurisdiction to set aside such determination. Thereafter all actions or suits attacking the regularity, validity and correctness of that ordinance and all proceedings, determinations and instruments taken, adopted or made before such ordinance's final passage, shall be perpetually barred.

3. Within 30 days immediately following the effective date of the ordinance creating the district, the governing body shall cause to be filed a copy of the ordinance in the office of the clerk and shall cause to be filed an additional copy of the ordinance in the Office of the Secretary of State, which filings shall be without fee and be otherwise in the same manner as articles of incorporation are required to be filed under chapter 78 of NRS.

Sec. 13. 1. ~~After~~ Except as otherwise may be provided in an interlocal agreement entered into pursuant to section 11 of this act, after adopting an ordinance creating a ~~district and before appointing the first board of trustees for the~~ district, the governing body ~~is, ex officio, the board of trustees for the district.~~

~~2. While acting as the board of trustees, the governing body shall~~ must establish:

(a) Accounting practices and procedures for the district;

(b) Auditing practices and procedures to be used by the district;

(c) A budget for the district; and

(d) Management standards for the district.

~~3. 2. After the governing body has performed the~~ duties required by subsection ~~2, it must appoint five persons to serve as~~ 1 have been performed, the first board of trustees of the district ~~1~~, consisting of 5 members, must be appointed. Except as otherwise provided in this

subsection, each governing body of a county or city with territory included within the district that has entered into an interlocal agreement pursuant to section 11 of this act must each appoint one member to the first board of trustees. If:

(a) More than five counties or cities have territory within the district, the interlocal agreement entered into pursuant to section 11 of this act must determine which governing bodies may appoint the five members of the first board of trustees of the district.

(b) Less than five counties or cities have territory within the district, the governing body of each county or city must appoint one member and the remaining members of the first board of trustees must be appointed as determined pursuant to the terms of the interlocal agreement entered into pursuant to section 11 of this act.

3. The ~~persons appointed to~~ members of the first board of trustees ~~pursuant to this section~~ must be qualified electors of the district. The ~~appointed~~ trustees must determine by lot which three ~~appointed~~ trustees serve 4 year terms and which two ~~appointed~~ trustees serve 2 year terms.

4. The governing body may remove any ~~appointed trustee~~ member of the first board of trustees for cause shown ~~for~~

~~5. The~~ unless an interlocal agreement entered into pursuant to section 11 of this act otherwise prohibits such removal.

5. All members of the board of trustees must file with the clerk their oaths of office and corporate surety bonds, at the expense of the district, the bonds to be in an amount not more than \$10,000 each, the form and exact amount thereof to be approved and determined, respectively, by the governing body, conditioned for the faithful performance of their duties as trustees. The governing body may from time to time, upon good cause shown, increase or decrease the amount of the bond.

Sec. 14. 1. The board shall choose one of its members as chair of the board and president of the district, and shall elect a secretary and a treasurer of the board and of the district, who may or may not be members of the board. The secretary and the treasurer may be one person.

2. The board shall adopt a seal.

3. The secretary shall keep a record of all of the board's proceedings, minutes of all meetings, any certificates, contracts, bonds given by employees and all corporate acts. Except as otherwise provided in NRS 241.035, the records must be open to inspection of all owners of real property in the district as well as to all other interested persons. A copy of the minutes or audio recordings, if any, must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

4. The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district in permanent records. The treasurer shall file with the clerk, at the expense of the district, a corporate surety bond in an amount not more than \$50,000, the form and exact amount thereof to be approved and determined,

*respectively, by the governing body, conditioned for the faithful performance of the duties of his or her office. Any other officer or trustee who actually receives or disburses money of the district shall furnish a bond as provided in this subsection. The governing body may, upon good cause shown, increase or decrease the amount of that bond.*

*5. Except as otherwise provided in this subsection, each member of a board of trustees of a district organized pursuant to this chapter may receive as compensation for his or her service not more than \$6,000 per year. The compensation of the members of a board is payable monthly, if the budget is adequate and a majority of the members of the board vote in favor of such compensation, but no member of the board may receive any other compensation for his or her service to the district as an employee or otherwise. Each member of the board must receive the same amount of compensation. If a majority of the members of the board vote in favor of an increase in the compensation of the trustees, the increase may not become effective until January 1 of the calendar year immediately following the next biennial election of the district as set forth in section 16 of this act.*

*Sec. 15. 1. The board shall, by resolution, designate the place where the office or principal place of the district is to be located, which must be within the corporate limits of the district and which may be changed by resolution of the board. Copies of all those resolutions must be filed with the clerk within 5 days after their adoption. The official records and files of the district must be kept at that office and must be open to public inspection as provided in NRS 239.010.*

*2. The board of trustees shall meet regularly at least once each year, and at such other times at the office or principal place of the district as provided in the bylaws.*

*3. Special meetings may be held on notice to each member of the board as often as, and at such places within the district as, the needs of the district require.*

*4. Three members of the board constitute a quorum at any meeting.*

*5. ~~{A}~~ Unless an interlocal agreement entered into pursuant to section 11 of this act provides otherwise, a vacancy on the board must be filled by a qualified elector of the district chosen by the remaining members of the board.*

*Sec. 16. 1. Except as otherwise provided in this section, the general election for trustees of the district must be conducted by the county clerk and held simultaneously with the general election of the county in which the district is located.*

*2. If a district is located:*

*(a) In more than one county, the general election for trustees of the district must be conducted by the county clerk of the county in which is located the largest proportion of the geographic area of the district simultaneously with the general election of that county.*

(b) Wholly within the boundaries of a city, the general election for trustees of the district must be conducted by the city clerk and held simultaneously with the general city election of the city.

3. The first biennial election of the district must be held simultaneously with the first general election described in subsection 1 that is held after the creation of the district.

4. At the first biennial election, there must be elected by the qualified electors of the district three qualified electors to serve as trustees of the board. At the second biennial election, there must be elected by the qualified electors of the district two qualified electors.

5. The term of office of an elected trustees is 4 years and begins on the first Monday in January next following the biennial election.

6. The office of trustee is a nonpartisan office.

7. The general election laws of this State govern the candidacy, nominations and election of a trustee of the board.

8. The provisions of this section that require the election of the board of trustees do not apply if an interlocal agreement entered into pursuant to section 11 of this act provides another method for the selection of the board of trustees.

Sec. 17. 1. Except as otherwise provided in subsection 2:

(a) If there are two regular terms which end on the first Monday in January next following the biennial election, the two qualified electors receiving the highest and next highest number of votes must be elected. If there are three regular terms so ending, the three qualified electors receiving the highest, next highest and third highest number of votes must be elected.

~~2.~~ (b) If there is a vacancy in an unexpired regular term to be filled at the biennial election, the candidate who receives the highest number of votes, after there are chosen the successful candidates to fill the vacancies in expired regular terms as provided in ~~subsection 1,~~ paragraph (a), must be elected.

2. The provisions of subsection 1 do not apply if an interlocal agreement entered into pursuant to section 11 of this act provides another method for the selection of the board of trustees.

Sec. 18. Members of the board of trustees are subject to recall from office pursuant to the provisions of the Constitution and statutes of this State.

Sec. 19. 1. No trustee may be interested, directly or indirectly, in any property purchased for the use of the district, or in any purchase or sale of property belonging to the district.

2. Any contract made in violation of the provisions of subsection 1 may be declared void.

3. A trustee who violates the provisions of subsection 1 is guilty of a gross misdemeanor and shall be further punished as provided in NRS 197.230.

*Sec. 20. 1. Except as otherwise provided in subsection 2, no trustee may:*

*(a) Become a contractor under any contract or order for supplies or any other kind of contract authorized by the board, or to be in any manner interested, directly or indirectly, as principal, in any kind of contract so authorized.*

*(b) Be interested in any contract made by the board or to be a purchaser or to be interested in any purchase or sale made by the board.*

*2. The board may purchase supplies or contract for services for the district from one of its members, when not to do so would be a great inconvenience, but the member from whom the supplies are to be bought or with whom the contract for services is to be made shall not vote upon the allowance of the purchase or contract. If the purchase is made or contract let by competitive bidding, the bid of a member of the board may be accepted only if the member is the lowest responsible bidder.*

*3. Any contract made in violation of the provisions of subsection 1 may be declared void.*

*4. A trustee who violates the provisions of subsection 1, directly or indirectly, is guilty of a gross misdemeanor and shall be further punished as provided in NRS 197.230.*

*Sec. 21. 1. A board may request, in writing, assistance from any elected or appointed officer of any county ~~or~~ or city ~~for town~~ in which all or a part of the district is located.*

*2. The officer shall furnish the requested assistance, after an agreement has been reached concerning the amount of money which the board must pay for the assistance. The cost shall not be more than the actual additional expense necessitated by the request.*

*Sec. 22. A board has each of the basic powers enumerated in this chapter and designated in the organizational proceedings of the district and other provisions supplemental thereto in this chapter, or otherwise authorized by law.*

*Sec. 23. 1. In any region of this State for which there has been established by interstate compact a regional planning agency, the powers of any district created pursuant to this chapter with respect to the location and construction of all facilities, improvements or projects are subordinate to the powers of such regional planning agency.*

*2. If the boundaries of a district overlap with the boundaries of a conservation district formed pursuant to chapter 548 of NRS, the board of the district must coordinate and consult with the board of supervisors of the conservation district on matters that may impact the conservation district.*

*Sec. 24. 1. Subject to the limitations of this chapter, the board shall have perpetual existence.*

2. *The board shall have the power to have and use a corporate seal.*

3. *The board shall have the power to sue and be sued, and be a party to suits, actions and proceedings.*

Sec. 25. 1. *Subject to the provisions of subsection 2, a board may:*

(a) *Acquire, construct, reconstruct, improve, operate, maintain, manage, restore, extend and better lands, works, systems and facilities, improvements and projects for parks, trails and open space.*

(b) *Design, compile or administer environmental or cultural reports related to parks, trails and open space.*

(c) *Take measures to reduce wildfire, restore native vegetation and conserve and manage natural resources.*

(d) *Establish or fund the establishment of educational programs related to recreation at facilities, improvements and projects for parks, trails and open space, including, without limitation, granting funding for personnel who provide such educational programs.*

(e) *Enter into an agreement with a federal or state agency or a nonprofit corporation to take one or more of the actions described in paragraph (a), (b), (c) or (d).*

(f) *Establish a fund consisting of contributions from private sources, the State or the county ~~and~~ and cities ~~and towns~~ in which the district is located for the purpose of matching federal money from any federal source.*

(g) *Accept gifts, grants and donations for deposit in any fund established pursuant to paragraph (f).*

2. *Such parks, trails and open space facilities, improvements and projects may include, without limitation, playgrounds, bowling greens, ball parks, public parks, promenades, beaches, marinas, levees, piers, docks, wharves, boat basins, boathouses, harborages, anchorages, gymnasiums, appurtenant shower, locker and other bathhouse facilities, concert halls, theaters, auditoriums, aviaries, aquariums, zoological gardens, biological gardens, vivariums, watersheds, trails, open spaces, lakes, ponds and rivers.*

Sec. 26. 1. *A board may operate, maintain and repair the facilities, improvements and projects acquired by the district.*

2. *The board shall have the power to acquire, dispose of and encumber real and personal property, and any interest therein, including leases, easements and revenues derived from the operation thereof.*

~~[ 3. The board may enter on any lands, waters and premises for the purposes of making surveys, soundings, examinations, tests and inspections.]~~

Sec. 27. *A board may:*

1. *Manage, control and supervise all the business and affairs of the district.*

2. *Acquire, improve, equip, operate and maintain any district project.*

3. Hire and retain agents, employees, servants, engineers and attorneys, and any other persons necessary or desirable to effect the purposes of this chapter.

4. Adopt and amend bylaws:

(a) For carrying on the business, objects and affairs of the board and of the district.

(b) Regulating the use or right of use of any facility, improvement or project.

5. Exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter.

Sec. 28. ~~[The board may exercise the power of eminent domain in the manner provided by law for the condemnation by a city of private property for public use to take any property necessary to the exercise of the powers granted within the district.] (Deleted by amendment.)~~

Sec. 29. 1. ~~[A]~~ With the approval of the appropriate state or local agency, a board may construct and maintain works and establish and maintain facilities, improvements or projects across or along any public street or highway, and in, upon or over any vacant public lands, which public lands are, or may become, the property of this State, and to construct works and establish and maintain facilities, improvements or projects across any stream of water or watercourse.

2. The board shall promptly restore any such street or highway to its former state of usefulness as nearly as may be, and shall not use the same in such manner as to impair completely or unnecessarily the usefulness thereof.

Sec. 29.5. Any local government located within the boundaries of a district may contribute any part of its revenues for the support of the facilities, improvements or projects of the district.

Sec. 30. 1. A board may, after a public hearing, establish, and from time to time increase or decrease, fees or special assessments for facilities, improvements or projects and pledge the revenue for the payment of any indebtedness or special obligations of the district. A board may not impose any fee or special assessment upon property owned by a governmental entity.

2. All fees or special assessments constitute a perpetual lien on and against the property located within the district. A perpetual lien is prior and superior to all liens, claims and titles other than liens of general taxes and other special assessments and is not subject to extinguishment by the sale of any property on account of nonpayment of any liens, claims and titles including the liens of general taxes and other special assessments. A perpetual lien must be foreclosed in the same manner as provided by the laws of this State for the foreclosure of mechanics' liens. Before any lien is foreclosed, the board shall hold a hearing thereon after providing notice thereof by publication and by registered or certified first-class mail, postage prepaid, addressed to the last known owner at his or her last known

address according to the records of the district and the real property assessment roll in the county in which the property is located.

3. The board may provide for a basic penalty for nonpayment of the charges within the time and in the manner prescribed by it. The basic penalty must not be more than 10 percent of each month's charges for the first month delinquent. In addition to the basic penalty, the board may provide for a penalty of not more than 1.5 percent per month for nonpayment of the charges and basic penalty. The board may prescribe and enforce regulations that set forth the date on which a charge becomes delinquent. The board may provide for collection of the penalties provided for in this section.

4. A lien against the property served is not effective until a notice of the lien, separately prepared for each lot affected, is:

(a) Mailed to the last known owner at his or her last known address according to the records of the district and the real property assessment roll of the county in which the property is located;

(b) Delivered by the board to the office of the county recorder of the county within which the property subject to such lien is located;

(c) Recorded by the county recorder in a book kept by the county recorder for the purpose of recording instruments encumbering land; and

(d) Indexed in the real estate index as deeds and other conveyances are required by law to be indexed.

Sec. 30.5. 1. If an employee of a district or other person has a reasonable belief that a dwelling unit exists that is not currently being charged for services provided by a district in a county whose population is less than 700,000, the employee or other person may submit an affidavit to the board of trustees of the district, setting forth the facts upon which the employee or other person bases his or her belief, including, without limitation, personal knowledge and visible indications of use of the property as a dwelling unit.

2. If a board of trustees receives an affidavit described in subsection 1, the board may set a date for a hearing to determine whether the unit referenced in the affidavit is being used as a dwelling unit. At least 30 days before the date of such a hearing, the board shall send a notice by certified mail, return receipt requested, to the owner of the property where the unit referenced in the affidavit is located at the address listed in the real property assessment roll in the county in which the property is located. The notice must specify the purpose, date, time and location of the hearing.

3. Except as otherwise provided in this subsection, if, after the hearing, the board determines that the unit referenced in the affidavit submitted pursuant to subsection 1 is being used as a dwelling unit, the board may adopt a resolution by the affirmative votes of not less than two-thirds of the total membership of the board to charge the owner pursuant to section 30 of this act for the services provided by the district to the dwelling unit. The board shall not adopt such a resolution if the owner provides evidence



satisfactory to the board that the unit referenced in the affidavit is not being used as a dwelling unit.

4. As used in this section:

(a) "Dwelling unit" means a structure that is designed for residential occupancy by one or more persons for living and sleeping purposes, consisting of one or more rooms, including a bathroom and kitchen. The term does not include a hotel or a motel.

(b) "Kitchen" means a room, all or part of which is designed or used for storage, refrigeration, cooking and preparation of food.

(c) "Owner" means a person to whom the parcel of real property upon which the unit referenced in an affidavit submitted pursuant to subsection 1 is located is assessed in the most recent assessment roll available.

Sec. 31. 1. Any board which has adopted fees or special assessments pursuant to this chapter may, by resolution or by separate resolutions, elect to have such charges for the forthcoming fiscal year collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the county's general taxes. In such event, it shall cause a written report to be prepared and filed with the secretary, which shall contain a description of each parcel of real property in the district and the amount of the charge for each parcel for such year, computed in conformity with the charges prescribed by the resolution.

2. The powers authorized by this section are alternative to all other powers of the district, and alternative to other procedures adopted by the board for the collection of such charges.

3. The real property may be described by reference to maps prepared by and on file in the office of the county assessor or by descriptions used by the county assessor, or by reference to plats or maps on file in the office of the secretary.

~~{3.}~~ 4. The board may make the election specified in subsection 1 with respect only to delinquent charges and may do so by preparing and filing the written report, giving notice and holding the hearing therein required only as to such delinquencies.

5. The secretary shall cause notice of the filing of the report and of a time and place of hearing thereon to be published once a week for 2 weeks prior to the date set for hearing, in a newspaper of general circulation printed and published within the district if there is one and if not then in such paper printed and published in a county within which the district is located.

~~{4.}~~ 6. Before the board may have such charges collected on the tax roll, the secretary shall cause a notice in writing of the filing of the report proposing to have such charges for the forthcoming fiscal year collected on the tax roll and of the time and place of hearing thereon, to be mailed to each person to whom any parcel or parcels of real property described in the report is assessed in the last equalized assessment roll available on the date the report is prepared, at the address shown on the assessment roll or as

*known to the secretary. If the board adopts the report, then the requirements for notice in writing to the persons to whom parcels of real property are assessed does not apply to hearings on reports prepared in subsequent fiscal years but notice by publication as provided in this section is adequate.*

~~{5-}~~ 7. *At the time stated in the notice, the board shall hear and consider all objections or protests, if any, to the report referred to in the notice and may continue the hearing from time to time. If the board finds that protest is made by the owners of a majority of separate parcels of property described in the report, then the report must not be adopted and the charges must be collected separately from the tax roll and must not constitute a lien against any parcel or parcels of land.*

~~{6-}~~ 8. *Upon the conclusion of the hearing, the board may adopt, revise, change, reduce or modify any charge or overrule any or all objections and shall make its determination upon each charge as described in the report, which determination is final.*

~~{7-}~~ 9. *After the hearing, when the board has made a final decision on a fee or special assessment to be collected on the county tax roll, not later than June 1, the secretary shall prepare and file a final report, which shall contain a description of each parcel in the district and the amount of the charge, with the county assessor for inclusion on the assessment roll. If a report is filed after the closing of the assessment roll but before the extension of the tax roll, the auditor shall insert the charges in such extension.*

~~{8-}~~ 10. *The amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of the time when the lien of taxes on the roll attach.*

~~{9-}~~ 11. *The county treasurer shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land. Thereafter the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the county. The charges shall become delinquent at the same time as such taxes and are subject to the same delinquency penalties.*

~~{10-}~~ 12. *All laws applicable to the levy, collection and enforcement of general taxes of the county, including, without limitation, those pertaining to the matters of delinquency, correction, cancellation, refund, redemption and sale, are applicable to such charges.*

~~{11-}~~ 13. *The county treasurer may issue separate bills for such charges and separate receipts for collection on account of such charges.*

14. *At the request of a county treasurer or county assessor, the board must pay the county treasurer or county assessor for the cost of services provided to the district by the county treasurer or county assessor, as applicable. The cost shall not be more than the actual additional expense to*

the county treasurer or county assessor, as applicable, for performing such services.

Sec. 32. 1. When a district is contained wholly within a city ~~or town~~, the board may convey to such city ~~or town~~ at the discretion of the district and with the consent of the governing body of the city ~~or town~~, all of the property of the district upon the condition that such city ~~or town~~

(a) Will operate and maintain such property; and

(b) Assumes all of the indebtedness of such district upon such conditions as the governing body of the city ~~or town~~ and the board of the district may agree.

2. Upon such conveyance and assumption of indebtedness, the district shall be dissolved and a certificate to such effect shall be signed by the clerical officer of the city ~~or town~~ and filed with the Secretary of State and clerk of the county or city in which the ordinance creating the district was filed.

Sec. 33. 1. Any county, city, ~~town~~ special district or owner may sell, lease, grant, convey, transfer or pay over to any district, with or without consideration, any facility, improvement or project, or any part thereof, or any interest in real or personal property or any money available for the construction, improvement, maintenance or operation of any facility, improvement or project.

2. Any county, city ~~or town~~ or special district may transfer, assign and set over to any district any contracts which may have been awarded by the county, city ~~or town~~ or special district for the construction of facilities, improvements or projects not begun or completed.

Sec. 34. ~~It~~

1. Except as otherwise provided in this section, in addition to the other means for providing revenue for the district, a board may levy and collect ad valorem taxes on and against all taxable property within the district.

2. A board shall not levy or collect ad valorem taxes on and against any taxable property within the district unless the board has entered into an interlocal agreement with each county in which the district is located. Any such interlocal agreement must include, without limitation, the consent of each board of county commissioners of a county where the district is located for the board of trustees to levy and collect ad valorem taxes on and against all taxable property within the district.

3. The provisions of this section do not authorize a board of trustees to levy and collect ad valorem taxes on property owned by a governmental entity.

Sec. 35. 1. To levy and collect ad valorem taxes ~~it~~ pursuant to section 34 of this act, a board shall determine, in each year, the amount of money necessary to be raised by taxation, taking into consideration other sources of revenue of the district, and shall fix a rate of levy which, when levied upon every dollar of assessed valuation of taxable property within

*the district, and together with other revenues, will raise the amount required by the district annually to supply money for paying:*

*(a) The expenses of organization and the costs of operating and maintaining the facilities, improvements and projects of the district; and*

*(b) The costs of facilities, improvements and projects of the district and, when due, all interest on and principal of general obligation bonds and other general obligations of the district.*

*➔ In the event of accruing defaults or deficiencies, an additional levy may be made as provided in section 36 of this act. The board shall identify separately the rate of tax which is levied pursuant to paragraph (a) and the rate which is levied pursuant to paragraph (b) and shall make such information available to the public upon request. The board shall not continue to levy a rate of tax pursuant to paragraph (b) after the cost to the district of acquiring the particular facility, improvement or project for which the rate was levied has been recovered in full.*

*2. The board shall certify to the board of county commissioners, at the same time as fixed by law for certifying thereto tax levies of incorporated cities, the rate so fixed with directions that at the time and in the manner required by law for levying taxes for county purposes such board of county commissioners shall levy such tax upon the assessed valuation of all taxable property within the district, in addition to such other taxes as may be levied by such board of county commissioners at the rate so fixed and determined.*

*Sec. 36. 1. A board, in certifying annual levies, must take into account the maturing general obligation indebtedness for the ensuing year as provided in its contracts, maturing general obligation bonds and interest on such bonds, and deficiencies and defaults of prior years, and make ample provision for the payment thereof.*

*2. If the money produced from such levies, together with other revenues of the district, is not sufficient punctually to pay the annual installments on such obligations, and interest thereon, and to pay defaults and deficiencies, the board shall make such additional levies of taxes as may be necessary for such purposes, and such taxes must be made and continue to be levied until the general obligation indebtedness of the district is fully paid but must not continue after that date.*

*Sec. 37. 1. The body having authority to levy taxes within each county shall levy the taxes provided in this chapter.*

*2. All officials charged with the duty of collecting taxes shall collect such taxes at the time and in the same form and manner, and with like interest and penalties, as other taxes are collected and when collected shall pay the same to the district ordering its levy and collection. The payment of such collections shall be made monthly to the treasurer of the district and paid into the depository thereof to the credit of the district.*

*3. All taxes levied under this chapter, together with interest thereon and penalties for default in payment thereof, and all costs of collecting the*

same, shall constitute, until paid, a perpetual lien on and against the property taxed; and such lien shall be on a parity with the tax lien of other general taxes.

Sec. 38. *If the taxes levied are not paid as provided in this chapter, the property subject to the tax lien shall be sold and the proceeds thereof shall be paid over to the district according to the provisions of the laws applicable to tax sales and redemptions.*

Sec. 39. ~~Whenever~~ Subject to the provisions of subsection 2 of section 34 of this act, whenever *any indebtedness or other obligations have been incurred by a district, it shall be lawful for the board to levy taxes and collect revenue for the purpose of creating funds in such amount as the board may determine, which may be used to meet the obligations of the district, for maintenance and operating charges and depreciation, and provide extension of and betterments to the improvements of the district.*

Sec. 40. 1. *The boundary of any district organized under the provisions of this chapter may be changed in the manner prescribed in sections 41 and 42 of this act, but the change of boundaries of the district must not impair nor affect its organization, nor shall it affect, impair or discharge any contract, obligation, lien or charge on which it or the property therein might be liable or chargeable had such change of boundaries not been made.*

2. *Property included within or annexed to a district shall be subject to the payment of taxes, assessments and charges, as provided in section 42 of this act. Real property excluded from a district shall thereafter be subject to the levy of taxes for the payment of its proportionate share of any indebtedness of the district outstanding at the time of such exclusion, and shall be subject to any outstanding special assessment lien thereon. Personal property may be excluded from a district on such terms and conditions as may be prescribed by the board of the district involved.*

Sec. 41. 1. *A fee owner of real property located in the district, or the fee owners of any real properties which are contiguous to each other and which constitute a portion of the district may file with the board a petition requesting that such lands be excluded from the district.*

2. *Petitions must:*

(a) *Describe the property which the petitioners desire to have excluded.*

(b) *State that the property is not capable of being served with facilities, improvements or projects of the district, or would not be benefited by remaining in the district.*

(c) *Be acknowledged in the same manner and form as required in case of a conveyance of land.*

(d) *Be accompanied by a deposit of money sufficient to pay all costs of the exclusion proceedings.*

3. *The secretary of the board shall cause a notice of filing of such petition to be published, which notice must:*

(a) *State the filing of such petition.*

(b) *State the names of the petitioners.*

(c) *Describe the property mentioned in the petition.*

(d) *State the request of the petitioners.*

(e) *Notify all persons interested to appear at the office of the board at the time named in the notice, showing cause in writing, if any they have, why the petition should not be granted.*

4. *The board at the time and place mentioned in the notice, or at the times to which the hearing of the petition may be adjourned, shall proceed to hear the petition and all objections thereto, presented in writing by any person showing cause why the request of the petition should not be granted.*

5. *The filing of such petition shall be deemed and taken as an assent by each and all such petitioners to the exclusion from the district of the property mentioned in the petition, or any part thereof.*

6. *The board, if it deems it not for the best interest of the district that the property mentioned in the petition, or portion thereof, be excluded from the district, must order that the petition be denied in whole or in part, as the case may be.*

7. *If the board deems it for the best interest of the district that the property mentioned in the petition, or some portion thereof be excluded from the district, the board must order that the petition be granted in whole or in part, as the case may be.*

8. *There shall be no withdrawal from a petition after consideration by the board nor shall further objection be filed except in case of fraud or misrepresentation.*

9. *Upon allowance of such petition, the board shall file for record a certified copy of its resolution making such change, as provided in section 12 of this act.*

Sec. 42. *The boundaries of a district may be enlarged by the inclusion of additional real property therein in the following manner:*

1. *The fee owner or owners of any real property capable of being served with facilities, improvements or projects of the district may file with the board a petition in writing requesting that such property be included in the district.*

2. *The petition must:*

(a) *Set forth an accurate legal description of the property owned by the petitioners.*

(b) *State that assent to the inclusion of such property in the district is given by the signers thereto, constituting all the fee owners of such property.*

(c) *Be acknowledged in the same manner required for a conveyance of land.*

3. *There shall be no withdrawal from a petition after consideration by the board nor shall further objections be filed except in case of fraud or misrepresentation.*

4. *The board shall hear the petition at an open meeting after publishing the notice of the filing of such petition, and of the place, time and date of such meeting, and the names and addresses of the petitioners. The board shall grant or deny the petition and the action of the board is final and conclusive. If the petition is granted as to all or any of the real property therein described, the board must make an order to that effect, and file it for record as provided in section 12 of this act.*

5. *If the costs of extending the facilities, improvements or projects of the district are paid by the property owners of the area to be included within the district, these property owners are entitled to receive any money charged and collected by the district when additional property owners utilize the facilities, improvements or projects which were extended.*

6. *The board of trustees of the district shall pay to the property owners pro rata shares of the money charged and collected.*

7. *After the date of its inclusion in such district, such property is subject to all of the taxes and charges imposed by the district, and is liable for its proportionate share of existing general obligation bonded indebtedness of the district but it is not liable for any taxes or charges levied or assessed prior to its inclusion in the district, nor shall its entry into the district be made subject to or contingent upon the payment or assumption of any penalty, toll or charge, other than any reasonable annexation charge which the board may fix and uniformly assess and the tolls and charges which are uniformly made, assessed or levied for the entire district. Such charges shall be computed in such a manner as not to place a new charge against the district members nor penalize the area annexed.*

Sec. 43. 1. *Upon the conditions and under the circumstances set forth in this chapter, a district may borrow money and issue the following securities to evidence such borrowing:*

- (a) Short-term notes, warrants and interim debentures.*
- (b) General obligation bonds.*
- (c) Revenue bonds.*
- (d) Special assessment bonds.*

2. *The board of trustees of a district whose population within its boundaries is less than 5,000, shall not borrow money or issue securities to evidence such borrowing unless the board has obtained the approval of the debt management commission of the county in which the district is located.*

3. *The board of trustees of a district whose population within its boundaries is less than 5,000, shall not forward a resolution authorizing medium-term obligations to the Executive Director of the Department of Taxation unless such financing is approved by the debt management commission pursuant to subsection 2.*

*Sec. 44. A district may borrow money and incur or assume indebtedness therefor, as provided in this chapter, so long as the total of all such indebtedness, excluding revenue bonds, special assessment bonds and other securities constituting special obligations which are not debts, does not exceed an amount equal to 50 percent of the total of the last assessed valuation of taxable property, excluding motor vehicles, situated within such district.*

*Sec. 45. 1. A district, upon the affirmative vote of four trustees, is authorized to borrow money without an election in anticipation of the collection of taxes or other revenues, excluding special assessments, and to issue short-term notes, warrants and interim debentures to evidence the amount so borrowed.*

*2. Such short-term notes, warrants and interim debentures:*

*(a) Shall be payable from the fund for which the money was borrowed.*

*(b) Shall mature before the close of the fiscal year in which the money is so borrowed, except for interim debentures.*

*(c) Shall not be extended or funded except in compliance with the Local Government Securities Law.*

*Sec. 46. A district with revenues from the operation of facilities, improvements or projects of the district may issue bonds without the necessity of holding an election and as an alternative or in addition to other forms of borrowing authorized in this chapter, for the purpose of acquiring or improving the facilities, improvements or projects and such bonds must be made payable solely out of the net revenues derived from the operation of such facilities, improvements or projects. A single bond issue may be had for more than one of such facilities, improvements or projects and the revenues for any and all of the income-producing facilities, improvements and projects may be pledged to pay for any other such facilities, improvements or projects. To that end, a single fund may be established and maintained.*

*Sec. 47. 1. Subject to the limitations and other provisions in this chapter, a board may issue on its behalf and in its name at any time or from time to time, as the board may determine, the following types of securities in accordance with the provisions of the Local Government Securities Law, except as otherwise provided in subsection 2:*

*(a) General obligation bonds and other general obligation securities payable from ad valorem taxes;*

*(b) General obligation bonds and other general obligation securities payable from ad valorem taxes, the payment of which securities is additionally secured by a pledge of and lien on net revenues;*

*(c) Revenue bonds and other securities constituting special obligations and payable from net revenues, but excluding the proceeds of any ad valorem taxes or any special assessments, which payment is secured by a pledge of and lien on such net revenues; or*

*(d) Any combination of such securities.*



2. General obligation or revenue bonds may be sold at a discount only if the amount of discount permitted by the board has been capitalized as a cost of the project.

Sec. 48. 1. Except as otherwise provided in subsection 2, such part of the expenses of making any public improvement, as the board determines by an affirmative vote of at least two-thirds of its members, may be defrayed by special assessments upon lands and premises located within the district and abutting upon that part of the street or alley so improved or proposed so to be, or the lands located within the district and abutting upon the improvement and the other lands as in the opinion of the board may be specially benefited by the improvement.

2. All property owned and used by a school district is exempt from any assessment made pursuant to the provisions of this chapter.

Sec. 49. 1. Except as otherwise provided in section 32 of this act, the dissolution, merger or consolidation of a district may be initiated by resolution of a majority of the members of the governing body that created the district upon a finding that the dissolution, merger or consolidation is in the best interests of the district. Upon adoption of the resolution, the governing body must mail written notice to all property owners within the district setting forth the time and place for the hearing on the proposed dissolution, merger or consolidation.

2. Any person who owns property which is located within the district may, on or before the date of the hearing, protest against the dissolution of such district, in writing.

3. If, at or before the hearing, written protest is filed signed by a majority of the owners of property within the district, the district may not be dissolved, merged or consolidated.

Sec. 50. 1. At the place, date and hour specified for the hearing in the notice or at any subsequent time to which the hearing may be adjourned, the governing body must give full consideration to all protests which may have been filed, hear all persons desiring to be heard and, except as otherwise provided in subsection 2, thereafter approve the dissolution, merger or consolidation or make a determination that district may not be dissolved, merged or consolidated.

2. Before a district that includes areas within more than one county ~~or city~~ ~~or town~~ may be dissolved, merged or consolidated, the governing bodies of the counties ~~or~~ and cities ~~and towns~~ must approve the dissolution, merger or consolidation and negotiate the distribution of property and funds of the district upon dissolution, merger or consolidation.

3. Within 30 days after the effective date of the dissolution, merger or consolidation of a district, the clerk must file a copy of the action of the governing body in the clerk's office and the Office of the Secretary of State, which filings shall be without fee and be otherwise in the same

*manner as articles of incorporation are required to be filed under chapter 78 of NRS.*

**Sec. 51.** *If a district located wholly within a county ~~or city~~ ~~for town~~ is dissolved or merged into or consolidated with another district, all property and all funds remaining in the treasury of any district must be:*

*1. Surrendered and transferred to the governing body of the county ~~or city~~ ~~for town~~ in which the district exists and become a part of the general fund of the county ~~or city~~ ~~for town~~ as applicable, if the district is dissolved;*

*2. Transferred to the district which assumes its obligations and functions, if the district is merged; or*

*3. Transferred to the consolidated district, if the district is consolidated.*

**Sec. 52.** *1. If, at the time of the dissolution, merger or consolidation of a district there are any outstanding loans or bonded indebtedness of the district, the taxes, fees or special assessments for the payment of the bonds or other indebtedness must continue to be levied and collected in the same manner as if the district had not been dissolved, merged or consolidated until all outstanding indebtedness is repaid.*

*2. All outstanding and unpaid tax sales and levies and all special assessment liens of a dissolved district are valid and remain a lien against the property against which they are assessed or levied until paid, subject to the limitations of liens provided by general law. Taxes and special assessments paid after dissolution must be placed in the general fund of the county in which the property was assessed.*

*3. The governing body of the county ~~or city~~ ~~for town~~ as applicable, has the same power to enforce the collection of all special assessments and outstanding tax sales of the district as the district had if it had not been dissolved, merged or consolidated.*

**Sec. 53.** *1. Upon notification by the Department of Taxation or upon receipt of a petition signed by 20 percent of the qualified electors of the district, that:*

*(a) A district is not being properly managed by the board of trustees; or*

*(b) The board of trustees is not complying with the provisions of this chapter or with any other law,*

*↪ the governing body that created the district must hold a hearing to consider the notification or petition.*

*2. The clerk shall mail written notice to all persons who own property within the district and to all qualified electors of the district, which notice shall set forth the substance of the notification or petition and the time and place of the hearing.*

*3. At the place, date and hour specified for the hearing, or at any subsequent time to which the hearing may be adjourned, the governing body must give full consideration to all persons desiring to be heard and shall thereafter:*

*(a) Adopt an ordinance constituting the governing body, ex officio, as the board of trustees of the district;*

*(b) Adopt an ordinance providing for the merger, consolidation or dissolution of the district pursuant to sections 49 to 52, inclusive, of this act;*

*(c) File a petition in the district court for the county in which the district is located for the appointment of a receiver for the district; or*

*(d) Determine by resolution that management and organization of the district will remain unchanged.*

**4.** *The Department of Taxation or any interested person may, within 30 days immediately following the effective date of the ordinance adopted under paragraph (a) of subsection 3 or resolution adopted under paragraph (d) of subsection 3, commence an action in any court of competent jurisdiction to set aside the ordinance or resolution. After the expiration of 30 days, all actions attacking the regularity, validity and correctness of that ordinance or resolution are barred.*

**Sec. 54.** NRS 308.020 is hereby amended to read as follows:

308.020 1. The Special District Control Law applies to:

(a) Any special district whose formation is initiated by a board of county commissioners; and

(b) Any petition for the formation of any proposed special district filed with any board of county commissioners.

2. As used in this chapter "special district" means any water district, sanitation district, water and sanitation district, municipal power district, mosquito abatement district, public cemetery district, swimming pool district, television maintenance district, weed control district, general improvement district, or any other quasi-municipal corporation organized under the local improvement and service district laws of this state as enumerated in title 25 of NRS, but excludes:

(a) All local improvement districts created pursuant to chapter 309 of NRS; ~~and~~

(b) *All parks, trails and open space districts created pursuant to sections 2 to 53, inclusive, of this act; and*

(c) All housing authorities.

**Sec. 55.** NRS 318.0954 is hereby amended to read as follows:

318.0954 1. The governing body of any district organized or reorganized under and operating as provided in any chapter in title 25 of NRS, excluding chapters 309, 315 and 318 of NRS, and sections 2 to 53, inclusive, of this act, must be designated a board of trustees and shall reorganize as provided in this section so that after the transitional period the board consists of five qualified electors from time to time chosen as provided in NRS 318.095 and other provisions of this chapter supplemental thereto.

2. No existing member of any such governing body may be required to resign from the board before the termination of his or her current term of office in the absence of any disqualification as a member of the governing

body under such chapter in title 25 of NRS, excluding chapters 309, 315 and 318 of NRS ~~[-]~~ **and sections 2 to 53, inclusive, of this act.** If a regular term of office of any member of any such governing body would terminate on other than the first Monday of January next following a biennial election in the absence of the adoption of this law, the term must be extended to and terminate on the first Monday in January next following a biennial election and following the date on which the term would have ended.

3. If the members of any such governing body at any time number less than five, the number of trustees must be increased to five by appointment, or by both appointment and election, as provided in NRS 318.090, 318.095 and 318.0951.

4. In no event may any successor trustee be elected or appointed to fill any purported vacancy in any unexpired term or in any regular term which successor will increase the trustees on a board to a number exceeding five nor which will result in less than two regular terms of office or more than three regular terms of office ending on the first Monday in January next following any biennial election.

5. Nothing in this section:

(a) Prevents the reorganization of a board by division of the district into district trustee election districts pursuant to NRS 318.0952.

(b) Supersedes the provisions of NRS 318.0953 or 318.09533.

**Sec. 56.** NRS 332.015 is hereby amended to read as follows:

332.015 1. For the purpose of this chapter, unless the context otherwise requires, “local government” means:

(a) Every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including counties, cities, towns, school districts and other districts organized pursuant to chapters 244, 309, 318, 379, 450, 474, 539, 541, 543 and 555 of NRS ~~[-]~~ **and sections 2 to 53, inclusive, of this act.**

(b) The Las Vegas Valley Water District created pursuant to the provisions of chapter 167, Statutes of Nevada 1947, as amended.

(c) County fair and recreation boards and convention authorities created pursuant to the provisions of NRS 244A.597 to 244A.655, inclusive.

(d) District boards of health created pursuant to the provisions of NRS 439.362 or 439.370.

2. The term does not include the Nevada Rural Housing Authority.

**Sec. 57.** NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. “Authorized representative” means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. “Contract” means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. “Contractor” means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

4. “Day labor” means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. “Design-build contract” means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. “Design-build team” means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. “Design professional” means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. “Division” means the State Public Works Division of the Department of Administration.

9. “Eligible bidder” means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

10. “General contractor” means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

11. “Governing body” means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

12. “Local government” means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, *and sections 2 to 53, inclusive, of this act* and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

13. “Offense” means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 5 or 6 of NRS 338.070.

14. “Prime contractor” means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➤ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

15. “Public body” means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

16. “Public work” means any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for:

- (a) Public buildings;
- (b) Jails and prisons;
- (c) Public roads;
- (d) Public highways;
- (e) Public streets and alleys;
- (f) Public utilities;
- (g) Publicly owned water mains and sewers;
- (h) Public parks and playgrounds;
- (i) Public convention facilities which are financed at least in part with public money; and
- (j) All other publicly owned works and property.

17. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

18. "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

↳ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

19. "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

↳ for the provision of labor, materials, equipment or supplies for a construction project.

20. "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

21. "Supplier" means a person who provides materials, equipment or supplies for a construction project.

22. "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

23. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or

apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

**Sec. 58.** NRS 350.115 is hereby amended to read as follows:

350.115 “Bond” means any evidence of borrowing by a municipality that is issued pursuant to the provisions of this chapter or chapter 244, 244A, 268, 269, 271, 318 or 387 of NRS, *and sections 2 to 53, inclusive, of this act*, whether general or special obligations, including, without limitation, bonds, notes, debentures, warrants and certificates.

**Sec. 59.** NRS 354.474 is hereby amended to read as follows:

354.474 1. Except as otherwise provided in subsections 2 and 3, the provisions of NRS 354.470 to 354.626, inclusive, apply to all local governments. For the purpose of NRS 354.470 to 354.626, inclusive:

(a) “Local government” means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318 and 379 of NRS, NRS 450.550 to 450.750, inclusive, and chapters 474, 541, 543 and 555 of NRS, *and sections 2 to 53, inclusive, of this act*, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

(b) “Local government” includes the Nevada Rural Housing Authority for the purpose of loans of money from a local government in a county whose population is less than 100,000 to the Nevada Rural Housing Authority in accordance with NRS 354.6118. The term does not include the Nevada Rural Housing Authority for any other purpose.

2. An irrigation district organized pursuant to chapter 539 of NRS shall fix rates and levy assessments as provided in NRS 539.667 to 539.683, inclusive. The levy of such assessments and the posting and publication of claims and annual financial statements as required by chapter 539 of NRS shall be deemed compliance with the budgeting, filing and publication requirements of NRS 354.470 to 354.626, inclusive, but any such irrigation district which levies an ad valorem tax shall comply with the filing and publication requirements of NRS 354.470 to 354.626, inclusive, in addition to the requirements of chapter 539 of NRS.

3. An electric light and power district created pursuant to chapter 318 of NRS shall be deemed to have fulfilled the requirements of NRS 354.470 to 354.626, inclusive, for a year in which the district does not issue bonds or levy an assessment if the district files with the Department of Taxation a copy of all documents relating to its budget for that year which the district submitted to the Rural Utilities Service of the United States Department of Agriculture.

**Sec. 60.** NRS 354.760 is hereby amended to read as follows:

354.760 1. All invoices or other notices issued by a local government to collect an account receivable must state that if the debtor wishes to pay by



check or other negotiable instrument, such negotiable instrument must name as payee:

(a) The local government; or

(b) The title of the governmental official charged by law with the collection of such accounts.

➡ In no event may the invoice or other notice state that a check or other negotiable instrument may name a natural person as payee.

2. Notwithstanding the provisions of subsection 1, a local government may deposit into the appropriate account a check or other negotiable instrument which it determines is intended as payment for an account receivable.

3. As used in this section, "local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including, without limitation, counties, cities, towns, boards, authorities, school districts and other districts organized pursuant to chapters 244, 244A, 309, 318, 379, 439, 450, 474, 539, 541, 543 and 555 of NRS ~~4~~ **and sections 2 to 53, inclusive, of this act.**

**Sec. 61.** NRS 378.160 is hereby amended to read as follows:

378.160 As used in NRS 378.150 to 378.210, inclusive:

1. "Center" means the State Publications Distribution Center created by NRS 378.170.

2. "Depository library" means a library with which the Center has entered into an agreement pursuant to NRS 378.190.

3. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, **and sections 2 to 53, inclusive, of this act** and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes the Nevada Rural Housing Authority.

4. "Publication" includes any information in any format or medium that is produced pursuant to the authority of or at the total or partial expense of a state agency or local government, is required by law to be distributed by a state agency or local government, or is distributed publicly by a state agency or local government outside that state agency or local government. The term does not include:

(a) Nevada Revised Statutes with annotations;

(b) Nevada Reports;

(c) Bound volumes of the Statutes of Nevada;

(d) Items published by the University of Nevada Press and other information disseminated by the Nevada System of Higher Education which is not designed for public distribution;

(e) Official state records scheduled for retention and disposition pursuant to NRS 239.080; or

(f) Records of a local government which have been scheduled for disposition pursuant to NRS 239.124 or retention pursuant to NRS 239.125.

5. “State agency” includes the Legislature, constitutional officers or any department, division, bureau, board, commission or agency of the State of Nevada.

**Sec. 62.** This act becomes effective on July 1, 2017.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 795 to Assembly Bill No. 379.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment allows the local government to opt not to create a district when it receives a petition, adds provisions providing for public notices and service plans, removes the provisions relevant to eminent domain and private property, and requires that the board shall not levy or collect ad valorem taxes related to the district unless the board has entered into an interlocal agreement with each county in which the district is located.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 384.

The following Senate amendment was read:

Amendment No. 952.

AN ACT relating to public employment; providing generally that the criminal history of an applicant or other qualified person under consideration for a position in the unclassified or classified service of the State may be considered only ~~after the applicant has been certified by the Administrator of the Division of Human Resource Management of the Department of Administration or after a conditional offer of employment has been made to the applicant;~~ **under certain circumstances;** prohibiting the Administrator, when examining an applicant for a position in the classified service of the State, from considering the criminal history of the applicant; providing that, except in certain circumstances, the criminal history of a person may serve as the basis for the Administrator to refuse to certify an applicant or for rescission of a conditional offer of employment in the unclassified or classified service of the State only after consideration of certain factors relating to the criminal history of the person; providing for written notice to a person if the criminal history of the person is the basis for the Administrator’s refusal to certify the person or for the rescission of a conditional offer of employment; establishing similar provisions relating to the consideration by the governing body of a county, incorporated city or unincorporated town of the criminal history of an applicant for employment by a county, incorporated city or unincorporated town; authorizing the filing of a complaint with the Nevada Equal Rights Commission under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law governs generally the employment of persons in the classified and unclassified service of the State. Existing law further establishes the duties of the Administrator of the Division of Human Resource Management of the Department of Administration with regard to administering competitive examinations of persons seeking employment in the classified service of the State and maintaining a list of eligible persons for employment in the classified service. (Chapter 284 of NRS) Under existing law, the Administrator may refuse to examine an applicant or refuse to certify an eligible person if the person has been found guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct. (NRS 284.240)

**Section 2** of this bill provides, with exceptions, that the criminal history of an applicant or other qualified person under consideration for employment in the unclassified service of the State may be considered only after ~~and~~ the earliest of: (1) the final interview conducted in person; (2) the appointing authority has made a conditional offer of employment to the applicant ; or ~~or~~ (3) if applicable, the applicant has been certified by the Administrator. **Section 3** of this bill prohibits the Administrator from considering the criminal history of an applicant in examining the applicant. Additionally, **section 3** provides, with exceptions, that the criminal history of an applicant for a position in the classified service may be considered only after the earliest of: (1) the final interview conducted in person; (2) the applicant has been certified by the Administrator ; or ~~and~~ (3) the appointing authority has made a conditional offer of employment to the applicant. **Sections 2 and 3** set forth specific factors that must be considered by an appointing authority or the Administrator before the criminal history of an applicant may be used as the basis for rescinding a conditional offer of employment or for rejection of the applicant, including: (1) whether any criminal offense charged against or committed by the person directly relates to the responsibilities of the position for which the person has applied; (2) the nature and severity of each criminal offense charged against or committed by the person; (3) the age of the person at the time of the commission of each criminal offense; (4) the period of time between the commission of each criminal offense and the date of the application for employment; and (5) any information or documentation demonstrating the person's rehabilitation. **Sections 5, 6 and 6.3** of this bill establish similar provisions relating to the consideration by the governing body of a county, incorporated city or unincorporated town, respectively, of the criminal history of an applicant for employment by the county, incorporated city or unincorporated town. **Sections 2, 3, 5, 6 and 6.3** provide that if the criminal history of an applicant is used as the basis for rejecting the applicant or rescinding a conditional offer of employment extended to the applicant, the appointing authority or the governing body of the county, incorporated city or unincorporated town, as applicable, must provide to the applicant a written statement which must specifically state the

evidence presented and the reason for the rejection of the applicant or rescission of the conditional offer of employment. **Sections 2, 3, 5, 6 and 6.3** also prohibit the appointing authority or the governing body of a county, incorporated city or unincorporated town from considering certain criminal records. **Sections 2, 3, 5, 6 and 6.3** also require the appointing authority or the governing body of a county, incorporated city or unincorporated town to include certain information in an application for employment. **Sections 2, 3, 5, 6 and 6.3** do not apply to ~~applicants~~ **any applicant** for employment ~~[with a public safety agency]~~ : **(1) as a peace officer or firefighter; or (2) in any position that entails physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information Center.**

Existing law declares certain employment practices to be unlawful and authorizes any person injured by such a practice to file a complaint with the Nevada Equal Rights Commission. Generally, the Commission has jurisdiction only over practices involving discrimination on the basis of race, color, sex and certain other enumerated characteristics. (NRS 613.330, 613.405) **Section 6.5** of this bill provides that an employer that is subject to the requirements of **section 2, 3, 5, 6 or 6.3** and fails to follow the procedure required by those sections in considering the criminal history of an applicant for employment thereby engages in an unlawful employment practice. **Section 6.7** of this bill provides that the applicant in such a case may file a complaint with the Commission, regardless of whether the complaint is based on race, color, sex or some other characteristic enumerated in existing law.

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

**Section 1.** Chapter 284 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2. 1.** ~~[Except as otherwise authorized by specific statute,]~~  
**Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the criminal history of an applicant or other qualified person for a position in the unclassified service of the State may be considered only after ~~and~~ the earliest of:**

- (a) The final interview conducted in person;**
- (b) The appointing authority has extended to the applicant a conditional offer of employment ~~for, if~~ ; or**
- (c) If applicable, the applicant has been certified by the Administrator.**

**2.** An appointing authority may, before examining an applicant or extending to an applicant a conditional offer of employment, notify the applicant of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.

3. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, an appointing authority may rescind a conditional offer of employment extended to an otherwise qualified person who has criminal charges pending against him or her that were filed within the previous 6 months or has been convicted of a criminal offense only after considering:

(a) Whether any criminal offense charged against the person or committed by the person directly relates to the responsibilities of the position for which the person has applied or is being considered;

(b) The nature and severity of each criminal offense charged against the person or committed by the person;

(c) The age of the person at the time of the commission of each criminal offense;

(d) The period between the commission of each criminal offense and the date of the application for employment in the unclassified service; and

(e) Any information or documentation demonstrating the person's rehabilitation.

4. An appointing authority shall not consider any of the following criminal records in connection with an application for employment:

(a) ~~Any~~ Except as otherwise provided in subsection 3, an arrest of the applicant which did not result in a conviction;

(b) A record of conviction which was dismissed, expunged or sealed; or

(c) An infraction or misdemeanor for which a sentence of imprisonment in a county jail was not imposed.

5. If the criminal history of an applicant is used as a basis for rescinding a conditional offer of employment, rescission of the conditional offer of employment must:

(a) Be made in writing;

(b) Include a statement indicating that the criminal history of the applicant was the basis for the rescission of the offer; and

(c) Provide an opportunity for the applicant to discuss the basis for the rescission of the offer with the ~~appointing authority,~~ director of human resources for the appointing authority or a person designated by the director.

6. An application for employment must include a statement that:

(a) A record of conviction will not necessarily bar the applicant from employment; and

(b) The appointing authority will consider factors such as:

(1) The length of time that has passed since the offense;

(2) The age of the applicant at the time of the offense;

(3) The severity and nature of the offense;

(4) The relationship of the offense to the position for which the applicant has applied; and

(5) Evidence of the rehabilitation of the applicant.

7. This section does not apply to ~~applicants~~ any applicant for employment with a public safety agency, as defined in NRS 239B.020;

(a) As a peace officer or firefighter; or

(b) In any position that entails physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information Center.

Sec. 3. 1. ~~Except as otherwise authorized by specific statute;~~ Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person;

(a) The Administrator shall not consider the criminal history of an applicant in examining the applicant.

(b) The criminal history of an applicant for a position in the classified service may be considered only after the earliest of:

(1) The final interview conducted in person;

(2) The applicant has been certified by the Administrator ; or ~~and~~

(3) The appointing authority has extended to the applicant a conditional offer of employment.

2. The Administrator may, before examining an applicant or certifying an eligible person, notify the applicant or eligible person of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.

3. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the Administrator may refuse to certify an eligible person and an appointing authority may rescind a conditional offer of employment extended to an otherwise qualified person who has criminal charges pending against him or her that were filed within the previous 6 months or has been convicted of a criminal offense only after considering:

(a) Whether any criminal offense charged against the person or committed by the person directly relates to the responsibilities of the position for which the person has applied or is being considered;

(b) The nature and severity of each criminal offense charged against the person or committed by the person;

(c) The age of the person at the time of the commission of each criminal offense;

(d) The period between the commission of each criminal offense and the date of the application for or consideration of employment in the classified service; and

(e) Any information or documentation demonstrating the person's rehabilitation.

4. The Administrator shall not consider any of the following criminal records in connection with an application for employment:

(a) ~~Am]~~ Except as otherwise provided in subsection 3, an arrest of the applicant which did not result in a conviction;

(b) A record of conviction which was dismissed, expunged or sealed; or

(c) An infraction or misdemeanor for which a sentence of imprisonment in a county jail was not imposed.

5. If the criminal history of an applicant is used as a basis for rejecting an applicant or rescinding a conditional offer of employment, such rejection or rescission of a conditional offer of employment must:

(a) Be made in writing;

(b) Include a statement indicating that the criminal history of the applicant was the basis for the rejection or rescission of the offer; and

(c) Provide an opportunity for the applicant to discuss the basis for the rejection or rescission of the offer with the ~~Administrator]~~ director of human resources for the appointing authority or a person designated by the director.

6. An application for employment must include a statement that:

(a) A record of conviction will not necessarily bar the applicant from employment; and

(b) The Administrator will consider factors such as:

(1) The length of time that has passed since the offense;

(2) The age of the applicant at the time of the offense;

(3) The severity and nature of the offense;

(4) The relationship of the offense to the position for which the applicant has applied; and

(5) Evidence of the rehabilitation of the applicant.

7. This section does not apply to ~~applicants]~~ any applicant for employment [with a public safety agency, as defined in NRS 239B.020.]

(a) As a peace officer or firefighter; or

(b) In any position that entails physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information Center.

Sec. 4. NRS 284.240 is hereby amended to read as follows:

284.240 The Administrator may refuse to examine an applicant or, after examination, may refuse to certify an eligible person who:

1. Lacks any of the preliminary requirements established for the examination for the position or employment for which the applicant or eligible person applies.

2. Submitted to a screening test administered pursuant to NRS 284.4066, the results of which indicated the presence of a controlled substance, and the person did not provide the proof required by NRS 284.4066.

3. ~~Has been guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct.~~

~~4.]~~ Has been dismissed from the public service for delinquency or misconduct.

~~5.]~~ 4. Has made a false statement of any material fact.

~~{6-}~~ 5. Has, directly or indirectly, given, rendered or paid, or promised to give, render or pay, any money, service or other valuable thing to any person for, or on account of or in connection with, the examination, appointment or proposed appointment of the applicant or eligible person.

~~{7-}~~ 6. Has practiced, or attempted to practice, any deception or fraud in the application, certificate or examination of the applicant or eligible person, or in securing the eligibility or appointment of the applicant or eligible person.

**Sec. 5.** Chapter 245 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~{Except as otherwise authorized by specific statute,}~~ Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the criminal history of an applicant for employment by a county may be considered only after the applicant is a finalist for a position ~~earlier of:~~

(a) The final interview conducted in person; or ~~the~~  
(b) The county has extended to the applicant a conditional offer of employment.

2. The board of county commissioners, a county officer or any other person acting on behalf of a county may, before selecting an applicant as a finalist for a position or extending to an applicant a conditional offer of employment, notify the applicant of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.

3. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the board of county commissioners, a county officer or any other person acting on behalf of a county may decline to make an offer of employment or rescind a conditional offer of employment extended to an otherwise qualified applicant who has criminal charges pending against him or her that were filed within the previous 6 months or has been convicted of a criminal offense only after considering:

(a) Whether any criminal offense charged against the applicant or committed by the applicant directly relates to the responsibilities of the position for which the applicant has applied;

(b) The nature and severity of each criminal offense charged against the applicant or committed by the applicant;

(c) The age of the applicant at the time of the commission of each criminal offense;

(d) The period between the commission of each criminal offense and the date of the application for employment; and

(e) Any information or documentation demonstrating the applicant's rehabilitation.



4. The board of county commissioners, a county officer or any other person acting on behalf of a county shall not consider any of the following criminal records in connection with an application for employment:

- (a) ~~Any~~ Except as otherwise provided in subsection 3, an arrest of the applicant which did not result in a conviction;
- (b) A record of conviction which was dismissed, expunged or sealed; or
- (c) An infraction or misdemeanor for which a sentence of imprisonment in a county jail was not imposed.

5. If the criminal history of an applicant is used as a basis for rejecting an applicant or rescinding a conditional offer of employment, such rejection or rescission of a conditional offer of employment must:

- (a) Be made in writing;
- (b) Include a statement indicating that the criminal history of the applicant was the basis for the rejection or rescission of the offer; and
- (c) Provide an opportunity for the applicant to discuss the basis for the rejection or rescission of the offer with the ~~board of county commissioners, a county officer or other person acting on behalf of the county.~~ director of the department of human resources of the county or a person designated by the director.

6. An application for employment must include a statement that:

- (a) A record of conviction will not necessarily bar the applicant from employment; and
- (b) The board of county commissioners, a county officer or any other person acting on behalf of the county will consider factors such as:
  - (1) The length of time that has passed since the offense;
  - (2) The age of the applicant at the time of the offense;
  - (3) The severity and nature of the offense;
  - (4) The relationship of the offense to the position for which the applicant has applied; and
  - (5) Evidence of the rehabilitation of the applicant.

7. This section does not apply to ~~applicants~~ any applicant for employment ~~with a public safety agency, as defined in NRS 239B.020.~~;

- (a) As a peace officer or firefighter; or
- (b) In any position that entails physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information Center.

Sec. 6. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Except as otherwise authorized by specific statute,~~ Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the criminal history of an applicant for employment by an incorporated city may be considered only after the ~~applicant is a finalist for a position~~ earlier of:

(a) The final interview conducted in person; or ~~the~~

(b) The incorporated city has extended to the applicant a conditional offer of employment.

2. The governing body of an incorporated city or a city officer may, before selecting an applicant as a finalist for a position or extending to an applicant a conditional offer of employment, notify the applicant of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.

3. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the governing body or a city officer may decline to make an offer of employment or rescind a conditional offer of employment extended to an otherwise qualified applicant who has criminal charges pending against him or her that were filed within the previous 6 months or has been convicted of a criminal offense only after considering:

(a) Whether any criminal offense charged against the applicant or committed by the applicant directly relates to the responsibilities of the position for which the applicant has applied;

(b) The nature and severity of each criminal offense charged against the applicant or committed by the applicant;

(c) The age of the applicant at the time of the commission of each criminal offense;

(d) The period between the commission of each criminal offense and the date of the application for employment; and

(e) Any information or documentation demonstrating the applicant's rehabilitation.

4. The governing body of an incorporated city or a city officer shall not consider any of the following criminal records in connection with an application for employment:

(a) ~~Any~~ Except as otherwise provided in subsection 3, an arrest of the applicant which did not result in a conviction;

(b) A record of conviction which was dismissed, expunged or sealed; or

(c) An infraction or misdemeanor for which a sentence of imprisonment in a county jail was not imposed.

5. If the criminal history of an applicant is used as a basis for rejecting an applicant or rescinding a conditional offer of employment, such rejection or rescission of a conditional offer of employment must:

(a) Be made in writing;

(b) Include a statement indicating that the criminal history of the applicant was the basis for the rejection or rescission of the offer; and

(c) Provide an opportunity for the applicant to discuss the basis for the rejection or rescission of the offer with the ~~governing body of an incorporated city or a city officer.~~ director of the department of human resources of the incorporated city or a person designated by the director.

6. An application for employment must include a statement that:

(a) A record of conviction will not necessarily bar the applicant from employment; and

(b) The governing body of an incorporated city or a city officer will consider factors such as:

(1) The length of time that has passed since the offense;

(2) The age of the applicant at the time of the offense;

(3) The severity and nature of the offense;

(4) The relationship of the offense to the position for which the applicant has applied; and

(5) Evidence of the rehabilitation of the applicant.

7. This section does not apply to ~~{applicants}~~ any applicant for employment with a public safety agency, as defined in NRS 239B.020;

(a) As a peace officer or firefighter; or

(b) In any position that entails physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information Center.

Sec. 6.3. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~{Except as otherwise authorized by specific statute,}~~ Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the criminal history of an applicant for employment by an unincorporated town may be considered only after the {applicant is a finalist for a position} earlier of:

(a) The final interview conducted in person; or {the}

(b) The unincorporated town has extended to the applicant a conditional offer of employment.

2. The town board, the board of county commissioners or any other person acting on behalf of an unincorporated town may, before selecting an applicant as a finalist for a position or extending to an applicant a conditional offer of employment, notify the applicant of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.

3. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the town board, the board of county commissioners or any other person acting on behalf of an unincorporated town may decline to make an offer of employment or rescind a conditional offer of employment extended to an otherwise qualified applicant who has criminal charges pending against him or her that were filed within the previous 6 months or has been convicted of a criminal offense only after considering:

(a) *Whether any criminal offense charged against the applicant or committed by the applicant directly relates to the responsibilities of the position for which the applicant has applied;*

(b) *The nature and severity of each criminal offense charged against the applicant or committed by the applicant;*

(c) *The age of the applicant at the time of the commission of each offense;*

(d) *The period between the commission of each criminal offense and the date of the application for employment; and*

(e) *Any information or documentation demonstrating the applicant's rehabilitation.*

4. *A town board, the board of county commissioners or any other person acting on behalf of an unincorporated town shall not consider any of the following criminal records in connection with an application for employment:*

(a) ~~*Any*~~ *Except as otherwise provided in subsection 3, an arrest of the applicant which did not result in a conviction;*

(b) *A record of conviction which was dismissed, expunged or sealed; or*

(c) *An infraction or misdemeanor in which a sentence of imprisonment in a county jail was not imposed.*

5. *If the criminal history of an applicant is used as a basis for rejecting an applicant or rescinding a conditional offer of employment, such rejection or rescission of the offer of employment must:*

(a) *Be made in writing;*

(b) *Include a statement indicating that the criminal history of the applicant was the basis for the rejection or rescission of the offer; and*

(c) *Provide an opportunity for the applicant to discuss the basis for the rejection or rescission of the offer with the ~~town board, the board of county commissioners or any other person acting on behalf of the unincorporated town.~~ director of the department of human resources of the unincorporated town or a person designated by the director.*

6. *An application for employment must include a statement that:*

(a) *A record of conviction will not necessarily bar the applicant from employment; and*

(b) *The town board, the board of county commissioners or any other person acting on behalf of the unincorporated town will consider factors such as:*

(1) *The length of time that has passed since the offense;*

(2) *The age of the applicant at the time of the offense;*

(3) *The severity and nature of the offense;*

(4) *The relationship of the offense to the position for which the applicant has applied; and*

(5) *Evidence of the rehabilitation of the applicant.*

*7. This section does not apply to ~~applicants~~ any applicant for employment ~~with a public safety agency, as defined in NRS 239B.020,~~;*

*(a) As a peace officer or firefighter; or*

*(b) In any position that entails physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information Center.*

**Sec. 6.5.** NRS 613.330 is hereby amended to read as follows:

613.330 1. Except as otherwise provided in NRS 613.350, it is an unlawful employment practice for an employer:

(a) To fail or refuse to hire or to discharge any person, or otherwise to discriminate against any person with respect to the person's compensation, terms, conditions or privileges of employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; or

(b) To limit, segregate or classify an employee in a way which would deprive or tend to deprive the employee of employment opportunities or otherwise adversely affect his or her status as an employee, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin.

2. It is an unlawful employment practice for an employment agency to:

(a) Fail or refuse to refer for employment, or otherwise to discriminate against, any person because of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person; or

(b) Classify or refer for employment any person on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person.

3. It is an unlawful employment practice for a labor organization:

(a) To exclude or to expel from its membership, or otherwise to discriminate against, any person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin;

(b) To limit, segregate or classify its membership, or to classify or fail or refuse to refer for employment any person, in any way which would deprive or tend to deprive the person of employment opportunities, or would limit the person's employment opportunities or otherwise adversely affect the person's status as an employee or as an applicant for employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; or

(c) To cause or attempt to cause an employer to discriminate against any person in violation of this section.

4. It is an unlawful employment practice for any employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining, including, without limitation, on-the-job training programs, to discriminate against any person because of his or her

race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

5. Except as otherwise provided in subsection 6, it is an unlawful employment practice for any employer, employment agency, labor organization or joint labor-management committee to discriminate against a person with a disability by interfering, directly or indirectly, with the use of an aid or appliance, including, without limitation, a service animal, by such a person.

6. It is an unlawful employment practice for an employer, directly or indirectly, to refuse to permit an employee with a disability to keep the employee's service animal with him or her at all times in his or her place of employment, except that an employer may refuse to permit an employee to keep a service animal that is a miniature horse with him or her if the employer determines that it is not reasonable to comply, using the assessment factors set forth in 28 C.F.R. § 36.302.

7. *It is an unlawful employment practice for an appointing authority governed by the provisions of chapter 284 of NRS, the Administrator of the Division of Human Resource Management of the Department of Administration or the governing body of a county, incorporated city or unincorporated town to consider the criminal history of an applicant for employment without following the procedure required in section 2, 3, 5, 6 or 6.3 of this act, as applicable.*

8. As used in this section, "service animal" has the meaning ascribed to it in NRS 426.097.

**Sec. 6.7.** NRS 613.405 is hereby amended to read as follows:

613.405 ~~[Any]~~

1. *Except as otherwise provided in subsection 2, any person injured by an unlawful employment practice within the scope of NRS 613.310 to 613.435, inclusive, may file a complaint to that effect with the Nevada Equal Rights Commission if the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.*

2. *Any person injured by an unlawful employment practice within the scope of subsection 7 of NRS 613.330 may file a complaint to that effect with the Nevada Equal Rights Commission regardless of whether the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.*

**Sec. 7.** This act becomes effective on January 1, 2018.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 952 to Assembly Bill No. 384.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment authorizes consideration of the criminal history of an applicant at the outset of the selection process if he or she is disqualified from employment pursuant to specific provisions of state or federal law. It authorizes the employer to rescind a conditional offer of employment to an applicant against whom certain criminal charges are pending and provides that the criminal history of an applicant may only be considered after the earliest of the final in-person interview, a conditional job offer, or the certification of the applicant by the administrator.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 415.

The following Senate amendment was read:

Amendment No. 740.

AN ACT relating to the identification of persons; authorizing the use of a tribal identification card for various purposes; requiring a business that accepts a driver's license for the purpose of identification to also accept a tribal identification card for that purpose ~~but~~ **unless otherwise provided by any federal law or regulation**; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes state and local governmental entities to accept a consular identification card for the purpose of identifying a person under certain circumstances. (NRS 232.006, 237.200) **Sections 1 and 7** of this bill similarly authorize state and local governmental entities to accept a tribal identification card issued by a tribal government for the purpose of identifying a person if the tribal identification card meets certain requirements. **Section 10** of this bill prohibits a business that accepts a driver's license or identification card issued by the Department of Motor Vehicles for the purpose of identifying a person from refusing to accept a tribal identification card for the same purpose ~~but~~ **unless the business reasonably believes that a federal law or regulation requires the use of a different form of identification.** **Sections 2-6, 8, 9 and 11-14** of this bill revise various provisions of existing law to provide for the use of a tribal identification card as proof of identity.

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

**Section 1.** NRS 232.006 is hereby amended to read as follows:

232.006 1. Except as otherwise provided in subsection 2 and NRS 483.290, 483.860 and 486.081, with respect to any activity or transaction in which a state agency accepts an identification card issued by the Department of Motor Vehicles to identify a person, the state agency may also accept a consular identification card ***or tribal identification card*** to identify a person.

2. The provisions of subsection 1 apply only to the presentation of a consular identification card ***or tribal identification card*** for purposes of

identification and do not convey an independent right to receive benefits of any type.

3. *To be accepted pursuant to subsection 1 to identify a person, an identification card issued by a tribal government must contain:*

- (a) The full legal name of the holder of the card;*
- (b) The date of birth of the holder of the card;*
- (c) A unique number assigned to the holder of the card;*
- (d) A digital photograph of the full face of the holder of the card;*
- (e) The address of the principal residence of the holder of the card;*
- (f) A physical description of the holder of the card, including, without limitation, the height, weight, hair color and eye color of the holder of the card;*
- (g) The usual signature of the holder of the card;*
- (h) The date on which the card is issued; and*
- (i) A reference to the tribal government which issued the card.*

4. As used in this section:

(a) “Consular identification card” means an identification card issued by a consulate of a foreign government, which consulate is located within the State of Nevada.

(b) “Identification card issued by the Department of Motor Vehicles” means an identification card of the type described in NRS 483.810 to 483.890, inclusive.

(c) “State agency” means every public agency, bureau, board, commission, department or division of the Executive Department of State Government.

*(d) “Tribal government” has the meaning ascribed to it in NRS 239C.105.*

*(e) “Tribal identification card” means an identification card issued by a tribal government which satisfies the requirements of subsection 3.*

**Sec. 2.** NRS 97A.142 is hereby amended to read as follows:

97A.142 1. If a solicitor makes a firm offer of credit for a credit card to a person by mail and receives an acceptance of that offer which has a substantially different address listed for the person than the address to which the solicitor sent the offer, the solicitor shall verify that the person accepting the offer is the same person to whom the offer was made before sending the person the credit card.

2. A solicitor shall be deemed to have verified the address of a person pursuant to subsection 1 if the solicitor:

(a) Telephones the person at a telephone number appearing in a publicly available directory or database as the telephone number of the person to whom the solicitation was made and the person acknowledges his or her acceptance of the solicitation;

(b) Receives from the person accepting the offer of credit proof of identity in the form of an identification document, including, without limitation, a driver’s license, ~~or~~ passport ~~or~~ *or tribal identification card* which confirms



that the person accepting the solicitation is the person to whom the solicitation was made; or

(c) Uses any other commercially reasonable means to confirm that the person accepting the solicitation is the person to whom the solicitation was made, including, without limitation, any means adopted in federal regulations.

3. For the purposes of this section:

(a) "Firm offer of credit" has the meaning ascribed to it in 15 U.S.C. § 1681a(l).

(b) "Solicitor" means a person who makes a firm offer of credit for a credit card by mail solicitation, but does not include an issuer or other creditor when that issuer or creditor relies on an independent third party to provide the solicitation services.

(c) ***"Tribal identification card" means an identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006.***

**Sec. 3.** NRS 125D.180 is hereby amended to read as follows:

125D.180 1. In determining whether there is a credible risk of abduction of a child, the court shall consider any evidence that the petitioner or respondent:

(a) Has previously abducted or attempted to abduct the child;

(b) Has threatened to abduct the child;

(c) Has recently engaged in activities that may indicate a planned abduction, including:

(1) Abandoning employment;

(2) Selling a primary residence;

(3) Terminating a lease;

(4) Closing bank or other financial management accounts, liquidating assets, hiding or destroying financial documents, or conducting any unusual financial activities;

(5) Applying for a passport or visa or obtaining travel documents for the respondent, a family member or the child; or

(6) Seeking to obtain the child's birth certificate or school or medical records;

(d) Has engaged in domestic violence, stalking, or child abuse or neglect;

(e) Has refused to follow a child custody determination;

(f) Lacks strong familial, financial, emotional or cultural ties to the State or the United States;

(g) Has strong familial, financial, emotional or cultural ties to another state or country;

(h) Is likely to take the child to a country that:

(1) Is not a party to the Hague Convention on the Civil Aspects of International Child Abduction and does not provide for the extradition of an abducting parent or for the return of an abducted child;

(2) Is a party to the Hague Convention on the Civil Aspects of International Child Abduction but:

(I) The Hague Convention on the Civil Aspects of International Child Abduction is not in force between the United States and that country;

(II) Is noncompliant according to the most recent compliance report issued by the United States Department of State; or

(III) Lacks legal mechanisms for immediately and effectively enforcing a return order pursuant to the Hague Convention on the Civil Aspects of International Child Abduction;

(3) Poses a risk that the child's physical or emotional health or safety would be endangered in the country because of specific circumstances relating to the child or because of human rights violations committed against children;

(4) Has laws or practices that would:

(I) Enable the respondent, without due cause, to prevent the petitioner from contacting the child;

(II) Restrict the petitioner from freely traveling to or exiting from the country because of the petitioner's gender, nationality, marital status or religion; or

(III) Restrict the child's ability legally to leave the country after the child reaches the age of majority because of the child's gender, nationality or religion;

(5) Is included by the United States Department of State on a current list of state sponsors of terrorism;

(6) Does not have an official United States diplomatic presence in the country; or

(7) Is engaged in active military action or war, including a civil war, to which the child may be exposed;

(i) Is undergoing a change in immigration or citizenship status that would adversely affect the respondent's ability to remain in the United States legally;

(j) Has had an application for United States citizenship denied;

(k) Has forged or presented misleading or false evidence on government forms or supporting documents to obtain or attempt to obtain a passport, a visa, travel documents, a social security card, a driver's license, *a tribal identification card* or other government-issued identification card or has made a misrepresentation to the United States Government;

(l) Has used multiple names to attempt to mislead or defraud; or

(m) Has engaged in any other conduct the court considers relevant to the risk of abduction.

2. In the hearing on a petition pursuant to the provisions of this chapter, the court shall consider any evidence that the respondent believed in good faith that the respondent's conduct was necessary to avoid imminent harm to the child or respondent and any other evidence that may be relevant to whether the respondent may be permitted to remove or retain the child.

3. If the court finds during the hearing on the petition that the respondent's conduct is intended to avoid imminent harm to the child or respondent, the court shall not issue an abduction prevention order.

**Sec. 4.** NRS 159.044 is hereby amended to read as follows:

159.044 1. Except as otherwise provided in NRS 127.045, a proposed ward, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.

2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:

(a) The name and address of the petitioner.

(b) The name, date of birth and current address of the proposed ward.

(c) A copy of one of the following forms of identification of the proposed ward which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number; ~~{or}~~

(5) A valid passport number ~~{-}~~; *or*

**(6) A valid tribal identification card number.**

➡ If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than 120 days after the appointment of a guardian or as otherwise ordered by the court.

(d) If the proposed ward is a minor, the date on which the proposed ward will attain the age of majority and:

(1) Whether there is a current order concerning custody and, if so, the state in which the order was issued; and

(2) Whether the petitioner anticipates that the proposed ward will need guardianship after attaining the age of majority.

(e) Whether the proposed ward is a resident or nonresident of this State.

(f) The names and addresses of the spouse of the proposed ward and the relatives of the proposed ward who are within the second degree of consanguinity.

(g) The name, date of birth and current address of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of NRS 159.0595. If the proposed guardian is not a private professional guardian, the petition must include a statement that the guardian currently is not receiving compensation for services as a guardian to more than one ward who is not related to the person by blood or marriage.

(h) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as

otherwise required to carry out a specific statute, maintained in a confidential manner:

- (1) A social security number;
- (2) A taxpayer identification number;
- (3) A valid driver's license number;
- (4) A valid identification card number; ~~{or}~~
- (5) A valid passport number ~~{-}~~; *or*
- (6) A valid tribal identification card number.**

(i) Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which the proposed guardian was convicted and whether the proposed guardian was placed on probation or parole.

(j) A summary of the reasons why a guardian is needed and recent documentation demonstrating the need for a guardianship. If the proposed ward is an adult, the documentation must include, without limitation:

(1) A certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a certificate signed by any other person whom the court finds qualified to execute a certificate, stating:

(I) The need for a guardian;

(II) Whether the proposed ward presents a danger to himself or herself or others;

(III) Whether the proposed ward's attendance at a hearing would be detrimental to the proposed ward;

(IV) Whether the proposed ward would comprehend the reason for a hearing or contribute to the proceeding; and

(V) Whether the proposed ward is capable of living independently with or without assistance; and

(2) If the proposed ward is determined to have the limited capacity to consent to the appointment of a special guardian, a written consent to the appointment of a special guardian from the ward.

(k) Whether the appointment of a general or a special guardian is sought.

(l) A general description and the probable value of the property of the proposed ward and any income to which the proposed ward is or will be entitled, if the petition is for the appointment of a guardian of the estate or a special guardian. If any money is paid or is payable to the proposed ward by the United States through the Department of Veterans Affairs, the petition must so state.

(m) The name and address of any person or care provider having the care, custody or control of the proposed ward.

(n) If the petitioner is not the spouse or natural child of the proposed ward, a declaration explaining the relationship of the petitioner to the proposed ward or to the proposed ward's family or friends, if any, and the interest, if any, of the petitioner in the appointment.

(o) Requests for any of the specific powers set forth in NRS 159.117 to 159.175, inclusive, necessary to enable the guardian to carry out the duties of the guardianship.

(p) If the guardianship is sought as the result of an investigation of a report of abuse, neglect, exploitation, isolation or abandonment of the proposed ward, whether the referral was from a law enforcement agency or a state or county agency.

(q) Whether the proposed ward or the proposed guardian is a party to any pending criminal or civil litigation.

(r) Whether the guardianship is sought for the purpose of initiating litigation.

(s) Whether the proposed ward has executed a durable power of attorney for health care, a durable power of attorney for financial matters or a written nomination of guardian and, if so, who the named agents are for each document.

(t) Whether the proposed guardian has filed for or received protection under the federal bankruptcy laws within the immediately preceding 7 years.

3. Before the court makes a finding pursuant to NRS 159.054, a petitioner seeking a guardian for a proposed adult ward must provide the court with an assessment of the needs of the proposed adult ward completed by a licensed physician which identifies the limitations of capacity of the proposed adult ward and how such limitations affect the ability of the proposed adult ward to maintain his or her safety and basic needs. The court may prescribe the form in which the assessment of the needs of the proposed adult ward must be filed.

**Sec. 5.** NRS 159.2025 is hereby amended to read as follows:

159.2025 If a guardian has been appointed in another state and a petition for the appointment of a guardian is not pending in this State, the guardian appointed in the other state, after giving notice to the appointing court of an intent to register and the reason for registration, may register the guardianship order in this State by filing as a foreign judgment in a court, in any appropriate county of this State:

1. Certified copies of the order and letters of office; and
2. A copy of the guardian's driver's license, passport , *tribal identification card* or other valid photo identification card in a sealed envelope.

**Sec. 6.** NRS 202.2493 is hereby amended to read as follows:

202.2493 1. A person shall not sell, distribute or offer to sell cigarettes, any smokeless product made or derived from tobacco or any alternative nicotine product in any form other than in an unopened package which originated with the manufacturer and bears any health warning required by federal law. A person who violates this subsection shall be punished by a fine of \$100 and a civil penalty of \$100. As used in this subsection, "smokeless product made or derived from tobacco" means any product that consists of

cut, ground, powdered or leaf tobacco and is intended to be placed in the oral or nasal cavity.

2. Except as otherwise provided in subsections 3, 4 and 5, it is unlawful for any person to sell, distribute or offer to sell cigarettes, cigarette paper, tobacco of any description, products made or derived from tobacco, vapor products or alternative nicotine products to any child under the age of 18 years. A person who violates this subsection shall be punished by a fine of not more than \$500 and a civil penalty of not more than \$500.

3. A person shall be deemed to be in compliance with the provisions of subsection 2 if, before the person sells, distributes or offers to sell to another, cigarettes, cigarette paper, tobacco of any description, products made or derived from tobacco, vapor products or alternative nicotine products, the person:

(a) Demands that the other person present a valid driver's license , ***tribal identification card*** or other written or documentary evidence which shows that the other person is 18 years of age or older;

(b) Is presented a valid driver's license , ***tribal identification card*** or other written or documentary evidence which shows that the other person is 18 years of age or older; and

(c) Reasonably relies upon the driver's license , ***tribal identification card*** or written or documentary evidence presented by the other person.

4. The employer of a child who is under 18 years of age may, for the purpose of allowing the child to handle or transport tobacco, products made or derived from tobacco, vapor products or alternative nicotine products, in the course of the child's lawful employment, provide tobacco, products made or derived from tobacco, vapor products or alternative nicotine products to the child.

5. With respect to any sale made by an employee of a retail establishment, the owner of the retail establishment shall be deemed to be in compliance with the provisions of subsection 2 if the owner:

(a) Had no actual knowledge of the sale; and

(b) Establishes and carries out a continuing program of training for employees which is reasonably designed to prevent violations of subsection 2.

6. The owner of a retail establishment shall, whenever any product made or derived from tobacco, vapor product or alternative nicotine product is being sold or offered for sale at the establishment, display prominently at the point of sale:

(a) A notice indicating that:

(1) The sale of cigarettes, other tobacco products, vapor products and alternative nicotine products to minors is prohibited by law; and

(2) The retailer may ask for proof of age to comply with this prohibition; and

(b) At least one sign that complies with the requirements of NRS 442.340.

↪ A person who violates this subsection shall be punished by a fine of not more than \$100.

7. It is unlawful for any retailer to sell cigarettes through the use of any type of display:

(a) Which contains cigarettes and is located in any area to which customers are allowed access; and

(b) From which cigarettes are readily accessible to a customer without the assistance of the retailer,

↪ except a vending machine used in compliance with NRS 202.2494. A person who violates this subsection shall be punished by a fine of not more than \$500.

8. Any money recovered pursuant to this section as a civil penalty must be deposited in a separate account in the State General Fund to be used for the enforcement of this section and NRS 202.2494.

**Sec. 7.** NRS 237.200 is hereby amended to read as follows:

237.200 1. Except as otherwise provided in subsection 2, with respect to any activity or transaction in which a local government accepts an identification card issued by the Department of Motor Vehicles to identify a person, the local government may also accept a consular identification card ***or tribal identification card*** to identify a person.

2. The provisions of subsection 1 apply only to the presentation of a consular identification card ***or tribal identification card*** for purposes of identification and do not convey an independent right to receive benefits of any type.

3. ***To be accepted pursuant to subsection 1 to identify a person, an identification card issued by a tribal government must contain:***

(a) ***The full legal name of the holder of the card;***  
 (b) ***The date of birth of the holder of the card;***  
 (c) ***A unique number assigned to the holder of the card;***  
 (d) ***A digital photograph of the full face of the holder of the card;***  
 (e) ***The address of the principal residence of the holder of the card;***  
 (f) ***A physical description of the holder of the card, including, without limitation, the height, weight, hair color and eye color of the holder of the card;***

(g) ***The usual signature of the holder of the card;***

(h) ***The date on which the card is issued; and***

(i) ***A reference to the tribal government which issued the card.***

4. As used in this section:

(a) “Consular identification card” means an identification card issued by a consulate of a foreign government, which consulate is located within the State of Nevada.

(b) “Identification card issued by the Department of Motor Vehicles” means an identification card of the type described in NRS 483.810 to 483.890, inclusive.

(c) “Local government” has the meaning ascribed to it in NRS 237.050.

(d) *“Tribal government” has the meaning ascribed to it in NRS 239C.105.*

(e) *“Tribal identification card” means an identification card issued by a tribal government which satisfies the requirements of subsection 3.*

**Sec. 8.** NRS 453.357 is hereby amended to read as follows:

453.357 1. A retail distributor shall maintain a logbook.

2. At the time of the sale or transfer of a product that is a precursor to methamphetamine, a retail distributor shall ensure that the following information is entered in the logbook:

- (a) The name of the product sold or transferred;
- (b) The quantity of the product sold or transferred;
- (c) The name and address of the purchaser or transferee;
- (d) The date and time of the sale or transfer; and
- (e) The type and number of the identification presented by the purchaser or transferee pursuant to paragraph (a) of subsection 3.

3. A retail distributor shall not sell or transfer a product that is a precursor to methamphetamine unless:

- (a) The prospective purchaser or transferee:

(1) Presents an identification card which provides a photograph and which is issued by the Federal Government, this State or any other state ~~or~~ ***or a tribal government***, or a document that, with respect to identification, is considered acceptable pursuant to 21 U.S.C. § 830(e)(1); and

- (2) Signs his or her name in the logbook.

- (b) The retail distributor:

(1) Determines that the name entered in the logbook corresponds to the name provided on the identification presented by the prospective purchaser or transferee; and

(2) Has consulted the real-time, stop sale system, if required pursuant to NRS 639.440.

4. The retail distributor must include in the logbook or otherwise post or provide to a prospective purchaser or transferee a notice that entering a false statement or representation in the logbook may subject the prospective purchaser or transferee to criminal penalties under state law, as set forth in NRS 453.359, and under federal law, as set forth in 18 U.S.C. § 1001.

5. A retail distributor shall maintain each entry in the logbook for not less than 2 years after the date on which the entry is made.

6. A retail distributor shall not access, use or share the information in the logbook unless the accessing, using or sharing of the information is allowed by federal law or unless the purpose of accessing, using or sharing the information is to ensure compliance with this chapter or to facilitate a product recall to protect the health and safety of the public.

7. Upon a request, which is made for the purpose of enforcing the provisions of NRS 453.352 to 453.359, inclusive, or 639.400 to 639.450, inclusive, by a law enforcement agency of this State or a political subdivision thereof or a law enforcement agency of the Federal Government, a retail



distributor shall disclose the information in the logbook to the law enforcement agency.

**Sec. 9.** NRS 476.220 is hereby amended to read as follows:

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

(a) Black powder to a person under the age of 18 years; or

(b) Smokeless gunpowder to a person:

(1) Under the age of 18 years; or

(2) Under the age of 21 years, if the smokeless gunpowder is intended for use other than in a rifle or shotgun,

↪ is guilty of a misdemeanor and shall be punished by a fine of not more than \$500.

2. A person shall be deemed to be in compliance with the provisions of subsection 1 if, before the person distributes black powder or smokeless gunpowder to another person, the person:

(a) Asks the other person to declare the intended use for the black powder or smokeless gunpowder;

(b) Demands that the other person present a valid driver's license , ***tribal identification card*** or other written or documentary evidence which shows that the other person meets the appropriate age requirement set forth in subsection 1;

(c) Is presented a valid driver's license , ***tribal identification card*** or other written or documentary evidence which shows that the other person meets the appropriate age requirement set forth in subsection 1; and

(d) Reasonably relies upon the declaration of intended use by the other person and the driver's license , ***tribal identification card*** or other written or documentary evidence presented by the other person.

3. As used in this section [~~“distribute”~~]:

(a) ***“Distribute”*** has the meaning ascribed to it in NRS 476.010.

(b) ***“Tribal identification card” means an identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006.***

**Sec. 10.** Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

***1. If a business accepts a driver's license or identification card issued by the Department of Motor Vehicles for the purpose of identifying a customer, the business shall not refuse to accept a tribal identification card for the same purpose ~~but~~ unless the business reasonably determines that a federal law or regulation requires the use of a different form of identification.***

***2. As used in this section, “tribal identification card” means an identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006.***

**Sec. 11.** NRS 597.940 is hereby amended to read as follows:

597.940 1. Except as otherwise provided in this subsection, a business shall not, without the customer's consent, record the account number of any of a customer's credit cards on the customer's check or draft as a condition of accepting that check or draft. This subsection does not prohibit:

(a) The business from requiring the customer to produce reasonable forms of positive identification other than a credit card, including, without limitation:

(1) A driver's license;

(2) An identification card issued by the Department of Motor Vehicles;

~~for~~

(3) ***A tribal identification card; or***

(4) A consular identification card,

↪ as a condition of accepting a check or draft.

(b) The business from requesting the customer to display a credit card as an indicia of creditworthiness or financial responsibility, if the only information recorded by the business concerning the credit card is the type of credit card displayed, the issuer of the card and the date the card expires.

(c) The business from requesting the customer to record the account number of his or her credit card on the check or draft with which payment on the credit card account is being made.

(d) The business from requesting the production of or recording of the account number of a credit card as a condition of cashing a check or draft if:

(1) The business has agreed with the issuer of the credit card to cash the checks or drafts as a service to the cardholders of the issuer;

(2) The issuer has agreed to guarantee any such check or draft so cashed; and

(3) The cardholder has given actual, apparent or implied authority for the use of his or her account number for this purpose.

2. Except as otherwise provided in this subsection, a business shall not, without the customer's consent, record a customer's telephone number on the credit card sales slip as a condition of accepting his or her credit card. This subsection does not:

(a) Prohibit the recordation of personal identifying information required for a special purpose incidental to the use of the credit card, such as the delivery, shipping, servicing or installation of the purchased merchandise.

(b) Apply to a transaction in which the customer receives a cash advance against his or her credit card or to a transaction involving the use of preprinted spaces for personal identifying information that the business accepting the credit card has a contractual obligation to record in order to complete the transaction.

(c) Apply to a transaction in which the customer's purchase is made by the use of a device that electronically authorizes the use of the credit card and processes information relating thereto.

3. As used in this section, unless the context otherwise requires:

(a) "Consular identification card" means an identification card issued by a consulate of a foreign government, which consulate is located within the State of Nevada.

(b) "Credit card" has the meaning ascribed to it in NRS 205.630.

(c) "Identification card issued by the Department of Motor Vehicles" means an identification card of the type described in NRS 483.810 to 483.890, inclusive.

(d) ***"Tribal identification card" means an identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006.***

**Sec. 12.** NRS 643.184 is hereby amended to read as follows:

643.184 A person who is required to display a license issued pursuant to the provisions of this chapter shall, upon the request of an authorized representative of the Board, provide to that representative identification in the form of a driver's license or identification card with a photograph that has been issued by a state, the District of Columbia or the United States ~~or~~ ***or a tribal identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006.***

**Sec. 13.** NRS 644.208 is hereby amended to read as follows:

644.208 1. The Board shall admit to examination as a hair braider, at any meeting of the Board held to conduct examinations, each person who has applied to the Board in proper form and paid the fee, and who:

(a) Is not less than 18 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(d) Has successfully completed the 10th grade in school or its equivalent and has submitted to the Board a notarized affidavit establishing the successful completion by the applicant of the 10th grade or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

(e) If the person has not practiced hair braiding previously:

(1) Has completed a minimum of 250 hours of training and education as follows:

(I) Fifty hours concerning the laws of Nevada and the regulations of the Board relating to cosmetology;

(II) Seventy-five hours concerning infection control and prevention and sanitation;

(III) Seventy-five hours regarding the health of the scalp and the skin of the human body; and

(IV) Fifty hours of clinical practice; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644.248.

(f) If the person has practiced hair braiding in this State on a person who is related within the sixth degree of consanguinity without a license and without charging a fee:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year on such a relative; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644.248.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are 2 by 2 inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license or identification card issued to the applicant by this State or another state, the District of Columbia or any territory of the United States ~~{ }~~ ***or a tribal identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006;***

(2) The birth certificate of the applicant; or

(3) The current passport issued to the applicant.

**Sec. 14.** NRS 644.209 is hereby amended to read as follows:

644.209 1. The Board shall admit to examination as a hair braider, at any meeting of the Board held to conduct examinations, each person who has practiced hair braiding in another state, has applied to the Board in proper form and paid a fee of \$200, and who:

(a) Is not less than 18 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(d) Has successfully completed the 10th grade in school or its equivalent and has submitted to the Board a notarized affidavit establishing the successful completion by the applicant of the 10th grade or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

(e) If the person has practiced hair braiding in another state in accordance with a license issued in that other state:

(1) Has submitted to the Board proof of the license; and

(2) Has passed the written tests described in NRS 644.248.

(f) If the person has practiced hair braiding in another state without a license and it is legal in that state to practice hair braiding without a license:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644.248.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are 2 by 2 inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license or identification card issued to the applicant by this State or another state, the District of Columbia or any territory of the United States ~~[ ]~~ ***or a tribal identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006;***

(2) The birth certificate of the applicant; or

(3) The current passport issued to the applicant.

**Sec. 15.** This act becomes effective on July 1, 2017.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 740 to Assembly Bill No. 415.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment allows certain types of businesses to decline tribal identification if it is reasonably determined that a federal law or regulation requires the use of a different form of identification.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 461.

The following Senate amendment was read:

Amendment No. 739.

SUMMARY—Designates ~~[the third week of January as]~~ “Peace Week” in the State of Nevada. (BDR 19-1037)

AN ACT relating to days of observance; designating ~~[the third week in January as]~~ “Peace Week” in the State of Nevada; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law sets forth certain days of observance in the State of Nevada to commemorate certain persons or occasions or to publicize information regarding certain important topics. (Chapter 236 of NRS) This bill designates the ~~[third]~~ week in January **that begins with Martin Luther King, Jr. Day and concludes the following Saturday** as “Peace Week” in the State of Nevada and requires the Governor to issue annually a proclamation encouraging the observance of “Peace Week.”

WHEREAS, The provisions of this act require the State of Nevada to recognize “Peace Week” commencing on the day on which Martin Luther King, Jr. Day is observed and concluding the following Saturday; and

WHEREAS, “Peace Week” is designed to foster a statewide movement for a culture of peace and is recognized as an opportunity for the residents of this State to mark individual and organizational progress toward building such a culture; and

WHEREAS, “Peace Week” will serve as a reminder to the residents of this State of our permanent commitment to peace; and

WHEREAS, Peace education provided as part of “Peace Week” should be focused on helping students understand and manage conflict in their own lives and, from a greater perspective, learn how peace is fostered locally, statewide, nationally and internationally; and

WHEREAS, The activities of “Peace Week” are designed to empower the residents and visitors of this State to create and foster peace in each person’s own life and in the lives of those around us; and

WHEREAS, “Peace Week” in the State of Nevada encourages all residents of this State to take part in activities that contribute to the creation of a more peaceful, compassionate, knowledgeable and unified State and world; now, therefore,

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

**Section 1.** Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. ~~The third~~ week of January that begins with Martin Luther King, Jr. Day and concludes the following Saturday is designated as “Peace Week” in the State of Nevada.**

**2. The Governor shall issue annually a proclamation encouraging the observance of “Peace Week” which must:**

**(a) Call upon the news media, educators, business and labor leaders and appropriate governmental officers to bring to the attention of the residents of this State the importance of promoting a culture of peace in this State and around the world;**

**(b) Encourage schools, individuals, businesses, community organizations and faith-based organizations to participate in the observance of a minute of silence for peace to be observed at noon on the second day of “Peace Week”;**

**(c) Encourage schools, community organizations and faith-based organizations to offer peace education addressing ways in which persons can:**

**(1) Build bridges between polarized groups;**

**(2) Heal community wounds and relationships; and**

**(3) Advance the science of peace and teach the children of this State to live compassionately;**

**(d) Encourage residents of this State to:**

**(1) Engage in quiet reflection;**

- (2) *Volunteer at local community-oriented nonprofit organizations;*
- (3) *Commit to more peaceful in-home communications;*
- (4) *Share time with and devote energy to a person in need of support;*
- and
- (5) *Learn about a local or global issue relating to people or the environment; and*
- (e) *Promote participation in or the planning of community-wide activities, including, without limitation:*
  - (1) *Assemblies and rallies for peace;*
  - (2) *Marathons and walks for peace;*
  - (3) *Competitions of written, artistic and other creative expressions focused on promoting peace; and*
  - (4) *The wearing or displaying of symbols of peace.*

**Sec. 2.** This act becomes effective upon passage and approval.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 739 to Assembly Bill No. 461.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment clarifies that Peace Week commences on the day on which Martin Luther King Day is observed and concludes the following Saturday.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 77.

The following Senate amendment was read:

Amendment No. 849.

AN ACT relating to education; revising provisions governing the membership of the English Mastery Council; revising provisions concerning reporting and monitoring of criminal cases and actions taken pursuant to criminal convictions of certain charter school employees and applicants for employment; revising provisions relating to the suspension of a license to teach; revising provisions relating to the qualifications for the issuance of a license to teach middle school, junior high school education or secondary education; revising provisions relating to reciprocal licensure; providing that teachers and other educational personnel may obtain a license to teach pupils in a program of early childhood education; revising provisions governing the assignment of certain teachers and administrators; revising provisions governing the Commission on Professional Standards in Education; requiring that any cost associated with employing a substitute teacher while a teacher who is a member of certain councils or commissions attends meetings must be paid by certain persons or governmental entities; transferring, from the State Board of Education to the Commission on Professional Standards in Education, responsibility for prescribing standards for approval of a course of study or training offered by an educational institution to qualify a person to

be a teacher or administrator or perform other educational functions; authorizing the Department of Education to waive certain fees for licensure for certain veterans and members of the Armed Forces and their spouses; requiring each school district to submit to the Department the overall performance rating for each licensed employee employed by the district; **revising provisions relating to professional development training;** authorizing the Department to charge and collect certain fees for the monitoring of certain criminal cases; authorizing the Department to charge and collect a fee to review certain information submitted by a prospective applicant for licensure; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 21** of this bill adds a license to teach pupils in a program of early childhood education to the kinds of licenses available for teachers and other educational personnel. **Section 21** also removes language specifying the particular grades the holder of a license to teach middle school or junior high school may teach and instead authorizes such a person to teach in any middle school or junior high school. **Section 24** of this bill increases the minimum amount of the fee that the Commission on Professional Standards in Education may impose for the issuance or renewal of a license to teach. **Section 24** authorizes the Department of Education to waive this fee for veterans of the Armed Forces, members of the Armed Forces who are on active duty and the spouses of such veterans and members of the Armed Forces.

**Section 13** of this bill authorizes the Department of Education to charge and collect a fee to: (1) review information pertaining to a person's qualifications for a license to teach or perform other educational functions; and (2) provide feedback to the person concerning whether the information submitted indicates that the person may satisfy one or more of the requirements for the issuance of a license and, if so, the kind of license for which the person may be eligible.

**Section 13** requires any such fee that is collected to be applied toward the fee prescribed for the issuance of a license if the Department determines from the information submitted that the person satisfies the requirements for the issuance of a license. Existing law creates the English Mastery Council and requires the Council to include two members who hold a master's degree to teach English as a second language and meet certain other criteria. (NRS 388.409) **Section 1.7** of this bill provides that these two members may hold an endorsement to teach English as a second language instead of holding a master's degree.

Existing law requires the Department to adopt regulations that establish a procedure for the notification, tracking and monitoring of the status of criminal cases involving licensed educational personnel. (NRS 391.055) **Section 4** of this bill requires the Department to adopt regulations that establish a similar procedure for the notification, tracking and monitoring of



the status of criminal cases involving teachers and administrators who are employed by a charter school but are not licensed.

Existing law requires the board of trustees of each school district and the governing body of each charter school to adopt a policy which requires a licensed employee of the school district or charter school to report to the school district or charter school if the employee is arrested for or convicted of a crime. (NRS 391.056) **Section 5** of this bill requires the governing body of a charter school to adopt a similar policy regarding a teacher or administrator who is not licensed but who is employed by a charter school as a teacher or administrator.

Existing law requires the superintendent of schools of each school district and the administrative head of each charter school to submit certain information relating to the arrest of a licensed employee to the Department. (NRS 391.057) **Section 6** of this bill requires the administrative head of each charter school to submit information relating to the arrest of an unlicensed teacher or administrator to the Department.

Existing law provides immunity from civil or criminal liability for any person who makes a report, causes or conducts an investigation, or submits information relating to a licensed employee who is arrested for or convicted of a crime. (NRS 391.059) **Section 7** of this bill extends this immunity from liability to every person who makes a report, causes or conducts an investigation or submits information relating to an unlicensed teacher or administrator who is arrested for or convicted of a crime.

Existing law authorizes the State Board of Education, after notice and an opportunity for a hearing, to suspend or revoke the license of any teacher, administrator or other licensed employee under certain circumstances, including, without limitation, conviction of the teacher, administrator or other licensed employee of a felony, a crime involving moral turpitude or certain sex offenses. (NRS 391.330) **Section 8** of this bill requires the governing body of a charter school to terminate the employment of any teacher or administrator who is employed by the charter school but is not licensed upon conviction of a felony, a crime involving moral turpitude or certain sex offenses.

**Section 26** of this bill provides that the board of trustees of a school district need only seek to obtain the consent of a principal before transferring certain teachers or administrators to a school. **Section 26** also requires the superintendent of a school district to submit the plan to address the assignment of certain teachers and administrators to the State Board of Education. **Sections 10 and 27** of this bill authorize the Superintendent of Public Instruction to prescribe the date by which each charter school and school district must submit certain information regarding licensed employees employed by the governing body of the charter school or the school district during that year.

**Section 27** requires the information submitted by a school district to include the overall performance rating of each licensed employee employed by the school district.

Existing law provides that if an employee's license lapses during a time that school is in session, a certain period must pass before the employee is suspended from employment. (NRS 391.3015) **Section 29** of this bill provides that if the Superintendent denies an application for renewal of a license, the licensee may be suspended immediately.

Under existing law, the membership of the Advisory Council on Parental and Family Engagement, the Commission on Professional Standards in Education, the Teachers and Leaders Council of Nevada and the Statewide Council for the Coordination of the Regional Training Programs includes one or more members who are teachers. (NRS 385.610, 391.015, 391.455, 391A.130) **Section 1** of this bill provides that any costs associated with employing a substitute teacher while a member who is a teacher attends a meeting of the Advisory Council ~~is~~ **must be paid by** the school district or charter school that employs the member. ~~is responsible for such costs.~~ **Sections 18, 30 and 31** of this bill also require the school district or charter school that employs the teacher to pay the cost associated with employing a substitute needed for a teacher to serve on one of the other bodies but also allow the organization that submitted the name of the member to the Governor for appointment to pay the cost.

**Sections 15-17** of this bill revise provisions governing the membership, terms and officers of the Commission on Professional Standards in Education.

Existing law requires the Commission on Professional Standards in Education to adopt regulations governing examinations for the initial licensing of teachers and authorizes the Commission to provide an exemption from such examinations for teachers and other educational personnel from another state under certain circumstances. (NRS 391.021, 391.032) **Section 19** of this bill requires the regulations establishing these qualifications to require an applicant for a license to teach middle school, junior high school or high school to demonstrate proficiency in a field of specialization or area of concentration by successfully completing certain course work or passing a subject matter competency examination prescribed by the Department. **Sections 19, 20, 22 and 25.5** of this bill revise provisions governing initial licensure for teachers and educational personnel from other states who obtain a reciprocal license.

**Section 23.3** of this bill transfers, from the State Board to the Commission on Professional Standards in Education, responsibility for prescribing standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or perform other educational functions. **Sections 23.5 and 25.7** of this bill make conforming changes.

Existing law requires the board of trustees of each school district and the governing body of each charter school to ensure that teachers and administrators have access to certain professional development training. (NRS 391A.370) Section 31.7 of this bill requires the State Board to adopt regulations prescribing standards for the professional development training provided to teachers and administrators employed by a school district or charter school. Section 33.2 of this bill requires the State Board to consider the findings and recommendations made by the Advisory Task Force on Educator Professional Development when adopting such regulations.

Existing law requires the board of trustees of each school district to submit an annual report that includes certain information regarding professional development for the immediately preceding year. (NRS 391A.205) Section 31.5 of this bill requires the State Board to prescribe by regulation the contents of this report.

Existing law creates regional training programs for the professional development of teachers and administrators and requires the governing body of each regional training program to submit an annual report. (NRS 391A.190) Section 31.3 of this bill requires this report to evaluate whether the training included certain standards of content and performance, curriculum, instruction and pedagogy. Section 31.3 also requires the information reported by the regional training program to be aggregated for each regional training program and disaggregated by each school district served by the program.

Section 33.5 of this bill repeals a provision requiring the Superintendent of Public Instruction to file with the clerk of the board of trustees of each school district a directory of all teachers and other educational personnel who are entitled to draw salaries from the county school district fund. **Section 1.5** of this bill makes a conforming change.

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

**Section 1.** NRS 385.610 is hereby amended to read as follows:

385.610 1. The Superintendent of Public Instruction shall establish an Advisory Council on Parental Involvement and Family Engagement. The Advisory Council is composed of 11 members.

2. The Superintendent of Public Instruction shall appoint the following members to the Advisory Council:

- (a) Two parents or legal guardians of pupils enrolled in public schools;
- (b) Two teachers in public schools;
- (c) One administrator of a public school;
- (d) One representative of a private business or industry;
- (e) One member of the board of trustees of a school district in a county whose population is 100,000 or more;

(f) One member of the board of trustees of a school district in a county whose population is less than 100,000; and

(g) One member who is the President of the Board of Managers of the Nevada Parent Teacher Association or its successor organization, or a designee nominated by the President.

➡ The Superintendent of Public Instruction shall, to the extent practicable, ensure that the members the Superintendent appoints to the Advisory Council reflect the ethnic, economic and geographic diversity of this State.

3. The Speaker of the Assembly shall appoint one member of the Assembly to the Advisory Council.

4. The Majority Leader of the Senate shall appoint one member of the Senate to the Advisory Council.

5. The Advisory Council shall elect a Chair and Vice Chair from among its members. The Chair and Vice Chair serve a term of 1 year.

6. After the initial terms:

(a) The term of each member of the Advisory Council who is appointed by the Superintendent of Public Instruction is 3 years.

(b) The term of each member of the Advisory Council who is appointed by the Speaker of the Assembly and the Majority Leader of the Senate is 2 years.

7. The Department shall provide:

(a) Administrative support to the Advisory Council; and

(b) All information that is necessary for the Advisory Council to carry out its duties.

8. For each day or portion of a day during which a member of the Advisory Council who is a Legislator attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council, except during a regular or special session of the Legislature, the member is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

➡ The compensation, per diem allowances and travel expenses of the legislative members of the Advisory Council must be paid from the Legislative Fund.

9. A member of the Advisory Council who is not a Legislator is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which the member attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council. The per diem allowance and travel expenses for the members of the Advisory Council who are not Legislators must be paid by the Department.

**10. Any costs associated with employing a substitute teacher while a member of the Advisory Council who is a teacher attends a meeting of the**

***Advisory Council must be paid by the school district or charter school that employs the member.***

**Sec. 1.5.** NRS 387.310 is hereby amended to read as follows:

387.310 1. Except as otherwise provided by the board of trustees, the clerk of the board shall draw all orders for the payment of money belonging to the school district. The orders must be listed on cumulative voucher sheets.

2. The board of trustees shall prescribe the procedures by which the orders must be approved and the cumulative voucher sheets signed. The procedures must provide:

(a) That the approval of the board of trustees is required before orders are paid unless a payment must be expedited for the school district to:

(1) Receive a discount or other savings which is related to the timeliness of payment;

(2) Avoid a service charge or other cost which is related to the timeliness of payment; or

(3) Abide by a purchase order, contract or other order for payment which has been approved by the board of trustees at a public meeting.

(b) For ratification by the board of trustees at its next regularly scheduled meeting of any payment that is made without the approval of the board pursuant to an exception set forth in paragraph (a).

3. When the orders have been approved and the cumulative voucher sheets have been signed in accordance with such procedures, the orders are valid vouchers in the hands of the county auditor for the county auditor to issue warrants on the county treasurer to be paid out of money belonging to the school district.

4. No order in favor of the board of trustees or any member thereof, except for salaries as required by NRS 386.320 or travel expenses and subsistence as authorized by NRS 386.290, may be drawn.

5. ~~No order for salary for any teacher may be drawn unless the teacher is included in the directory of teachers supplied to the clerk of the board of trustees pursuant to the provisions of NRS 391.045.~~

~~6.]~~ An order drawn by a clerk of a board of trustees pursuant to subsection 1 is void if not presented for payment within 1 year after the date of issuance.

~~7.]~~ 6. Any order remaining unpaid after the expiration of 1 year, whether outstanding or uncalled for in the office of the county auditor, must be cancelled by the county auditor, who shall immediately notify the county treasurer of the cancellation. The county treasurer shall not pay a warrant presented for payment more than 1 year after the date of issuance of such an order. This subsection does not apply if the board of trustees establishes and administers a separate account pursuant to NRS 354.603.

**Sec. 1.7.** NRS 388.409 is hereby amended to read as follows:

388.409 1. The English Mastery Council is hereby created. The English Mastery Council consists of the following 16 members:

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the English Mastery Council.

(b) Two members who have knowledge and expertise in language acquisition and who represent the Nevada System of Higher Education, appointed by the Chancellor of the Nevada System of Higher Education.

(c) Two members who are teachers at public schools in this State, hold a master's degree to teach English as a second language *or an endorsement to teach English as a second language* and have knowledge and expertise in providing instruction to pupils who are limited English proficient, appointed by the Governor from a list of nominees submitted by the Nevada State Education Association, or its successor organization. The Governor shall ensure that the members appointed pursuant to this paragraph represent the geographic and ethnic diversity of this State.

(d) Two members who are parents or legal guardians of pupils who are limited English proficient, one of whom is appointed by the Governor from a list of nominees submitted by the Speaker of the Assembly and one of whom is appointed by the Governor from a list of nominees submitted by the Majority Leader of the Senate. The Governor shall ensure that the members appointed pursuant to this paragraph represent the geographic and ethnic diversity of this State. The Nevada Parent Teacher Association shall submit a list of names of persons that the Association would recommend for inclusion on the list of nominees submitted by the Speaker of the Assembly and the Majority Leader of the Senate.

(e) Two members who are school-level administrators, one of whom is employed by a school district in a county whose population is 100,000 or more and one of whom is employed by a school district in a county whose population is less than 100,000, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators.

(f) Two members who are school-district-level administrators, one of whom is employed by a school district in a county whose population is 100,000 or more and one of whom is employed by a school district in a county whose population is less than 100,000, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators.

(g) One member who is a member of a board of trustees of a school district, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Boards.

(h) Two members who are representatives of the general public, private business and industry in this State or nonprofit organizations and who have been leaders in education reform related to pupils who are limited English proficient, appointed by the Governor.

(i) Two members with expertise in the development of public policy relating to the education of pupils who are limited English proficient, appointed by the Superintendent of Public Instruction upon the advice and

recommendation of persons who have knowledge and expertise in providing instruction to pupils who are limited English proficient.

2. Each appointed member of the English Mastery Council serves a term of 2 years and may be reappointed to additional terms.

3. A vacancy on the English Mastery Council must be filled in the same manner as the original appointment.

4. The English Mastery Council shall, at its first meeting and annually thereafter, elect a Chair from among its members.

5. The English Mastery Council shall meet at least quarterly and may meet at other times upon the call of the Chair.

6. Members of the English Mastery Council serve without compensation, except that for each day or portion of a day during which a member of the Council attends a meeting of the Council or is otherwise engaged in the business of the Council, the member is entitled to receive the per diem allowances and travel expenses provided for state officers and employees generally.

7. A member of the English Mastery Council who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Council without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

8. The English Mastery Council may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to NRS 388.411.

9. The Department shall provide administrative support to the English Mastery Council.

**Sec. 2.** Chapter 388A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 8, inclusive, of this act.

**Sec. 3.** *As used in sections 3 to 8, inclusive, of this act, "arrest" has the meaning ascribed to it in NRS 171.104.*

**Sec. 4. 1.** *The Department shall adopt regulations that establish a procedure for the notification, tracking and monitoring of the status of criminal cases involving teachers and administrators who are employed by a charter school but are not licensed pursuant to chapter 391 of NRS. The procedure must include, without limitation:*

*(a) The method by which the administrative head of a charter school must notify the Department in a timely manner of the arrest of such an employee if:*

*(1) The act for which the employee is arrested:*

*(I) May be a ground for the suspension or revocation of a person's license pursuant to NRS 391.330; and*

*(II) Is not excluded by the Department from the notification requirements of this section; and*

*(2) The charter school has knowledge of the arrest.*

*(b) The method by which the administrative head of a charter school must notify the Department in a timely manner of:*

*(1) Each action, if any, taken against the employee by the charter school after the arrest; and*

*(2) The conviction of the employee, if the employee is convicted of the act for which he or she was arrested.*

*(c) The steps the Department must follow in response to the receipt of notice pursuant to this section, including, without limitation, the preparation of a separate file on the employee for the documentation and monitoring of the status of the case.*

*2. Each file that is maintained on an employee pursuant to subsection 1 must include, without limitation:*

*(a) The date on which the employee was arrested and the date on which the Department received notice of the arrest from the charter school;*

*(b) The reason why the employee was arrested;*

*(c) The steps taken by the Department in response to all notices received by the Department from a charter school pursuant to subsection 1; and*

*(d) The final resolution of the case and the date of resolution.*

*3. If the Department maintains a file on an employee pursuant to this section and the employee is not convicted of an offense, the file and any related documents must not be made a part of that employee's permanent employment record.*

*4. The Department may prescribe a fee to be assessed against a charter school for the costs incurred by the Department for tracking and monitoring the status of a criminal case in accordance with the requirements prescribed pursuant to this section. Any fee prescribed pursuant to this section must be calculated to produce the revenue estimated to cover the costs related to tracking and monitoring the status of a criminal case, but the amount of the fee for tracking and monitoring the status of a criminal case must not exceed the actual cost to the Department of tracking and monitoring the status of the criminal case.*

*Sec. 5. The governing body of each charter school shall adopt a policy which requires a person who is employed by the charter school as a teacher or administrator but who is not licensed pursuant to chapter 391 of NRS to report to the charter school if the employee is arrested for or convicted of a crime. The policy must include, without limitation, an identification of:*

*1. The crimes for which an arrest or conviction must be reported;*

*2. The person to whom the report must be made; and*

*3. The time period after the arrest or conviction in which the report must be made.*

*Sec. 6. The administrative head of each charter school shall submit all information required by the Department pursuant to section 4 of this act within the period prescribed by the Department.*

*Sec. 7. Immunity from civil or criminal liability extends to every person who, pursuant to sections 3 to 8, inclusive, of this act, in good faith:*



1. *Participates in the making of a report;*
2. *Causes or conducts an investigation of a person who is employed by the charter school as a teacher or administrator who is not licensed pursuant to chapter 391 of NRS and who is arrested; or*
3. *Submits information to the Department concerning a person who is employed by the charter school as a teacher or administrator, who is not licensed pursuant to chapter 391 of NRS and who is arrested.*

**Sec. 8.** *The governing body of a charter school shall terminate the employment of any teacher or administrator who is employed by the charter school but is not licensed pursuant to chapter 391 of NRS upon his or her conviction of a:*

1. *Felony or crime involving moral turpitude; or*
2. *Sex offense pursuant to NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560.*

**Sec. 9.** NRS 388A.515 is hereby amended to read as follows:

388A.515 1. Each applicant for employment with a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the governing body of the charter school a complete set of the applicant's fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

2. If the reports on the criminal history of an applicant indicate that the applicant has not been convicted of a ~~[felony or an offense involving moral turpitude]~~ **crime listed in section 8 of this act**, the governing body of the charter school may employ the applicant.

3. If a report on the criminal history of an applicant indicates that the applicant has been convicted of a felony or an offense involving moral turpitude and the governing body of the charter school does not disqualify the applicant from further consideration of employment on the basis of that report, the governing body shall, upon the written authorization of the applicant, forward a copy of the report to the Superintendent of Public Instruction. If the applicant refuses to provide his or her written authorization to forward a copy of the report pursuant to this subsection, the charter school shall not employ the applicant.

4. ~~[The]~~ **Not later than 15 days after receiving a report on the criminal history of an applicant, the** Superintendent of Public Instruction or the Superintendent's designee shall ~~[promptly]~~ review the report to determine whether the conviction of the applicant is related or unrelated to the position with the charter school for which the applicant has applied. If the applicant desires employment with the charter school, the applicant shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the

designee determines is necessary to make the determination. If the governing body of the charter school desires to employ the applicant, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant and to the governing body of the charter school.

5. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant is related to the position with the charter school for which the applicant has applied, the governing body of the charter school shall not employ the applicant. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant is unrelated to the position with the charter school for which the applicant has applied, the governing body of the charter school may employ the applicant for that position.

**Sec. 10.** NRS 388A.524 is hereby amended to read as follows:

388A.524 1. A charter school shall not employ a person pursuant to NRS 388A.518 or 388A.521 if the person's license to teach or provide other educational services has been revoked or suspended in this State or another state.

2. ~~{On or before November 15 of each year, a}~~ A charter school shall ***annually, on or before the date prescribed by the Superintendent of Public Instruction***, submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each person who is licensed pursuant to chapter 391 of NRS and who is employed by the governing body ~~{on October 1 of}~~ ***during*** that year:

(a) The amount of salary or compensation of the licensed person, including, without limitation, verification of compliance with subsection 2 of NRS 388A.521, if applicable to that person; and

(b) The designated assignment, as that term is defined by the Department, of the licensed person.

**Sec. 11.** NRS 388A.533 is hereby amended to read as follows:

388A.533 1. All employees of a charter school shall be deemed public employees.

2. ~~{The}~~ ***Except as otherwise provided in section 8 of this act, the*** governing body of a charter school may make all decisions concerning the terms and conditions of employment with the charter school and any other matter relating to employment with the charter school. In addition, the governing body may make all employment decisions with regard to its employees pursuant to NRS 391.650 to 391.830, inclusive, unless a collective bargaining agreement entered into by the governing body pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.

3. Upon the request of the governing body of a charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the school district and any disciplinary action taken by the school district against the licensed employee.

**Sec. 12.** Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

**Sec. 13. 1. *The Department may charge and collect a fee of \$50 to review information pertaining to and provide feedback concerning a person's qualifications for a license to teach or perform other educational functions, including, without limitation, records from a college or other educational institution and scores on examinations administered pursuant to the regulations adopted by the Commission, before the person applies for such a license. Except as otherwise provided in subsection 4, the money received from the fee collected pursuant to this section must be deposited with the State Treasurer for credit to the appropriate account of the Department.***

**2. *Upon submission and payment of the fee prescribed pursuant to subsection 1, the Department shall review the information submitted pursuant to that subsection and provide feedback to a person concerning whether the information submitted by the person is indicative of whether the person appears to satisfy all or some of the requirements for the issuance of a license and, if so, the kind of license for which it appears the person may satisfy the requirements.***

**3. *The submission of information pursuant to subsection 1 or any feedback provided by the Department pursuant to subsection 2 is not a substitute for the application process prescribed by NRS 391.033 and does not confer upon any person a right to the issuance of a license.***

**4. *If the Department determines from the information submitted pursuant to subsection 1 that the person satisfies the requirements for the issuance of a license, the fee prescribed pursuant to subsection 1 must be applied toward the fee prescribed for the initial issuance of a license by the Commission pursuant to NRS 391.040.***

**Sec. 14.** (Deleted by amendment.)

**Sec. 15.** NRS 391.011 is hereby amended to read as follows:

391.011 1. The Commission on Professional Standards in Education, consisting of ~~nine~~ **eleven** members appointed by the Governor, is hereby created.

2. ~~Four~~ **Five** members of the Commission must be teachers who teach in the classroom as follows:

(a) One who **holds a license to teach secondary education and** teaches in a secondary school.

(b) One who ***holds a license to teach middle school or junior high school education and*** teaches in a middle school or junior high school.

(c) One who ***holds a license to teach elementary education and*** teaches in an elementary school.

(d) One who ***holds a license to teach special education and*** teaches special education.

(e) ***One who holds a license to teach pupils in a program of early childhood education and teaches in a program of early childhood education.***

3. The remaining members of the Commission must include:

(a) One ***school*** counselor , ~~{or}~~ psychologist , ***speech-language pathologist, audiologist, or social worker who is licensed pursuant to chapter 391 of NRS and*** employed by a school district ~~{-}~~ ***or charter school.***

(b) Two administrators of schools ~~{-at least one of whom must be-}~~ ***who are employed by a {principal of a school-} school district or charter school to provide administrative service at an individual school. Such administrators must not provide service at the district level.***

(c) The dean of the College of Education at one of the universities in the Nevada System of Higher Education, or a representative of one of the Colleges of Education nominated by such a dean for appointment by the Governor.

(d) One member who is ~~{a representative-}~~ ***the parent or legal guardian of {the general-} a pupil enrolled in a public {-} school.***

(e) ***One member who has expertise and experience in the operation of a business.***

4. ~~{The appointments of a counselor, the administrators and three-}~~ ***Three*** of the ~~{four teachers-}~~ ***five appointments made pursuant to subsection 2*** must be made from a list of names of at least three persons for each position that is submitted to the Governor ~~{-~~

~~{(a) For the counselor and teachers-}~~ by an employee organization representing the majority of ~~{counselors and the majority of-}~~ teachers in the State ~~{of Nevada-}~~ who teach in the educational level from which the appointment is being made . ~~{-or-}~~

~~{(b) For administrators, by an organization of administrators for schools in which the majority of administrators of schools in this State have membership-}~~

5. ~~{One member-}~~ ***The appointment made pursuant to:***

(a) ***Paragraph (a) of subsection 3 must be made from a list of names of at least three persons that is submitted to the {Commission who is a teacher, administrator, counselor or psychologist must be employed by a private school licensed pursuant to chapter 394 of NRS-} Governor by an employee organization representing the majority of school counselors, psychologists, speech-language pathologists, audiologists or social workers in this State who are not administrators.***

*(b) Paragraph (b) of subsection 3 must be made from a list of names of at least three persons for each position that is submitted to the Governor by the organization of administrators for schools in which the majority of administrators of schools in this State have membership.*

*(c) Paragraph (d) of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Parent Teacher Association or its successor organization.*

**Sec. 16.** NRS 391.013 is hereby amended to read as follows:

391.013 No member of the Commission ~~{who is a teacher, counselor, administrator or representative of the general public}~~ may serve more than two terms.

**Sec. 17.** NRS 391.015 is hereby amended to read as follows:

391.015 1. The Commission shall ***annually*** elect one of its members as President ~~{ }~~ ***and one of its members as Vice President***, to serve at the pleasure of the Commission.

2. The Superintendent of Public Instruction or the Superintendent's designee shall serve as the nonvoting Secretary to the Commission. The Secretary shall coordinate the activities of the Commission.

**Sec. 18.** NRS 391.017 is hereby amended to read as follows:

391.017 1. The Commission may meet at least once each month.

2. A majority of the Commission constitutes a quorum for the transaction of business.

3. The members of the Commission are entitled to the travel expenses and subsistence allowances provided by law for state officers and employees generally while attending meetings of the Commission.

***4. Any costs associated with employing a substitute teacher while a member of the Commission who is a teacher attends a meeting of the Commission must be:***

*(a) Paid by the school district or charter school that employs the member; or*

*(b) Reimbursed to the school district or charter school that employs the member by the organization that submitted the name of the member to the Governor for appointment pursuant to paragraph (a), (b) or (c) of subsection 5 of NRS 391.011.*

**Sec. 19.** NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission,

including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

**(2) *Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.***

**(3)** Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization, including, without limitation, an endorsement to teach English as a second language based upon the recommendations of the English Mastery Council pursuant to NRS 388.411.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without

limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(g) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a bachelor's degree, a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

(1) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(2) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

↪ An applicant for licensure pursuant to this paragraph who holds a bachelor's degree must submit proof of participation in a program of student teaching or mentoring or agree to participate in a program of mentoring or courses of pedagogy for the first 2 years of the applicant's employment as a teacher with a school district or charter school.

(h) Requiring an applicant for a special qualifications license to:

(1) Pass each examination required by **subsection 1 of** NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

(2) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the bachelor's degree, master's degree or doctoral degree held by the applicant.

(i) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the bachelor's degree, master's degree or doctoral degree held by that person.

(j) Providing for the issuance and renewal of a special qualifications license to an applicant who:

(1) Holds a bachelor's degree or a graduate degree from an accredited college or university in the field for which the applicant will be providing instruction;

(2) Is not licensed to teach public school in another state;

(3) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

(4) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of the applicant's employment as a teacher with a school district or charter school if the applicant holds a graduate degree or, if the applicant holds a bachelor's degree, submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring or courses of pedagogy for the first 2 years of his or her employment as a teacher with a school district or charter school.

➡ An applicant for licensure pursuant to this paragraph is exempt from each examination required by **subsection 1 of** NRS 391.021 if the applicant successfully passed the examination in another state.

(k) Prescribing course work on parental involvement and family engagement. The Commission shall work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

4. A person who is licensed pursuant to paragraph (g) or (j) of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if the person is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

**Sec. 20.** NRS 391.021 is hereby amended to read as follows:

391.021 **1.** Except as otherwise provided in paragraph (j) of subsection 1 of NRS 391.019 and NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The **regulations adopted by the Commission must ensure that the** examinations ~~must~~ test the ability of the applicant to teach and the applicant's knowledge of each specific subject he or she proposes to



teach. ~~Each~~ *Except as otherwise provided in subsection 2, teachers and educational personnel from another state who obtain a reciprocal license pursuant to NRS 391.032 are not required to take the examinations for the initial licensing of teachers and other educational personnel described in this subsection or any other examination for initial licensing required by the regulations adopted by the Commission.*

*2. Except as otherwise provided in subsection 3, in addition to the examinations for the initial licensing of teachers and other educational personnel governed by the regulations adopted by the Commission pursuant to subsection 1, an applicant for initial licensure must take and successfully pass an examination ~~must include~~ on the following subjects:*

~~{1-}~~ (a) The laws of Nevada relating to schools;

~~{2-}~~ (b) The Constitution of the State of Nevada; and

~~{3-}~~ (c) The Constitution of the United States.

~~{4-}~~ *3. The ~~provisions of this section do not prohibit the~~ Commission ~~from adopting~~ may adopt regulations ~~pursuant to subsection 2 of NRS 391.032 that~~ which provide ~~an exemption from the examinations for~~ that teachers and other educational personnel from another state ~~if the Commission determines that the examinations required for initial licensure for teachers and other educational personnel in that state are comparable to the examinations required for initial licensure in this State.~~ who obtain a reciprocal license pursuant to NRS 391.032 may obtain an exemption from the requirement to take the examination required by subsection 2.*

**Sec. 21.** NRS 391.031 is hereby amended to read as follows:

391.031 There are the following kinds of licenses for teachers and other educational personnel in this State:

*1. A license to teach pupils in a program of early childhood education, which authorizes the holder to teach in any program of early childhood education in the State.*

*2. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the State.*

~~{2-}~~ *3. A license to teach middle school or junior high school education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in ~~grades 7, 8 and 9 at~~ any middle school or junior high school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.*

~~{3-}~~ *4. A license to teach secondary education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in any secondary school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.*

~~{4-}~~ *5. A license to teach special education, which authorizes the holder to teach pupils with disabilities or gifted and talented pupils, or both.*

~~[5.]~~ 6. A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.

~~[6.]~~ 7. A special license designated as a special qualifications license, which authorizes the holder to teach only in the grades and subject areas designated in the license. A special qualifications license is valid for 3 years and may be renewed in accordance with the applicable regulations of the Commission adopted pursuant to paragraph (g) or (j) of subsection 1 of NRS 391.019.

**Sec. 22.** NRS 391.032 is hereby amended to read as follows:

391.032 1. Except as otherwise provided in NRS 391.027, the Commission shall:

(a) ~~[Consider and may adopt]~~ **Adopt** regulations which provide for the issuance of ~~[conditional]~~ **provisional** licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states including, without limitation, for the reciprocal licensure of persons who hold a license to teach special education. Such regulations must include, without limitation, provisions for the reciprocal licensure of persons who obtained a license pursuant to an alternative route to licensure which the ~~[Commission]~~ **Department** determines is as rigorous or more rigorous than the alternative route to licensure prescribed pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.

2. ~~[The regulations adopted pursuant to paragraph (b) of subsection 1 may provide an exemption from the examinations required for initial licensure for teachers and other educational personnel from another state if the Commission determines that the examinations required for initial licensure for teachers and other educational personnel in that state are comparable to the examinations required for initial licensure in this State.]~~

~~[3.]~~ A person who is issued a ~~[conditional]~~ **provisional** license must complete all courses of study and other requirements for a license in this State which is not ~~[conditional]~~ **provisional** within 3 years after the date on which a ~~[conditional]~~ **provisional** license is issued.

**Sec. 23.** NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application a complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal

history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection 7 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

4. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

5. A license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History:

(1) Do not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) Indicate that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

**6. *If the Superintendent denies an application pursuant to this section, the Superintendent must, within 15 days after the date on which the application is denied, provide notice of the denial to the school district or charter school that employs the applicant if the applicant is employed by a school district or charter school. Such notice must not state the reasons for denial.***

**Sec. 23.3.** NRS 391.037 is hereby amended to read as follows:

391.037 1. The ~~[State Board]~~ **Commission** shall:

(a) Prescribe by regulation the standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or to perform other educational functions. The regulations prescribed pursuant to this paragraph must include, without limitation, training on how to identify a pupil who is at risk for dyslexia or related disorders.

(b) Maintain descriptions of the approved courses of study required to qualify for endorsements in fields of specialization and provide to an applicant, upon request, the approved course of study for a particular endorsement.

2. Except for an applicant who submits an application for the issuance of a license pursuant to subparagraph (1) of paragraph (a) or paragraph (g) or (j) of subsection 1 of NRS 391.019, an applicant for a license as a teacher or administrator or to perform some other educational function must submit with his or her application, in the form prescribed by the Superintendent of

Public Instruction, proof that the applicant has satisfactorily completed a course of study and training approved by the ~~{State Board}~~ **Commission** pursuant to subsection 1.

**Sec. 23.5.** NRS 391.038 is hereby amended to read as follows:

391.038 1. The ~~{State Board}~~ **Commission**, in consultation with educational institutions in this State which offer courses of study and training for the education of teachers, the board of trustees of each school district in this State and other educational personnel, shall review and evaluate a course of study and training offered by an educational institution which is designed to provide the education required for:

- (a) The licensure of teachers or other educational personnel;
- (b) The renewal of licenses of teachers or other educational personnel; or
- (c) An endorsement in a field of specialization.

➤ If the course of study and training meets the requirements established by the ~~{State Board}~~ **Commission**, it must be approved by the ~~{State Board}~~ **Commission**. The ~~{State Board}~~ **Commission** shall not approve a course of study or training unless the course of study and training provides instruction, to the extent deemed necessary by the ~~{State Board}~~ **Commission**, in the standards of content and performance prescribed by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520.

2. The ~~{State Board}~~ **Commission** may review and evaluate such courses of study and training itself or may recognize a course of study and training approved by a national agency for accreditation acceptable to the ~~{Board}~~ **Commission**.

3. The ~~{State Board}~~ **Commission** shall adopt regulations establishing fees for the review by the ~~{Board}~~ **Commission** of a course of study and training submitted to the ~~{Board}~~ **Commission** by an educational institution.

4. The ~~{State Board}~~ **Commission**, in consultation with educational institutions in this State which offer courses of study and training for the education of teachers and other educational personnel, shall adopt regulations governing the approval by the ~~{State Board}~~ **Commission** of courses of study and training.

5. If the ~~{State Board}~~ **Commission** denies or withdraws its approval of a course of study or training, the educational institution is entitled to a hearing and judicial review of the decision of the ~~{State Board}~~ **Commission**.

**Sec. 23.7.** NRS 391.039 is hereby amended to read as follows:

391.039 1. The State Board shall, on an annual basis, evaluate each provider approved by ~~{the State Board or}~~ the Commission to offer a course of study or training designed to qualify a person to be a teacher or administrator or to perform other educational functions, including, without limitation, a qualified provider approved by the Commission pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019 to offer an alternative route to licensure. The evaluation must include, without limitation, for each provider, the number of persons:

(a) Who received a license pursuant to this chapter after completing the education, course of study or training offered by the provider; and

(b) Identified in paragraph (a) who are employed by a school district or a charter school in this State after receiving a license and information relating to the performance evaluations of those persons conducted by the school district or charter school. The information relating to the performance evaluations must be reported in an aggregated format and not reveal the identity of a person.

2. The Department shall post on its Internet website the evaluation conducted pursuant to subsection 1.

**Sec. 24.** NRS 391.040 is hereby amended to read as follows:

391.040 1. The Commission shall fix fees of not less than ~~[\$65]~~ **\$100** for the:

(a) Initial issuance of a license, which must include the fees for processing the fingerprints of the applicant by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation; and

(b) Renewal of a license, which must include the fees for processing the fingerprints of the applicant for renewal by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.

2. The fee for issuing a duplicate license is the same as for issuing the original.

3. The portion of each fee which represents the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant must be deposited with the State Treasurer for credit to the appropriate account of the Department of Public Safety. The remaining portion of the money received from the fees must be deposited with the State Treasurer for credit to the appropriate account of the Department of Education.

**4. *The Department of Education may waive any fee for the initial issuance of a license, the renewal of a license or the issuance of a duplicate license for an applicant or licensee who is a veteran of the Armed Forces of the United States, an applicant or licensee who is a member of the Armed Forces of the United States who is on active duty or an applicant or licensee who is the spouse of such a veteran or member of the Armed Forces of the United States.***

**Sec. 25.** (Deleted by amendment.)

**Sec. 25.5.** NRS 391.090 is hereby amended to read as follows:

391.090 1. ~~[Any]~~ ***Except as otherwise provided in subsection 3, any*** person who is:

(a) Granted a license to teach or perform other educational functions in the public schools of Nevada, in the school conducted at the Nevada Youth Training Center, the Caliente Youth Center or any other state facility for the detention of children that is operated pursuant to title 5 of NRS or for any program of instruction for kindergarten or grades 1 to 12, inclusive, conducted at any correctional institution in the Department of Corrections; or

(b) Charged with the duty at the Nevada Youth Training Center, the Caliente Youth Center or any other state facility for the detention of children that is operated pursuant to title 5 of NRS of giving instruction in the Constitution of the United States and the Constitution of the State of Nevada, ➡ must show, by examination or credentials showing college, university or normal school study, satisfactory evidence of adequate knowledge of the origin, history, provisions and principles of the Constitution of the United States and the Constitution of the State of Nevada.

2. The Commission may grant a reasonable time for compliance with the terms of this section.

**3. *The Department may waive the requirements of subsection 1 for a person who obtains a reciprocal license pursuant to NRS 391.032.***

**Sec. 25.7.** NRS 391.095 is hereby amended to read as follows:

391.095 1. A school district may enter into an agreement with a branch of the Nevada System of Higher Education or an accredited postsecondary educational institution which is licensed by the Commission on Postsecondary Education and which offers courses of study and training for the education of teachers which are approved or recognized by the ~~[State Board]~~ **Commission** pursuant to NRS 391.038, for the assignment of students for training purposes as student teachers, counselors or trainees in a library, or for experience in a teaching laboratory. Students so assigned within the school district for training purposes may, under the direction and supervision of a licensed teacher, instruct and supervise pupils in the school, on the school grounds or on authorized field trips. The students so assigned are employees of the school district for purposes of NRS 41.038 and 41.039, while performing such authorized duties, whether or not the duties are performed entirely in the presence of the licensed teacher.

2. As used in this section:

(a) “Accredited” has the meaning ascribed to it in NRS 394.006.

(b) “Postsecondary educational institution” has the meaning ascribed to it in NRS 394.099.

**Sec. 26.** NRS 391.102 is hereby amended to read as follows:

391.102 1. Notwithstanding the provisions of any collective bargaining agreement or contract of employment to the contrary, before the board of trustees of a school district may transfer a teacher or administrator who has received an evaluation designating his or her overall performance as minimally effective or ineffective to another school as a result of decreased enrollment, administrative transfer or a reduction in workforce at a public school, the board of trustees of the school district must ~~[obtain]~~ **seek** the consent of the principal of the school to which the teacher or administrator is proposed to be transferred. If such consent is not obtained, the superintendent of schools of the school district:

(a) May assign the teacher or administrator to a school within the district other than the school from which the teacher or administrator was transferred; and

(b) May assign the teacher or administrator to the school at which the principal did not consent to the transfer of the teacher or administrator.

2. The superintendent of schools of a school district shall develop *and submit to the State Board* a plan to address the assignment of teachers or administrators who have received evaluations designating their overall performance as minimally effective or ineffective when the consent of a principal to a transfer pursuant to subsection 1 is not obtained. Such a plan must include, without limitation, a plan for any such teacher or administrator to receive assistance to help the teacher or administrator, as applicable, meet the standards for effective teaching, which may include, without limitation, peer assistance and review, participation in programs of professional development and other appropriate training.

**Sec. 27.** NRS 391.120 is hereby amended to read as follows:

391.120 1. Boards of trustees of the school districts in this State may employ legally qualified teachers and other licensed personnel and may determine their salaries and the length of the term of school for which they are employed. These conditions and any other conditions agreed upon by the parties must be embodied in a written contract, or notice of reemployment, to be approved by the board of trustees and accepted and signed by the employee. A copy of the contract or notice of reemployment, properly written, must be delivered to each teacher or other licensed employee not later than the opening of the term of school.

2. A board of trustees may not employ teachers or other licensed personnel for any school year commencing after the expiration of the time for which any member of the board of trustees was elected or appointed.

3. It is unlawful for the board of trustees of any school district to employ any teacher who is not legally qualified to teach all the grades which the teacher is engaged to teach. Except as otherwise provided in NRS 391.3015, the board of trustees shall suspend or terminate, as applicable, the employment of any teacher who fails to maintain a license issued pursuant to this chapter in force, if such a license is required for employment. Any such suspension or termination must comply with the requirements of NRS 391.301 to 391.309, inclusive.

4. ~~{On or before November 15 of each year, the}~~ *The* school district shall *annually, on or before the date prescribed by the Superintendent of Public Instruction,* submit to the Department, in a form prescribed by the Superintendent of Public Instruction, the following information for each licensed employee employed by the school district ~~{on October 1 of}~~ *during* that year:

(a) The amount of salary of the employee; ~~{and}~~

(b) The designated assignment, as that term is defined by the Department, of the employee ~~{}~~; *and*

(c) *The overall performance rating of the employee as highly effective, effective, minimally effective or ineffective under the statewide*

*performance evaluation system established by the State Board pursuant to NRS 391.465 and the criteria for making the designation.*

**5.** *Except as otherwise provided in NRS 239.0115, information submitted to the Department pursuant to paragraph (c) of subsection 4 is confidential.*

**Sec. 28.** NRS 391.125 is hereby amended to read as follows:

391.125 1. If the board of trustees of a school district determines that a shortage of teachers exists within the school district in a particular subject area, the board of trustees may, ***on or before September 1 of the school year in which such a determination is made,*** submit a written request to the Superintendent of Public Instruction to employ persons who are licensed teachers but who do not hold an endorsement to teach in the subject area for which there is a shortage of teachers at a public school within the school district. ~~[that is not rated as underperforming pursuant to the statewide system of accountability for public schools.]~~ The Superintendent of Public Instruction may grant such a request if the Superintendent determines that a shortage of teachers exists in the subject area. If the Superintendent of Public Instruction grants a request pursuant to this subsection, a person who holds a license to teach but not an endorsement in the subject area for which the request was granted may be employed by the school district for not more than ~~{2}~~ **3** school years to teach in that subject area at a public school within the school district. ~~[that is not rated as underperforming pursuant to the statewide system of accountability for public schools.]~~

2. If the Superintendent of Public Instruction grants a request pursuant to subsection 1, the Superintendent shall submit a written report to the Commission ***and the State Board*** that includes the name of the school district for which the request was granted and the subject area for which the request was granted. Upon receipt of such a report, the Commission shall consider whether to adopt revisions to the requirements for an endorsement in that subject area to address the shortage of teachers.

**Sec. 29.** NRS 391.3015 is hereby amended to read as follows:

391.3015 1. Except as otherwise provided by subsection 3, if the license of an employee lapses during a time that school is in session:

(a) The school district that employs him or her shall provide written notice to the employee of the lapse of the employee's license and of the provisions of this section;

(b) The employee must not be suspended from employment for the lapsed license for a period of 90 days after the date of the notice pursuant to paragraph (a) or the end of the school year, whichever is longer; and

(c) The employee's license shall be deemed valid for the period described in paragraph (b) for purposes of the employee's continued employment with the school district during that period.

2. If a school district complies with subsection 1 and an employee fails to reinstate his or her license within the time prescribed in paragraph (b) of subsection 1, his or her employment shall be deemed terminated at the end of



the period described in paragraph (b) of subsection 1 and the school district is not otherwise required to comply with NRS 391.301 to 391.309, inclusive.

3. The provisions of this section do not apply to an employee whose ~~license~~ :

(a) *License* has been suspended or revoked by the State Board pursuant to NRS 391.320 to 391.361, inclusive ~~[-]~~; *or*

(b) *Application for renewal was denied by the Superintendent of Public Instruction pursuant to NRS 391.033.*

**Sec. 30.** NRS 391.455 is hereby amended to read as follows:

391.455 1. There is hereby created the Teachers and Leaders Council of Nevada consisting of the following 15 members:

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the Council.

(b) The Chancellor of the Nevada System of Higher Education, or his or her designee, who serves as an ex officio member of the Council.

(c) Four teachers in public schools appointed by the Governor from a list of nominees submitted by the Nevada State Education Association. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.

(d) Two administrators in public schools appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators and one superintendent of schools of a school district appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.

(e) Two persons who are members of boards of trustees of school districts and who are appointed by the Governor from a list of nominees submitted by the Nevada Association of School Boards.

(f) One representative of the regional training programs for the professional development of teachers and administrators created by NRS 391A.120 appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents.

(g) One parent or legal guardian of a pupil enrolled in public school appointed by the Governor from a list of nominees submitted by the Nevada Parent Teacher Association.

(h) Two persons with expertise in the development of public policy relating to education appointed by the Superintendent of Public Instruction. The members appointed pursuant to this paragraph must not otherwise be eligible for appointment pursuant to paragraphs (a) to (g), inclusive.

2. After the initial terms, each appointed member of the Council serves a term of 3 years commencing on July 1 and may be reappointed to one additional 3-year term following his or her initial term. If any appointed member of the Council ceases to be qualified for the position to which he or she was appointed, the position shall be deemed vacant and the appointing

authority shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

3. The Council shall, at its first meeting and annually thereafter, elect a Chair from among its members.

4. The Council shall meet at least semiannually and may meet at other times upon the call of the Chair or a majority of the members of the Council. Nine members of the Council constitute a quorum, and a quorum may exercise all the power and authority conferred on the Council.

5. Members of the Council serve without compensation, except that for each day or portion of a day during which a member of the Council attends a meeting of the Council or is otherwise engaged in the business of the Council, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. A member of the Council who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Council without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

7. *Any costs associated with employing a substitute teacher while a member of the Council who is a teacher attends a meeting of the Council must be:*

*(a) Paid by the school district or charter school that employs the member; or*

*(b) Reimbursed to the school district or charter school that employs the member by the organization that submitted the name of the member to the Governor for appointment pursuant to paragraph (c), (d), (e), (f) or (g) of subsection 1.*

8. The Department shall provide administrative support to the Council.

~~{8.}~~ 9. 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 NRS 391.460.

**Sec. 30.5. Chapter 391A of NRS is hereby amended by adding thereto a new section to read as follows:**

**As used in this section and NRS 391A.350 to 391A.375, inclusive, unless the context otherwise requires, "professional development training" has the meaning ascribed to "professional development" in 20 U.S.C. § 7801(42).**

**Sec. 31.** NRS 391A.130 is hereby amended to read as follows:

391A.130 1. The Statewide Council for the Coordination of the Regional Training Programs, consisting of nine members, is hereby created. The membership of the Council consists of:

(a) The Superintendent of Public Instruction or his or her designee.

(b) One member, who is not a Legislator, appointed by the Majority Leader of the Senate.

(c) One member, who is not a Legislator, appointed by the Speaker of the Assembly.

(d) One member who is a teacher appointed by the Governor from a list of nominees submitted by the Nevada State Education Association.

(e) One member who is an administrator at a public school employed to provide administrative services at the school level and not to provide administrative services at the district level, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators.

(f) One member appointed by the Governor.

(g) Three members, each of whom is a superintendent of schools, or his or her designee, appointed by the governing body of each regional training program to represent the school districts served by the regional training program.

2. In making the appointments pursuant to paragraphs (b) to (g), inclusive, of subsection 1, the appointing authorities shall consider whether the appointments provide a geographical balance between urban and rural areas of this State and represent the cultural diversity of this State.

3. The Statewide Council shall elect a Chair from among its members.

4. After the initial terms, the appointed members of the Statewide Council serve a term of 2 years, commencing on July 1 of the year of appointment. A member may not be appointed to serve more than 3 consecutive terms.

5. A vacancy on the Statewide Council must be filled for the remainder of the unexpired term in the same manner as the original appointment.

6. Members of the Statewide Council serve without salary for their service on the Council . ~~but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which a member attends a meeting of the Statewide Council or is otherwise engaged in the work of the Statewide Council. The per diem allowance and travel expenses for:~~

~~—(a)—~~ The members who are appointed by the Majority Leader of the Senate and the Speaker of the Assembly *are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which a member attends a meeting of the Statewide Council or is otherwise engaged in the work of the Statewide Council. The per diem allowance and travel expenses for the members who are appointed by the Majority Leader of the Senate and the Speaker of the Assembly* must be paid from the Legislative Fund.

~~[(b)—All]~~ *To the extent that money is appropriated for this purpose, all other members of the Statewide Council are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which a member attends a meeting of the Statewide Council or is otherwise engaged in the work of*

*the Statewide Council. The per diem allowance and travel expenses for such members* must be paid by the Department.

7. *Any costs associated with employing a substitute teacher while a member of the Statewide Council who is a teacher attends a meeting of the Statewide Council must be:*

(a) *Paid by the school district or charter school that employs the member; or*

(b) *Reimbursed to the school district or charter school that employs the member by the organization that submitted the name of the member to the Governor for appointment pursuant to paragraph (d), (e), (f) or (g) of subsection 1.*

8. The Department shall provide administrative support to the Statewide Council.

~~{8.}~~ 9. The governing bodies of the regional training programs may mutually agree to expend a portion of their respective budgets to pay for any administrative support of the Statewide Council that is required in addition to that provided pursuant to subsection ~~{7.}~~ 8.

**Sec. 31.3. NRS 391A.190 is hereby amended to read as follows:**

391A.190 1. The governing body of each regional training program shall:

(a) Establish a method for the evaluation of the success of the regional training program, including, without limitation, the Nevada Early Literacy Intervention Program. The method must be consistent with the uniform procedures and criteria adopted by the Statewide Council pursuant to NRS 391A.135 ~~{1.}~~ **and the standards for professional development training adopted by the State Board pursuant to subsection 1 of NRS 391A.370.**

(b) ~~{Before}~~ **On or before September 1 of each year and before** submitting the annual report pursuant to paragraph (c), submit the annual report to the Statewide Council for its review and incorporate into the annual report any revisions recommended by the Statewide Council.

(c) On or before ~~{September}~~ **December** 1 of each year, submit an annual report to the State Board, **the board of trustees of each school district served by the regional training program,** the Commission on Professional Standards in Education, the Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation that includes ~~{1.}~~ **without limitation:**

(1) The priorities for training adopted by the governing body pursuant to NRS 391A.175.

(2) The type of training offered through the regional training program in the immediately preceding year.

(3) The number of teachers and administrators who received training through the regional training program in the immediately preceding year.

(4) The number of administrators who received training pursuant to paragraph (c) of subsection 1 of NRS 391A.125 in the immediately preceding year.

(5) The number of teachers, administrators and other licensed educational personnel who received training pursuant to paragraph (d) of subsection 1 of NRS 391A.125 in the immediately preceding year.

(6) The number of teachers who received training pursuant to subparagraph (1) of paragraph (f) of subsection 1 of NRS 391A.125 in the immediately preceding year.

(7) The number of paraprofessionals, if any, who received training through the regional training program in the immediately preceding year.

(8) An evaluation of the ~~success~~ **effectiveness** of the regional training program, including, without limitation, the Nevada Early Literacy Intervention Program, in accordance with the method established pursuant to paragraph (a).

(9) An evaluation of whether the training included the:

(I) Standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(II) Curriculum and instruction required for the common core standards adopted by the State Board;

(III) Curriculum and instruction recommended by the Teachers and Leaders Council of Nevada created by NRS 391.455; and

(IV) Culturally relevant pedagogy, taking into account cultural diversity and demographic differences throughout this State.

(10) An evaluation of the effectiveness of training on improving the quality of instruction and the achievement of pupils.

(11) A description of the gifts and grants, if any, received by the governing body in the immediately preceding year and the gifts and grants, if any, received by the Statewide Council during the immediately preceding year on behalf of the regional training program. The description must include the manner in which the gifts and grants were expended.

~~[(10)]~~ (12) The 5-year plan for the regional training program prepared pursuant to NRS 391A.175 and any revisions to the plan made by the governing body in the immediately preceding year.

2. The information included in the annual report pursuant to paragraph (c) of subsection 1 must be aggregated for each regional training program and disaggregated for each school district served by the regional training program.

3. As used in this section, “paraprofessional” has the meaning ascribed to it in NRS 391.008.

**Sec. 31.5. NRS 391A.205 is hereby amended to read as follows:**

391A.205 ~~[(The)]~~ 1. On or before December 1 of each year, the board of trustees of each school district shall submit , on a form prescribed by the Department, an annual report concerning the professional development training offered by the school district to the State Board, the Commission on Professional Standards in Education, the Legislative Committee on

Education and the Legislative Bureau of Educational Accountability and Program Evaluation. ~~[that includes for the immediately preceding year]~~

~~1. The number of teachers and administrators employed by the school district who received training through the program, including, without limitation, the type of training received.]~~

~~2. [An evaluation of whether that training included the:~~

~~(a) Standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;~~

~~(b) Curriculum and instruction required for the common core standards adopted by the State Board;~~

~~(c) Curriculum and instruction recommended by the Teachers and Leaders Council of Nevada; and~~

~~(d) Culturally relevant pedagogy, taking into account cultural diversity and demographic differences throughout this State.~~

~~3. An evaluation of the effectiveness of the training on improving the quality of instruction and the achievement of pupils.]~~

**The State Board shall prescribe by regulation the contents of the report required by subsection 1.**

**Sec. 31.7. NRS 391A.370 is hereby amended to read as follows:**

391A.370 **1. The State Board shall adopt regulations prescribing standards for the professional development training provided to teachers and administrators employed by a school district or charter school.**

**2.** The board of trustees of each school district and the governing body of each charter school shall ensure that the teachers and administrators employed by the school district or charter school have access to high-quality, ongoing professional development training. The professional development training must **meet the standards prescribed by the State Board pursuant to subsection 1 and** include, without limitation, training concerning:

~~1.]~~ **(a)** The academic standards adopted by the State Board, including, without limitation, the academic standards for science.

~~2.]~~ **(b)** The academic standards and curriculum in English language development and literacy.

~~3.]~~ **(c)** The curriculum and instruction required for courses of study in:

~~(a)]~~ **(1)** Science, technology, engineering and mathematics.

~~(b)]~~ **(2)** English language development and literacy.

~~4.]~~ **(d)** The cultural competency required to meet the social, emotional and academic needs of certain categories of pupils enrolled in the school, including, without limitation, pupils who are at risk, pupils who are limited English proficient, pupils with disabilities and gifted and talented pupils.

**Sec. 32. 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, **391.120**, 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, 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. 33.** The Governor shall, as soon as practicable on or after July 1, 2017, appoint to the Commission on Professional Standards in Education created by NRS 391.011 the members of the Commission described in paragraph (e) of subsection 2 and paragraph (e) of subsection 3 of NRS 391.011, as amended by section 15 of this act.



**Sec. 33.2. The State Board of Education shall consider the findings and recommendations made by the Advisory Task Force on Educator Professional Development created by section 3.5 of chapter 535, Statutes of Nevada 2015, at page 3699, when adopting regulations prescribing standards for the professional development training provided to teachers and administrators employed by a school district or charter school pursuant to NRS 391A.370, as amended by section 31.7 of this act.**

**Sec. 33.3.** Notwithstanding the amendatory provisions of this act transferring the authority to adopt regulations from the State Board of Education to the Commission on Professional Standards in Education, any regulations adopted by the State Board pursuant to NRS 391.037 or 391.038 before July 1, 2017, remain in effect and may be enforced by the State Board until the Commission adopts regulations to repeal or replace those regulations.

**Sec. 33.5.** NRS 391.045 is hereby repealed.

**Sec. 34.** 1. This act becomes effective on July 1, 2017.

2. Section 1.7 of this act expires by limitation on June 30, 2019.

#### **TEXT OF REPEALED SECTION**

**391.045 Directory of licensed personnel to be filed with clerk of board of trustees.** The Superintendent of Public Instruction shall file with the clerk of the board of trustees of each local school district a directory of all teachers and other educational personnel, including, without limitation, teachers and educational personnel employed by a charter school pursuant to NRS 388A.518, 388A.521, 388A.524, 388A.530 to 388A.544, inclusive, and 388B.400 to 388B.450, inclusive, who are entitled to draw salaries from the county school district fund, and shall advise the clerk from time to time of any changes or additions to the directory.

Assemblyman Thompson moved that the Assembly concur in the Senate Amendment No. 849 to Assembly Bill No. 77.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

The amendment requires the State Board of Education to adopt regulations prescribing professional development standards, giving consideration to the recommendations made by the task force on professional development that met over the interim. It requires professional development to be aligned to those standards and makes changes regarding certain reports on professional development.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 320.

The following Senate amendment was read:

Amendment No. 851.

AN ACT relating to education; revising provisions relating to pupil ~~achievement~~ data as a component of the statewide performance evaluation

system for employees; **requiring certain educational personnel to develop learning goals for pupils to measure pupil growth; providing for a review of the statewide performance evaluation system and the manner in which a school carries out certain evaluations; increasing the percentage of an evaluation of certain educational personnel that is based on pupil growth; revising the manner in which such evaluations are conducted;** revising provisions relating to the number of evaluations that certain ~~employees~~ **educational personnel** are required to receive; revising provisions relating to the Teachers and Leaders Council; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the State Board of Education to adopt regulations establishing a statewide performance evaluation system for evaluating the performance of certain employees. **(NRS 391.465) Section 1.1 of this bill requires each teacher, principal, vice principal and other administrator who provides direct instructional services to pupils at a school to develop learning goals for such pupils. Section 1.1 requires the Department of Education to establish a list of assessments that may be used by a school or school district to measure the achievement of these learning goals. Section 1.1 also requires: (1) the board of trustees of each school district to ensure that the learning goals measure pupil growth in accordance with the criteria established by regulation of the State Board; and (2) that each teacher and administrator who establishes learning goals be evaluated in accordance with the criteria established by the State Board to determine the extent to which the learning goals of the pupils were achieved.**

~~Existing law requires ~~this~~ the statewide performance evaluation~~ system to: (1) require that an employee's overall performance be determined to be highly effective, effective, minimally effective or ineffective; and (2) include a process for peer evaluation of teachers. (NRS 391.465) **Section 2** of this bill: (1) removes the term "minimally effective" and replaces it with the term "developing"; and (2) changes the term "peer evaluation" to "peer observation." **Sections 1, 1.5 and 3.5-5.7** of this bill make conforming changes. **Section 2** also provides that an administrator at the district level who provides direct supervision of the principal of a school and who also serves as the superintendent of schools of a school district must not be evaluated using the statewide performance evaluation system.

Existing law generally requires the statewide performance evaluation system to include a requirement that pupil achievement data account for at least 40 percent of an evaluation and that such data be derived both from statewide examinations and assessments and certain assessments approved by the board of trustees of a school district. (NRS 391.465) **Section 2** instead requires pupil ~~achievement data~~ **growth, as determined pursuant to section 1.1,** to account for ~~[20 percent of an]~~ **this portion of the** evaluation. ~~Section 2 also requires this data to be generated from the relevant school or~~

~~school district.]~~ **5.9 of this bill provides that, for the 2017-2018 school year, pupil growth must account for 20 percent of the evaluation of a teacher or administrator.**

**Section 1.2 of this bill requires the: (1) State Board to annually review the statewide performance evaluation system to ensure accuracy and reliability; and (2) board of trustees of each school district to annually review the manner in which a school in the school district carries out the evaluation of teachers and administrators pursuant to the statewide performance evaluation system. Section 1.2 also authorizes the Department to review the manner in which the statewide performance evaluation system is carried out by each school district.**

Existing law establishes the Teachers and Leaders Council of Nevada and prescribes the membership of the Council. (NRS 391.455) **Section 1.3** of this bill adds an additional member to the Council, who must be a school counselor, psychologist, speech-language pathologist, audiologist or social worker.

Existing law requires each postprobationary teacher or administrator who receives an evaluation designating his or her overall performance as effective or highly effective to receive one evaluation in the next school year. (NRS 391.690, 391.710) **Sections 4 and 5** of this bill instead require a postprobationary teacher or administrator who receives an evaluation designating his or her overall performance as highly effective for 2 consecutive school years to **: (1) participate in one observation cycle in the school year immediately following the school year in which the postprobationary teacher or administrator receives a second consecutive evaluation designating his or her performance as highly effective and; (2) receive one evaluation in the [next 2] school [years.] year immediately following the school year in which the postprobationary teacher or administrator participated in the observation cycle.**

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

**Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 and 1.2 of this act.**

**Sec. 1.1. 1. Each teacher at a school in a school district shall, in consultation with the principal of the school at which the teacher is employed or other administrator who is assigned by the principal, develop learning goals for the pupils of the teacher for a specified period.**

**2. Each principal, vice principal and other administrator who provides direct instructional services to pupils at a school in a school district shall, in consultation with his or her direct supervisor, develop learning goals for the pupils at the school where the principal, vice principal or other administrator, as applicable, is employed for a specified period.**

3. The Department shall establish a list of assessments that may be used by a school or school district to measure the achievement of learning goals established pursuant to this section.

4. The board of trustees of each school district shall ensure that the learning goals for pupils established pursuant to this section measure pupil growth in accordance with the criteria established by regulation of the State Board.

5. Each teacher and administrator who establishes learning goals for pupils pursuant to this section must be evaluated at the end of the specified period to determine the extent to which the learning goals of the pupils were achieved. Such an evaluation must be conducted in accordance with the criteria established by regulation of the State Board for determining the level of pupil growth for the purposes of the statewide performance evaluation system. The State Board may establish by regulation the manner in which to include certain categories of pupils in the evaluation conducted pursuant to this subsection.

Sec. 1.2. 1. The State Board shall annually review the statewide performance evaluation system to ensure accuracy and reliability. Such a review must include, without limitation, an analysis of the:

(a) Number and percentage of teachers and administrators who receive each designation identified in paragraph (a) of subsection 2 of NRS 391.465 in each school, school district, and the State as a whole;

(b) Data used to evaluate pupil growth in each school, school district and the State as a whole, including, without limitation, any observations; and

(c) Effect of the evaluations conducted pursuant to the statewide system of accountability for public schools on the academic performance of pupils enrolled in the school district in each school and school district, and the State as a whole.

2. The board of trustees of each school district shall annually review the manner in which schools in the school district carry out the evaluation of teachers and administrators pursuant to the statewide performance evaluation system.

3. The Department may review the manner in which the statewide performance evaluation system is carried out by each school district, including, without limitation, the manner in which the learning goals for pupils are established and evaluated pursuant to section 1.1 of this act.

~~[Section 1.]~~ Sec. 1.25. NRS 391.102 is hereby amended to read as follows:

391.102 1. Notwithstanding the provisions of any collective bargaining agreement or contract of employment to the contrary, before the board of trustees of a school district may transfer a teacher or administrator who has received an evaluation designating his or her overall performance as ~~[minimally effective]~~ **developing** or ineffective to another school as a result of decreased enrollment, administrative transfer or a reduction in workforce

at a public school, the board of trustees of the school district must obtain the consent of the principal of the school to which the teacher or administrator is proposed to be transferred. If such consent is not obtained, the superintendent of schools of the school district:

(a) May assign the teacher or administrator to a school within the district other than the school from which the teacher or administrator was transferred; and

(b) May assign the teacher or administrator to the school at which the principal did not consent to the transfer of the teacher or administrator.

2. The superintendent of schools of a school district shall develop a plan to address the assignment of teachers or administrators who have received evaluations designating their overall performance as ~~minimally effective~~ **developing** or ineffective when the consent of a principal to a transfer pursuant to subsection 1 is not obtained. Such a plan must include, without limitation, a plan for any such teacher or administrator to receive assistance to help the teacher or administrator, as applicable, meet the standards for effective teaching, which may include, without limitation, peer assistance and review, participation in programs of professional development and other appropriate training.

**Sec. 1.28. NRS 391.450 is hereby amended to read as follows:**

391.450 As used in NRS 391.450 to 391.470, inclusive, **and sections 1.1 and 1.2 of this act,** "Council" means the Teachers and Leaders Council of Nevada created by NRS 391.455.

**Sec. 1.3.** NRS 391.455 is hereby amended to read as follows:

391.455 1. There is hereby created the Teachers and Leaders Council of Nevada consisting of the following ~~15~~ **16** members:

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the Council.

(b) The Chancellor of the Nevada System of Higher Education, or his or her designee, who serves as an ex officio member of the Council.

(c) Four teachers in public schools appointed by the Governor from a list of nominees submitted by the Nevada State Education Association. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.

(d) ***One school counselor, psychologist, speech-language pathologist, audiologist or social worker who is licensed pursuant to chapter 391 of NRS appointed by the Governor from a list of nominees submitted by the Nevada State Education Association. The persons nominated pursuant to this paragraph must represent the geographical diversity of school districts in this State.***

(e) Two administrators in public schools appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators and one superintendent of schools of a school district appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents. The members appointed pursuant to

this paragraph must represent the geographical diversity of the school districts in this State.

~~[(e)]~~ (f) Two persons who are members of boards of trustees of school districts and who are appointed by the Governor from a list of nominees submitted by the Nevada Association of School Boards.

~~[(f)]~~ (g) One representative of the regional training programs for the professional development of teachers and administrators created by NRS 391A.120 appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents.

~~[(g)]~~ (h) One parent or legal guardian of a pupil enrolled in public school appointed by the Governor from a list of nominees submitted by the Nevada Parent Teacher Association.

~~[(h)]~~ (i) Two persons with expertise in the development of public policy relating to education appointed by the Superintendent of Public Instruction. The members appointed pursuant to this paragraph must not otherwise be eligible for appointment pursuant to paragraphs (a) to ~~[(g)]~~ (h), inclusive.

2. After the initial terms, each appointed member of the Council serves a term of 3 years commencing on July 1 and may be reappointed to one additional 3-year term following his or her initial term. If any appointed member of the Council ceases to be qualified for the position to which he or she was appointed, the position shall be deemed vacant and the appointing authority shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

3. The Council shall, at its first meeting and annually thereafter, elect a Chair from among its members.

4. The Council shall meet at least semiannually and may meet at other times upon the call of the Chair or a majority of the members of the Council. Nine members of the Council constitute a quorum, and a quorum may exercise all the power and authority conferred on the Council.

5. Members of the Council serve without compensation, except that for each day or portion of a day during which a member of the Council attends a meeting of the Council or is otherwise engaged in the business of the Council, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. A member of the Council who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Council without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

7. The Department shall provide administrative support to the Council.

8. 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 NRS 391.460.

**Sec. 1.5.** NRS 391.460 is hereby amended to read as follows:

391.460 1. The Council shall:

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers, administrators who provide primarily administrative services at the school level and administrators at the district level who provide direct supervision of the principal of a school, and who do not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal are:

(1) Evaluated using multiple, fair, timely, rigorous and valid methods, which includes evaluations based upon pupil ~~achievement data~~ **growth** as required by NRS 391.465;

(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and

(3) Provided with the means to share effective educational methods with other teachers and administrators throughout this State.

(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.

(c) Consider the role of professional standards for teachers and administrators to which paragraph (a) applies and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

(d) Develop and recommend to the State Board a process for peer ~~evaluations~~ **observations** of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching.

2. The performance evaluation system recommended by the Council must ensure that:

(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers and administrators; and

(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.

3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by NRS 391.465.

**Sec. 2.** NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. Except as otherwise provided in subsection 4, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

- (1) Highly effective;
- (2) Effective;
- (3) ~~Minimally effective;~~ **Developing;** or
- (4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a).

(c) Except as otherwise provided in subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil ~~achievement data~~ **growth, as determined pursuant to section 1.1 of this act,** account for ~~at least 40~~ **20** percent of the evaluation.

~~(d) Except as otherwise provided in subsection 3, prescribe the pupil achievement data that must be used as part of the evaluation system pursuant to paragraph (c) which must require that:~~

~~—(1) Pupil achievement data derived from statewide examinations and assessments must account for at least 20 percent of the evaluation of a teacher or administrator, as applicable; and~~

~~—(2) Pupil achievement data derived from assessments approved by the board of trustees of a school district that employs the teacher or administrator, as applicable, must account for at least 20 percent of the evaluation.~~

~~—(e)~~ Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, employs practices and strategies to involve and engage the parents and families of pupils.

~~[(f)]~~ (e) Include a process for peer ~~evaluations~~ **observations** of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer reviews pursuant to the process.



3. ~~{The State Board shall, by regulation, designate the assessments that may be used by a school district to determine~~ ~~*The pupil achievement data required to be included as a part of the evaluation system*~~ pursuant to subparagraph (2) of paragraph (d) ~~(e)~~ of subsection 2. The board of trustees of a school district may select one or more of the assessments designated by the State Board to determine pupil achievement, or the board of trustees may apply to the Superintendent of Public Instruction for approval to use a different assessment to determine pupil achievement.

~~—(a) *Must be:*~~

~~—(1) *Generated from a school or school district in which the teacher or administrator was employed during the period covered by the evaluation; and*~~

~~—(2) *Used by the school or school district in which the teacher or administrator was employed to measure the progress of a pupil toward meeting the student learning objectives prescribed by the school district.*~~

~~—(b) *May not be derived from statewide examinations and assessments.*~~

~~4.~~ A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

~~{5.}~~ 4. *An administrator at the district level who provides direct supervision of the principal of a school and who also serves as the superintendent of schools of a school district must not be evaluated using the statewide performance evaluation system.*

**Sec. 3.** NRS 391.470 is hereby amended to read as follows:

391.470 On or before August 1 of each year, the board of trustees of each school district shall submit a report to the State Board and the Teachers and Leaders Council of Nevada created by NRS 391.455 concerning the implementation and effectiveness of the process for peer evaluations of teachers set forth in the regulations adopted by the State Board pursuant to paragraph ~~{(f)}~~ (e) of subsection 2 of NRS 391.465, including, without limitation, any recommendations for revisions to the process of peer ~~{evaluations.}~~ *observations.*

**Sec. 3.5.** NRS 391.685 is hereby amended to read as follows:

391.685 1. A probationary teacher must receive one evaluation during each school year of his or her probationary employment. The evaluation must be based in part upon at least three scheduled observations of the teacher during the first school year of his or her probationary period as follows:

(a) The first scheduled observation must occur within 40 days after the first day of instruction of the school year;

(b) The second scheduled observation must occur after 40 days but within 80 days after the first day of instruction of the school year; and

(c) The third scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

2. If a probationary teacher receives an evaluation designating his or her overall performance as effective or highly effective:

(a) During the first school year of his or her probationary period, the evaluation during the second school year of the probationary period must be based in part upon at least two scheduled observations of the teacher which must occur within the times specified in paragraphs (b) and (c) of subsection 1.

(b) During the first and second school years of his or her probationary period, the evaluation during the third school year of the probationary period must be based in part upon at least one scheduled observation of the teacher which must occur within 120 days after the first day of instruction of the school year.

3. If a probationary teacher receives an evaluation designating his or her overall performance as ~~minimally effective~~ **developing** or ineffective during the first or second school year of the probationary period, the probationary teacher must receive one evaluation during the immediately succeeding school year which is based in part upon three observations which must occur in accordance with the observation schedule set forth in subsection 1.

**Sec. 4.** NRS 391.690 is hereby amended to read as follows:

391.690 1. If a postprobationary teacher receives an evaluation designating his or her overall performance as ~~minimally effective~~ **developing** or ineffective, the postprobationary teacher must receive one evaluation in the immediately succeeding school year which is based in part upon three observations which must occur in accordance with the observation schedule set forth in subsection 1 of NRS 391.685. If a postprobationary teacher receives evidence from the first two observations during the school year indicating that, unless his or her performance improves, his or her overall performance may be rated as ~~minimally effective~~ **developing** or ineffective on the evaluation, the postprobationary teacher may request that the third observation be conducted by another administrator. If a postprobationary teacher requests that his or her third observation be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.

2. If a postprobationary teacher receives an evaluation designating his or her overall performance as effective, ~~for~~ **the postprobationary teacher must receive one evaluation in the immediately succeeding school year. The evaluation must be based in part upon at least one scheduled observation,**

*which must occur within 120 days after the first day of instruction of the school year.*

3. *If a postprobationary teacher receives an evaluation designating his or her overall performance as highly effective ~~[ ]~~ for 2 consecutive school years, the postprobationary teacher must ~~receive~~ :*

*(a) Participate in one observation cycle in the school year immediately following the school year in which the postprobationary teacher receives a second consecutive evaluation designating his or her performance as highly effective; and*

*(b) ~~Receive~~ one evaluation in the ~~immediately succeeding next 2~~ school year ~~[ ] years.~~ immediately following the school year in which the postprobationary teacher participated in the observation cycle pursuant to paragraph (a).* The evaluation must be based in part upon at least one scheduled observation, which must occur within 120 days after the first day of instruction of ~~the~~ that school year ~~[in which the evaluation occurs.]~~

**Sec. 4.5.** NRS 391.705 is hereby amended to read as follows:

391.705 1. A probationary administrator must receive one evaluation during each school year of his or her probationary employment. The evaluation must be based in part upon at least three scheduled observations of the probationary administrator during the first school year of his or her probationary period which must occur as follows:

(a) The first scheduled observation must occur within 40 days after the first day of instruction of the school year;

(b) The second scheduled observation must occur after 40 days but within 80 days after the first day of instruction of the school year; and

(c) The third scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

2. If a probationary administrator receives an evaluation designating his or her overall performance as effective or highly effective:

(a) During the first school year of his or her probationary period, the evaluation during the second school year of the probationary period must be based in part upon at least two scheduled observations of the administrator which must occur within the times specified in paragraphs (b) and (c) of subsection 1.

(b) During the first and second school year of his or her probationary period, the evaluation during the third school year of the probationary period must be based in part upon at least one scheduled observation of the administrator which must occur within 120 days after the first day of instruction of the school year.

3. If a probationary administrator receives an evaluation designating his or her overall performance as ~~[minimally effective]~~ **developing** or ineffective during the first or second school year of the probationary period, the probationary administrator must receive one evaluation during the immediately succeeding school year which is based in part upon three

observations which must occur in accordance with the observation schedule set forth in subsection 1.

4. Each probationary administrator is subject to the provisions of NRS 391.725 and 391.820.

**Sec. 5.** NRS 391.710 is hereby amended to read as follows:

391.710 1. If a postprobationary administrator receives an evaluation designating his or her overall performance as ~~minimally effective~~ **developing** or ineffective, the postprobationary administrator must receive one evaluation in the immediately succeeding school year which is based in part upon three observations which must occur in accordance with the observation schedule set forth in subsection 1 of NRS 391.705. If a postprobationary administrator receives evidence from the first two observations indicating that, unless his or her performance improves, his or her overall performance may be rated as ~~minimally effective~~ **developing** or ineffective on the evaluation, the postprobationary administrator may request that the third observation be conducted by another administrator. If a postprobationary administrator requests that his or her third observation be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary administrator from a list of three candidates submitted by the superintendent.

2. If a postprobationary administrator receives an evaluation designating his or her overall performance as effective ~~or~~ , ***the postprobationary administrator must receive one evaluation in the immediately succeeding school year. The evaluation must be based in part upon at least one scheduled observation, which must occur within 120 days after the first day of instruction of the school year.***

3. ***If a postprobationary administrator receives an evaluation designating his or her overall performance as highly effective [ ] for 2 consecutive school years, the postprobationary administrator must [receive] :***

***(a) Participate in one observation cycle in the school year immediately following the school year in which the postprobationary administrator receives a second consecutive evaluation designating his or her performance as highly effective; and***

***(b) Receive one evaluation in the [immediately succeeding next 2] school year [ - years.] immediately following the school year in which the postprobationary administrator participated in the observation cycle pursuant to paragraph (a). The evaluation must be based in part upon at least one scheduled observation , which must occur within 120 days after the first day of instruction of [the] that school year [in which the evaluation occurs.]***

**Sec. 5.3.** NRS 391.725 is hereby amended to read as follows:

391.725 1. If a written evaluation of a probationary teacher, or a probationary administrator who provides primarily administrative services at

the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, designates the overall performance of the teacher or administrator as ~~["minimally effective"]~~ **"developing"** or "ineffective":

(a) The written evaluation must include the following statement: "Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive a ~~["minimally effective"]~~ **'developing'** or 'ineffective' evaluation on the first or second evaluation, or both evaluations for this school year, you may request that the third evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in improving your performance based upon the recommendations reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in improving your performance."

(b) The probationary teacher or probationary administrator, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

2. If a probationary teacher or probationary administrator to which subsection 1 applies requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the probationary teacher or probationary administrator, as applicable, from a list of three candidates submitted by the superintendent.

3. If a probationary teacher or probationary administrator to which subsection 1 applies requests assistance in improving performance reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher or probationary administrator in improving his or her performance.

**Sec. 5.5.** NRS 391.730 is hereby amended to read as follows:

391.730 Except as otherwise provided in NRS 391.825, a postprobationary employee who receives an evaluation designating his or her overall performance as:

1. ~~["Minimally effective;"]~~ **Developing;**
2. Ineffective; or
3. ~~["Minimally effective"]~~ **Developing** during 1 year of the 2-year consecutive period and ineffective during the other year of the period,  
 ➔ for 2 consecutive school years shall be deemed to be a probationary employee for the purposes of NRS 391.650 to 391.830, inclusive, and must serve an additional probationary period in accordance with the provisions of NRS 391.820.

**Sec. 5.7.** NRS 288.151 is hereby amended to read as follows:

288.151 Notwithstanding the provisions of any collective bargaining agreement or contract of employment to the contrary:

1. Except as otherwise provided in subsections 2 to 6, inclusive, if the board of trustees of a school district determines that a reduction in the existing workforce of the licensed educational personnel in the school district is necessary, the decision to lay off a teacher or an administrator must be based solely on the overall performance of the teacher or administrator under the statewide performance evaluation system adopted by the State Board pursuant to NRS 391.465. When determining the manner in which to reduce the existing workforce, the board of trustees of a school district must lay off a teacher or administrator whose overall performance has been determined to be:

(a) Ineffective, before laying off a teacher or administrator whose overall performance has been determined to be ~~minimally effective,~~ **developing**, effective or highly effective;

(b) ~~Minimally effective,~~ **Developing**, before laying off a teacher or administrator whose overall performance has been determined to be effective or highly effective; and

(c) Effective, before laying off a teacher or administrator whose overall performance has been determined to be highly effective.

2. Except as otherwise provided in subsection 6, if the board of trustees of a school district determines that a further reduction in the existing workforce of the licensed educational personnel in a school district beyond that made pursuant to subsection 1 is necessary, the board of trustees must lay off a teacher or administrator whose employment record includes:

(a) A criminal record that resulted in the suspension of the teacher or administrator; or

(b) Disciplinary action that resulted in the suspension of the teacher or administrator and that was uncontested or has been finally adjudicated;

➡ before laying off a teacher or administrator whose employment record does not include such a record or disciplinary action.

3. The board of trustees shall lay off teachers or administrators whose employment records include disciplinary actions that resulted in the suspension of the teacher or administrator pursuant to subsection 2 in the order of severity of the disciplinary action, with those employees whose employment record includes more severe disciplinary action being laid off first.

4. Except as otherwise provided in subsection 6, if the board of trustees of a school district determines that a further reduction in the existing workforce of licensed educational personnel beyond that made pursuant to subsection 2 is necessary, the decision to lay off a teacher or administrator must be based on the following factors:

(a) Whether the teacher or administrator is employed in a position which is hard to fill;

(b) Whether the teacher or administrator has received a national board certification;

(c) The type of licensure held by the teacher or administrator; and

(d) The type of degree attained by the teacher or administrator and whether the degree is in a subject area that is related to his or her position.

5. If, after consideration of the factors described in subsections 1 to 4, inclusive, two or more teachers or administrators are similarly situated, the board of trustees of the school district may give preference to the more senior teacher or administrator.

6. The board of trustees of a school district is not required to take the actions described in subsections 1 to 4, inclusive, with regard to a teacher who teaches in a school in the district in a subject area for which there is a shortage of teachers, which may include, without limitation, science, technology, engineering, mathematics, special education and English as a second language.

**Sec. 5.9. Notwithstanding the provisions of paragraph (c) of subsection 2 of NRS 391.465, as amended by section 2 of this act, for the 2017-2018 school year, pupil growth, as determined pursuant to section 1.1 of this act, must account for 20 percent of the evaluation of an employee pursuant to that section.**

**Sec. 6.** This act becomes effective on July 1, 2017.

Assemblyman Thompson moved that the Assembly concur in the Senate Amendment No. 851 to Assembly Bill No. 320.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

The amendment requires educational personnel to develop learning goals for students. It requires the use of student growth on those learning goals in personnel evaluations at 20 percent in school year 2017-2018, and 40 percent thereafter. It requires the state and local school boards to annually review evaluation outcomes, allows the Department of Education to review implementation of the evaluation system, and clarifies provisions regarding post-probationary employees who are rated as highly effective for two years in a row.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 447.

The following Senate amendment was read:

Amendment No. 930.

AN ACT relating to education; extending the duration of the Victory schools program; requiring the Department of Education to consult with the board of trustees of a school district when designating Victory schools; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

During the 78th Session of the Nevada Legislature (2015), the Legislature passed the Victory Schools Act, which provided for the distribution of money during the 2015-2017 biennium to certain underperforming public schools designated as Victory schools. (Chapter 389, Statutes of Nevada 2015, p. 2197) This bill continues the program in effect for the 2017-2019 biennium. This bill also requires the Department to consult with the board of trustees of a school district when designating Victory schools.

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

**Section 1.** Section 2 of the Victory Schools Act, being chapter 389, Statutes of Nevada 2015, at page 2199, is hereby amended to read as follows:

Sec. 2. 1. The Department of Education shall , ***in consultation with the board of trustees of a school district***, designate a public school as a Victory school if, relative to other public schools, including charter schools, that are located in the school district in which the school is also located:

(a) A high percentage of pupils enrolled in the school live in households that have household incomes that are less than the federally designated level signifying poverty, based on the most recent data compiled by the Bureau of the Census of the United States Department of Commerce; and

(b) The school received one of the two lowest possible ratings indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools, for the immediately preceding school year.

↪ ***The designation of a public school as a Victory school pursuant to this subsection must be made in consultation with the board of trustees of the school district in which the prospective Victory school is located.***

2. The Department shall designate each Victory school for the ~~{2015-2016}~~ **2017-2018** Fiscal Year on or before June 1, ~~{2015-}~~ **2017**.

3. The Department shall transfer money from the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 to each school district in which a Victory school is designated and each sponsor of a charter school that is designated as a Victory school on a per pupil basis. The amount distributed per pupil must be determined by dividing the amount of money appropriated to the Account by the ~~{2015}~~ **2017** Legislature for Victory schools by the total number of pupils who are enrolled in Victory schools statewide. After receiving money from the Account pursuant to this subsection:

(a) A school district shall distribute the money to each Victory school in the school district on a per pupil basis.

(b) A sponsor of a charter school shall distribute the money to each Victory school that it sponsors on a per pupil basis.



4. The board of trustees of each school district in which a Victory school is located and the governing body of each charter school that is designated as a Victory school shall, as soon as practicable after the school is designated as a Victory school, conduct an assessment of the needs of pupils that attend the school. The assessment must include soliciting input from the community served by the Victory school and identify any barriers to improving pupil achievement and school performance and strategies to meet the needs of pupils at the school.

5. Except as otherwise provided in subsection 7, on or before August 15, ~~{2015-}~~ **2017**, the board of trustees of each school district in which a Victory school is designated for the ~~{2015-2016}~~ **2017-2018** Fiscal Year and the governing body of each charter school that is designated as a Victory school for the ~~{2015-2016}~~ **2017-2018** Fiscal Year shall submit to the Department a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school. The board of trustees of each school district in which a Victory school is designated and the governing body of each charter school that is designated as a Victory school shall select at least one person who is familiar with the public schools in the school district or with the charter school, respectively, to assist with the development of the plan. The plan must:

(a) Include appropriate means to determine the effectiveness of the plan;

(b) Be based on the assessment of the needs of the pupils who attend the school conducted pursuant to subsection 4;

(c) Analyze available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and other pupil achievement data collected and maintained by the school district or charter school;

(d) Include a description of the criteria used to select entities to provide programs and services to pupils enrolled in the Victory school;

(e) Include a description of the manner in which the school district or governing body will collaborate with selected entities so that academic programs and services and nonacademic programs and services, including, without limitation, transportation services, may be offered without charge to support pupils and their families within the region in which the school is located;

(f) Take into account the number and types of pupils who attend the school and the locations where such pupils reside;

(g) Provide for the coordination of the existing or planned engagement of other persons who provide services in the region in which the school is located;

(h) Coordinate all funding available to each school that is subject to the plan;

(i) Provide for the coordination of all available resources to each school that is subject to the plan, including, without limitation, instructional materials and textbooks;

(j) Identify, for each school or group of schools subject to the plan, which of the measures described in subsection 8 will be implemented; and

(k) Identify the person or persons selected pursuant to this subsection who assisted with the development of the plan.

6. The Department shall review each plan submitted pursuant to subsection 5 to determine whether, or the extent to which, the plan complies with the requirements of this section and either approve or request revisions to the plan.

7. If the board of trustees of a school district in which a Victory school is designated or the governing body of a charter school that is designated as a Victory school does not submit a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school on or before August 15, ~~2015,~~ **2017**, as required pursuant to subsection 5, the board of trustees of the school district or the governing body of the charter school, as applicable, may submit to the Department a letter of intent to meet the educational needs of pupils enrolled in each Victory school. The letter must include, without limitation:

(a) An initial assessment of the needs of the pupils who attend the school which is conducted pursuant to subsection 4;

(b) An analysis of available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and data collected and maintained by the school district or charter school; and

(c) A summary of activities that the board of trustees or governing body, as applicable, will take to ensure completion of the comprehensive plan required pursuant to subsection 5 by not later than September 15, ~~2015,~~ **2017**.

8. A Victory school shall use the majority of the money distributed pursuant to subsection 3 to provide one or more of the following:

(a) A prekindergarten program free of charge, if such a program is not paid for by another grant.

(b) ~~An expansion of full day kindergarten classes, if such classes have not otherwise been paid for through legislative appropriation.~~

~~—(c)~~ A summer academy or other instruction for pupils free of charge at times during the year when school is not in session.

~~—(d)~~ (c) Additional instruction or other learning opportunities free of charge at times of day when school is not in session.

~~[(e)]~~ (d) Professional development for teachers and other educational personnel concerning instructional practices and strategies that have proven to be an effective means to increase pupil achievement in populations of pupils similar to those served by the school.

~~[(f)]~~ (e) Incentives for hiring and retaining teachers and other licensed educational personnel who provide any of the programs or services set forth in this subsection from the list prescribed by the State Board of Education pursuant to subsection 14.

~~[(g)]~~ (f) Employment of paraprofessionals, other educational personnel and other persons who provide any of the programs or services set forth in this subsection.

~~[(h)]~~ (g) Reading skills centers.

(h) ~~[(Evidence-based programs, integrated)]~~ Integrated student supports, ~~and~~ wrap-around services and evidence-based programs designed to meet the needs of pupils who attend the school, as determined using the assessment conducted pursuant to subsection 4.

9. A Victory school may use any money distributed pursuant to subsection 3 that is not used for the purposes described in subsection 8 to:

(a) Provide evidence-based social, psychological or health care services to pupils and their families ; ~~[(including, without limitation, wrap-around services);]~~

(b) Provide programs and services designed to engage parents and families;

(c) Provide programs to improve school climate and culture; ~~[(or)]~~

(d) ~~[(Provide evidence-based programs and services specifically designed to meet the needs of pupils who attend the school, as determined using the assessment conducted pursuant to subsection 4; or~~

~~—(e)]~~ If the Victory school is a high school, provide additional instruction or other learning opportunities for pupils and professional development for teachers at an elementary school, middle school or junior high school that is located within the zone of attendance of the high school and is not also designated as a Victory school; or

(e) Any combination thereof.

10. A Victory school shall not use any money distributed pursuant to subsection 3 for a purpose not described in subsection 8 or 9.

11. Any programs offered at a Victory school pursuant to subsection 8 or 9 must:

(a) ~~[(Be)]~~ Except as otherwise provided in paragraph (d) of subsection 9, be designed to meet the needs of pupils at the school, as determined using the assessment conducted pursuant to subsection 4 and to improve pupil achievement and school performance, as determined using the measures prescribed by the State Board of Education; and

(b) Be based on scientific research concerning effective practices to increase the achievement of pupils who live in poverty.

12. Each plan to improve the achievement of pupils enrolled in a Victory school that is prepared by the principal of the school pursuant to NRS 385A.650 must describe how the school will use the money distributed pursuant to subsection 3 to meet the needs of pupils who attend the school, as determined using the assessment described in subsection 4 and the requirements of this section.

13. The Department shall contract with an independent evaluator to evaluate the effectiveness of programs and services provided pursuant to this section. The evaluation must include, without limitation, consideration of the achievement of pupils who have participated in such programs and received such services. When complete, the evaluation must be provided contemporaneously to the Department and the Legislative Committee on Education.

14. The State Board of Education shall prescribe a list of recruitment and retention incentives that are available to the school districts and sponsors of charter schools that receive a distribution of money pursuant to this section to offer to teachers and other licensed educational personnel.

15. The State Board shall require a Victory school to take corrective action if pupil achievement and school performance at the school are unsatisfactory, as determined by the State Board. If unsatisfactory pupil achievement and school performance continue, the State Board may direct the Department to withhold any additional money that would otherwise be distributed pursuant to this section.

16. On or before November 30, 2016, and November 30, 2017, *or, in the case of a Victory school designated for the 2017-2018 Fiscal Year, on or before November 30, 2018, and November 30, 2019*, the board of trustees of each school district in which a Victory school is designated and the governing body of each charter school that is designated as a Victory school shall submit to the Department and to the Legislative Committee on Education a report, which must include, without limitation:

(a) An identification of schools to which money was distributed pursuant to subsection 3 for the previous fiscal year;

(b) The amount of money distributed to each such school;

(c) A description of the programs or services for which the money was used;

(d) The number of pupils who participated in such programs or received such services;

(e) The average expenditure per pupil for each program or service that was funded; and

(f) Recommendations concerning the manner in which the average expenditure per pupil reported pursuant to paragraph (e) may be used to determine formulas for allocating money from the State Distributive School Account in the State General Fund.

17. The Legislative Committee on Education shall consider the evaluations of the independent evaluator received pursuant to subsection 13 and the reports received pursuant to subsection 16 and advise the State Board regarding any action the Committee determines appropriate for the State Board to take based upon that information. The Committee shall also make any recommendations it deems appropriate concerning Victory schools to the next regular session of the Legislature which may include, without limitation, recommendations for legislation.

18. The money distributed pursuant to subsection 3:

(a) Must be accounted for separately from any other money received by Victory schools and used only for the purposes specified in this section;

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district or the governing body of a charter school and the school district or governing body or to settle any negotiations; and

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

19. Upon request of the Legislative Commission, a Victory school to which money is distributed pursuant to subsection 3 shall make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of such money.

20. As used in this section:

(a) "Community" includes any person or governmental entity who resides or has a significant presence in the geographic area in which a school is located or who interacts with pupils and personnel at a school, and may include, without limitation, parents, businesses, nonprofit organizations, faith-based organizations, community groups, teachers, administrators and governmental entities.

(b) ~~["Evidence-based programs and services" means practices, interventions and services that have been proven, through scientifically based research, as defined in 20 U.S.C. § 7801(37), to be effective in improving outcomes for pupils when implemented with fidelity.~~ ***integrated; "Integrated student supports" means supports developed, secured or coordinated by a school to promote the academic success of pupils enrolled in the school by targeting academic and nonacademic barriers to pupil achievement.***

(c) "Victory school" means a school that is so designated by the Department pursuant to subsection 1.

(d) "Wrap-around services" means supplemental services provided to a pupil with special needs or the family of such a pupil that are not otherwise covered by any federal or state program of assistance.

**Sec. 2.** This act becomes effective:

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of the act; and

2. On July 1, 2017, for all other purposes.

Assemblyman Thompson moved that the Assembly concur in the Senate Amendment No. 930 to Assembly Bill No. 447.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

The amendment allows a Victory high school to provide additional instruction, professional development, or other learning opportunities at non-Victory schools within the high school's feeder system. It clarifies language about integrated student supports and evidence-based programs.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 234.

The following Senate amendment was read:

Amendment No. 674.

AN ACT relating to motor carriers; requiring certain motor carriers of passengers which transport certain persons with disabilities to ensure that each vehicle used for the transport is equipped with first-aid equipment and to provide each driver of the vehicle training in first aid and cardiopulmonary resuscitation; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, common motor carriers of passengers and contract motor carriers of passengers are subject to supervision and regulation by the Nevada Transportation Authority, with some exceptions. (NRS 706.166)

**Section 1** of this bill requires a common motor carrier of passengers, contract motor carrier of passengers and any other person or entity, other than a taxicab motor carrier, providing a means of public conveyance and transportation operating in this State and which transports for compensation certain persons with disabilities, commonly referred to as "paratransit services," to ensure that: (1) each vehicle used in the transport is equipped with a first-aid kit; and (2) each driver of a vehicle used for the transport receives training in first aid and cardiopulmonary resuscitation. **Section 1** also requires the carrier, person or entity to: (1) provide the training in first aid and cardiopulmonary resuscitation or arrange for its provision for the driver; (2) pay for the training; and (3) compensate each driver for the time spent receiving the training. **Section 1 provides an exemption from these requirements for a taxicab motor carrier or a transportation network company which provides paratransit services under a contract with any entity required to provide such services.** Existing law makes a violation of

this requirement a misdemeanor. (NRS 706.756) **Sections 2-5** of this bill make conforming changes. ~~[Section 6 of this bill provides that the provisions of this bill do not apply during the current term of any employment agreement between the motor carrier, person or entity and the employee drivers of the motor carrier, person or entity entered into before the effective date of this bill, but do apply to any extension or renewal of such an agreement and to any such agreement entered into on or after the effective date of this bill.]~~

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

**Section 1.** Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. ~~1.4~~ Except as otherwise provided in subsection 3, a common motor carrier of passengers, contract motor carrier of passengers or other person or entity providing a means of public conveyance and transportation operating within this State which, pursuant to the requirements of 49 C.F.R. § 37.121, transports for compensation within this State persons with disabilities who are eligible pursuant to 49 C.F.R. § 37.123 for the transportation shall ensure that:**

**(a) Each vehicle used for the transport is equipped with a first-aid kit; and**

**(b) Each driver of a vehicle used for the transport receives training in the use and administration of first aid and cardiopulmonary resuscitation that is conducted in accordance with the standards of the American Heart Association, the American Red Cross or any similar organization that includes certification in:**

**(1) First aid; and**

**(2) Cardiopulmonary resuscitation.**

**2. A common motor carrier of passengers, contract motor carrier of passengers or other person or entity who employs a driver required to receive the training required pursuant to paragraph (b) of subsection 1 must:**

**(a) Provide the training or arrange for its provision for the driver;**

**(b) Pay for the training; and**

**(c) Compensate each driver who receives the training at his or her regular rate of pay for the time the driver spent attending the training.**

**3. The provisions of this section do not apply to a taxicab motor carrier or transportation network company as defined in NRS 706A.050, who undertakes the transportation described in subsection 1 under a contract with an entity required by 49 C.F.R. § 37.121 to provide such transportation.**

**Sec. 2.** NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, **and section 1 of this act**, unless the context otherwise requires, the words and terms defined in

NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

**Sec. 3.** NRS 706.156 is hereby amended to read as follows:

706.156 1. All common and contract motor carriers and brokers are hereby declared to be, to the extent provided in this chapter:

- (a) Affected with a public interest; and
- (b) Subject to NRS 706.011 to 706.791, inclusive ~~[ ]~~, *and section 1 of this act.*

2. A purchaser or broker of transportation services which are provided by a common motor carrier who holds a certificate of public convenience and necessity may resell those services, in combination with other services and facilities that are not related to transportation, but only in a manner complying with the scope of authority set forth in the certificate of the common motor carrier. The Authority shall not prohibit or restrict such a purchaser or broker from reselling those transportation services to any person based upon that person's affiliation, or lack of affiliation, with any group.

**Sec. 4.** NRS 706.745 is hereby amended to read as follows:

706.745 1. The provisions of NRS 706.386 and 706.421 do not apply to:

- (a) Ambulances;
- (b) Hearses; or
- (c) Common motor carriers or contract motor carriers that are providing transportation services pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.27495.

2. A common motor carrier that enters into an agreement for the purchase of its service by an incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transit consisting of:

- (a) Regular routes and fixed schedules;
- (b) Nonemergency medical transportation of persons to facilitate their participation in jobs and day training services as defined in NRS 435.176 if the transportation is available upon request and without regard to regular routes or fixed schedules;
- (c) Nonmedical transportation of persons with disabilities without regard to regular routes or fixed schedules; or
- (d) In a county whose population is less than 100,000 or an incorporated city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.

3. Under any agreement for a system of public transit that provides for the transportation of passengers that is described in subsection 2:

- (a) The public entity shall provide for any required safety inspections; or
- (b) If the public entity is unable to do so, the Authority shall provide for any required safety inspections.



4. In addition to the requirements of subsection 3, under an agreement for a system of public transit that provides for the transportation of passengers that is described in:

(a) Paragraph (a) of subsection 2, the public entity shall establish the routes and fares.

(b) Paragraph (c) or (d) of subsection 2, the common motor carrier:

(1) May provide transportation to any passenger who can board a vehicle with minimal assistance from the operator of the vehicle.

(2) ~~[Shall]~~ ***Except as otherwise provided in section 1 of this act, shall*** not offer medical assistance as part of its transportation service.

5. In a county whose population:

(a) Is less than 700,000, a nonprofit carrier of elderly persons or persons with disabilities is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of such passengers only, but such a carrier is not exempt from inspection by the Authority to determine whether its vehicles and their operation are safe.

(b) Is 700,000 or more, a nonprofit carrier of elderly persons or persons with disabilities is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of such passengers only, but:

(1) Only if the nonprofit carrier:

(I) Does not charge for transportation services;

(II) Provides transportation services pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.27495; or

(III) Enters into an agreement for the purchase of its service by an incorporated city, county or regional transportation commission; and

(2) Such a carrier is not exempt from inspection by the Authority to determine whether its vehicles and their operation are safe.

6. An incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transportation.

7. Before an incorporated city or a county enters into an agreement with a common motor carrier for a system of public transit that provides for the transportation of passengers that is described in paragraph (c) or (d) of subsection 2 in an area of the incorporated city or an area of the county, it must determine that:

(a) There are no other common motor carriers of passengers who are authorized to provide such services in that area; or

(b) Although there are other common motor carriers of passengers who are authorized to provide such services in the area, the common motor carriers of passengers do not wish to provide, or are not capable of providing, such services.

**Sec. 5.** NRS 706.756 is hereby amended to read as follows:

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

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, **and section 1 of this act**, apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, **and section 1 of this act** or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~of~~, **and section 1 of this act**;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~of~~, **and section 1 of this act**;

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

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

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~of~~, **and section 1 of this act**;

(g) Advertises as providing:

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

(2) Towing services,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 6. ~~[The amendatory provisions of this act:~~**

~~1. Do not apply during the current term of any employment agreement entered into before the effective date of this act between a motor carrier, person or other entity subject to the amendatory provisions of section 1 of this act and drivers who are employees of the motor carrier, person or other entity; and~~

~~2. Apply to any extension or renewal of such an agreement and to any such agreement entered into on or after the effective date of this act.]~~

**(Deleted by amendment.)**

**Sec. 7.** 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. 8.** This act becomes effective ~~[upon passage and approval.]~~ **on January 1, 2020.**

Assemblyman Carrillo moved that the Assembly concur in the Senate Amendment No. 674 to Assembly Bill No. 234.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

The amendment changes the effective date to January 1, 2020; removes section 6 pertaining to current employment agreements, which is not needed because of the effective date change; and adds provisions to exclude taxi cabs and transportation companies from the provisions of the bill.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 485.

The following Senate amendment was read:

Amendment No. 812.

SUMMARY—Makes various changes relating to school ~~buses.~~ **vehicles.**  
(BDR 43-36)

AN ACT relating to school ~~buses;~~ **vehicles;** revising the definition of a school bus for certain purposes; **authorizing a school district to lease school buses or vehicles belonging to the school district in certain circumstances;** revising provisions relating to the inspection of school buses; requiring new school buses purchased on or after a certain date be equipped with safety belts; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides a definition of a school bus for the purposes of certain laws regarding traffic laws and rules of the road. (NRS 484A.230) **Section 1** of this bill revises the definition of school bus to specify that such a vehicle must be “designed or used to carry more than 10 passengers in addition to the driver.” This definition more closely comports with the definition of a school bus in the Federal Motor Carrier Safety Regulations. (49 C.F.R. § 390.5)

Existing law provides various restrictions on and requirements for a school bus, including required evacuation drills, adoption of a safety program, driver qualifications and training, and standards for how a school bus used to transport pupils must be equipped. (NRS 386.790-386.845) **Section 2** of this bill provides that the revised definition of school bus in **section 1** applies to all such existing laws. The revised definition of school bus in **section 1** also applies to various other uses of the term throughout title 34 of NRS, regarding such topics as the use of transportation funds by a school district to purchase school buses, the extension of the safe and respectful learning environment to include school buses, the prohibition on bullying and cyber-bullying on school buses, the authorization procedures for a pupil to self-administer certain medications on a school bus and the provision for suspension or expulsion of a pupil for certain behaviors committed on a school bus. (NRS 386.795, 388.132, 388.135, 392.425, 392.466)

**Sections ~~3.1~~ 3.2 and 4** of this bill require that any new school bus which is purchased by a school district on or after July 1, 2019, must be equipped with a shoulder-harness-type safety belt assembly for each permanent seating position for passengers. The safety belts must meet certain federal standards

and specifications. **Section 6** of this bill imposes those same requirements on a private school which purchases a new school bus to transport pupils.

Existing law authorizes the board of trustees of a school district to allow school buses or vehicles belonging to the school district to be used for the transportation of public school pupils and children in certain circumstances. (NRS 386.790, 386.815) Sections 3.4 and 3.6 of this bill authorize a board of trustees to enter into a written agreement to lease school buses or vehicles belonging to the school district for special events taking place within the county in which the school district is located when a commercial bus is not reasonably available under certain circumstances. Section 3.4 also requires that any such agreement include provisions requiring the lessee to: (1) provide a security deposit; (2) pay a fee for the use of the school bus or vehicle; (3) accept responsibility for any damage to the bus or vehicle; (4) provide indemnification to the lessor school district and the school district's bus driver against any claim; (5) provide proof that each driver is licensed under the laws of this State and proof of insurance; (6) provide proof of a permit or other approval for the special event, if required by a governmental entity; (7) give preference to hiring a driver who is employed by the school district; and (8) acknowledge that the lessee is not entitled to the limitation on damages that applies to government employees and entities. (NRS 41.035) Additionally, section 3.4 limits the number of school buses and vehicles a school district may lease during any period of time to not more than 8.5 percent of the total number of school buses and vehicles belonging to that school district.

Under existing law, agents and employees of the Department of Motor Vehicles are required to inspect school buses to determine if the school buses comply with various equipment and identification requirements, and must report any violations to the superintendent of schools of the school district wherein the school buses are operating. (NRS 386.840) **Section 5** of this bill transfers those requirements to the Department of Public Safety.

Existing law provides that certain laws relating to the condition, equipment and identification of vehicles used for the transportation of pupils, including school buses, apply to private schools. (NRS 394.190) All such vehicles are subject to inspection at all times by the Department of Motor Vehicles, which is required to report any violation to the executive head of the private school. **Section 6** of this bill transfers those requirements to the Department of Public Safety.

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

**Section 1.** NRS 484A.230 is hereby amended to read as follows:

484A.230 1. "School bus" means every motor vehicle ~~owned~~ *which is designed or used to carry more than 10 passengers in addition to the driver and which is:*

(a) *Owned* by or under the control of a public or governmental agency or a private school and regularly operated for the transportation of children to or from school or a school activity ; or ~~privately~~

(b) *Privately* owned and regularly operated for compensation for the transportation of children to or from school or a school activity.

2. “School bus” does not include ~~it~~ :

(a) A passenger car operated under a contract to transport children to and from school ~~it~~ ;

(b) A common carrier or commercial vehicle under the jurisdiction of the Surface Transportation Board or the Nevada Transportation Authority when such vehicle is operated in the regular conduct of its business in interstate or intrastate commerce within the State of Nevada ~~it~~ ; *or*

(c) *A multifunction school activity bus whose purposes do not include transporting students to and from home or school bus stops.*

**Sec. 2.** NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. “Achievement charter school” means a public school operated by a charter management organization, as defined in NRS 388B.020, an educational management organization, as defined in NRS 388B.030, or other person pursuant to a contract with the Achievement School District pursuant to NRS 388B.210 and subject to the provisions of chapter 388B of NRS.

2. “Department” means the Department of Education.

3. *“English learner” has the meaning ascribed to it in 20 U.S.C. § 7801(20).*

4. “Homeschooled child” means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070, but does not include an opt-in child.

~~4. “Limited English proficient” has the meaning ascribed to it “English learner” in 20 U.S.C. § 7801(25). 7801(20).]~~

5. “Opt-in child” means a child for whom an education savings account has been established pursuant to NRS 353B.850, who is not enrolled full-time in a public or private school and who receives all or a portion of his or her instruction from a participating entity, as defined in NRS 353B.750.

6. “Public schools” means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

7. *“School bus” has the meaning ascribed to it in NRS 484A.230.*

8. “State Board” means the State Board of Education.

~~8.]~~ 9. “University school for profoundly gifted pupils” has the meaning ascribed to it in NRS 388C.040.

**Sec. 3.** Chapter 386 of NRS is hereby amended by adding thereto ~~to new section to read as follows:~~ the provisions set forth as sections 3.2 and 3.4 of this act.

*Sec. 3.2. 1. On and after July 1, 2019, with respect to any new school bus which is purchased by a school district to transport pupils, the school bus must be equipped with a shoulder-harness-type safety belt assembly for use in each permanent seating position for passengers on the school bus.*

*2. Each shoulder-harness-type safety belt assembly required by subsection 1 must meet the applicable minimum standards and specifications which are set forth in the Federal Motor Vehicle Safety Standards of the National Highway Traffic Safety Administration of the United States Department of Transportation and which are in effect on the date the school district purchases the school bus.*

*Sec. 3.4. 1. The board of trustees of a school district may, except as otherwise provided in subsections 5 and 6, authorize the school district to enter into a written agreement to lease school buses or vehicles belonging to the school district for special events that take place within the county in which the school district is located, provided that such an agreement will not interfere with or prevent the school district from furnishing transportation for pupils for the purposes described in NRS 386.790 and 386.815.*

*2. If a school district enters into an agreement pursuant to this section, the agreement must include, without limitation, a provision requiring the lessee to:*

*(a) Provide a security deposit in an amount which is not less than 20 percent of the estimated total amount of the fee set forth in the agreement;*

*(b) Pay a fee in an amount which is not less than the total cost per mile for the use of a school bus or vehicle to the school district, as determined by the transportation department of the school district, if the school district has such a department, or by the board of trustees, if the school district does not have such a department, and any additional costs or expenses related to the use of the school bus or vehicle, including, without limitation, fuel, wear and tear, maintenance, appropriate staffing, administrative costs and an additional rental service fee;*

*(c) Indemnify and hold the school district harmless against any claim, demand, judgment or legal action, whatsoever, including, without limitation, any losses, damages, legal costs or expenses incident thereto;*

*(d) Indemnify and hold the driver of a school bus or vehicle harmless against any claim, demand, judgment or legal action, whatsoever, including, without limitation, any losses, damages, legal costs or expenses incident thereto incurred when acting in the scope of his or her employment;*

*(e) Accept responsibility for any damage to the school bus or vehicle while leased as determined by the transportation department of the school*

district, if the school district has such a department, or by the board of trustees, if the school district does not have such a department;

(f) Provide proof that the school bus or vehicle leased will be operated by a person licensed under the laws of this State to operate the particular type of bus or vehicle leased;

(g) Provide proof of insurance which covers the school bus or vehicle while operated by the lessee up to an amount determined by the transportation department of the school district, if the school district has such a department, or by the board of trustees, if the school district does not have such a department;

(h) Provide proof of a permit or other approval for the special event, if required by a governmental entity;

(i) Give preference to a driver of a school bus or vehicle who is employed by the school district before hiring another driver who is not employed by the school district; and

(j) Acknowledge that by entering into such an agreement, the lessee does not become an agent or employee of the school district and is not entitled to the limitation on damages set forth in NRS 41.032 to 41.038, inclusive, for any act or failure to act by the lessee or an agent or employee of the lessee.

3. Except as otherwise provided in this subsection, whenever any school bus or vehicle belonging to a school district is leased, any lettering on the school bus or vehicle designating the vehicle as a school bus or vehicle must be covered and concealed, no signs or wording may be affixed to the school bus or vehicle and any system of flashing red lights or a mechanical device attached to the front of the school bus or vehicle must not be used in the operation of the school bus or vehicle by the lessee except in the case of an emergency. A system of flashing red lights or a mechanical device attached to the front of the school bus or vehicle may be used in the operation of a school bus or vehicle only during an emergency.

4. A school district shall separately account for any money collected as a result of an agreement to lease a school bus or vehicle which exceeds the actual cost to the school district and, except as otherwise provided in this subsection, such money may be used at the discretion of the school district. A school district may not use any money collected as a result of an agreement to lease a school bus or vehicle to:

(a) Settle or arbitrate disputes between a recognized organization representing employees of the school district and the school district, or to settle any negotiations; or

(b) Adjust the district-wide schedules of salaries and benefits of the employees of the school district.

5. A school district may not enter into an agreement pursuant to this section:

(a) For special events that take place outside the county in which the school district is located.



(b) If the school district determines that transportation by a commercial bus is reasonably available for a special event.

6. A school district may not lease during any period of time more than 8.5 percent of the total number of school buses and vehicles belonging to the school district.

7. For the purposes of this section, "special event" means an event or series of events that does not take place during the regular school day and is not an interscholastic contest, school festival or other activity properly a part of a school program.

**Sec. 3.6. NRS 386.815 is hereby amended to read as follows:**

386.815 1. A board of trustees of a school district may permit school buses or vehicles belonging to the school district to be used for the transportation of public school pupils to and from:

- (a) Interscholastic contests;
- (b) School festivals; or
- (c) Other activities properly a part of a school program.

2. In addition to the use of school buses and vehicles authorized pursuant to subsection 1, the board of trustees of a school district may permit school buses and vehicles belonging to the school district to be used for the transportation of children to and from:

- (a) Programs for the supervision of children before and after school; and
  - (b) Other programs or activities that the board of trustees deems appropriate,
- ↪ regardless of whether such programs or activities are part of a school program.

3. The use of school buses or vehicles belonging to the school district for the purposes enumerated in subsections 1 and 2 is governed by regulations made by the board of trustees, which must not conflict with regulations of the State Board. Proper supervision for each vehicle so used must be furnished by school authorities, and each school bus must be operated by a driver qualified under the provisions of NRS 386.790 to 386.840, inclusive and section 3.4 of this act.

4. A driver shall not operate a vehicle for the purposes enumerated in subsections 1 and 2 for more than 10 hours in a 15-hour period. The time spent operating, inspecting, loading, unloading, repairing and servicing the vehicle and waiting for passengers must be included in determining the 15-hour period. After 10 hours of operating a vehicle, the driver must rest for 10 hours before he or she again operates a vehicle for such purposes.

5. Before January 1, 1984, the State Board shall adopt regulations to carry out the provisions of subsection 4.

**Sec. 4. NRS 386.830 is hereby amended to read as follows:**

386.830 1. All vehicles used in the transportation of pupils must be:

- (a) In good condition and state of repair.

(b) Well equipped, and must contain sufficient room and seats so that the driver and each pupil being transported have a seat inside the vehicle. Each pupil shall remain seated when the vehicle is in motion.

~~{(c) Inspected}~~

**2. Each school bus must be inspected** semiannually by the Department of Public Safety to ensure that the vehicles are mechanically safe and meet the minimum specifications established by the State Board. The Department of Public Safety shall make written recommendations to the superintendent of schools of the school district wherein any such vehicle is operating for the correction of any defects discovered thereby.

~~{2.}~~ **3.** If the superintendent of schools fails or refuses to take appropriate action to have the defects corrected within 10 days after receiving notice of them from the Department of Public Safety, the superintendent is guilty of a misdemeanor, and upon conviction thereof may be removed from office.

~~{3.}~~ **4.** Except as otherwise provided in subsection ~~{4.}~~ **5**, all vehicles used for transporting pupils must meet the specifications established by regulation of the State Board.

~~{4.}~~ **5.** Except as otherwise provided in subsection ~~{5.}~~ **6**, any bus which is purchased and used by a school district to transport pupils to and from extracurricular activities is exempt from the specifications adopted by the State Board if the bus meets the federal safety standards for motor vehicles which were applicable at the time the bus was manufactured and delivered for introduction in interstate commerce.

~~{5.}~~ **6.** Any new school bus which is purchased by a school district to transport pupils must meet the standards set forth in:

(a) Subsection 1 of NRS 386.835 if the school bus is purchased on or after January 1, 2016; ~~and~~

(b) Subsection 2 or 3 of NRS 386.835 if the school bus is purchased on or after July 1, 2016 ~~{.}~~; *and*

(c) *Section ~~{3.}~~ 3.2 of this act if the school bus is purchased on or after July 1, 2019.*

~~{6.}~~ **7.** Any person violating any of the requirements of this section is guilty of a misdemeanor.

**Sec. 5.** NRS 386.840 is hereby amended to read as follows:

386.840 1. Except as otherwise provided in this subsection, every school bus operated for the transportation of pupils to or from school must be equipped with:

(a) A system of flashing red lights of a type approved by the State Board and installed at the expense of the school district or operator. Except as otherwise provided in subsection 2, the driver shall operate this signal:

(1) When the bus is stopped to unload pupils.

(2) When the bus is stopped to load pupils.

(3) In times of emergency, accident or motor vehicle crash, when appropriate.

(b) A mechanical device, attached to the front of the bus which, when extended, causes persons to walk around the device. The device must be approved by the State Board and installed at the expense of the school district or operator. The driver shall operate the device when the bus is stopped to load or unload pupils. The installation of such a mechanical device is not required for a school bus which is used solely to transport pupils with special needs who are individually loaded and unloaded in a manner which does not require them to walk in front of the bus. The provisions of this paragraph do not prohibit a school district from upgrading or replacing such a mechanical device with a more efficient and effective device that is approved by the State Board.

2. A driver may stop to load and unload pupils in a designated area without operating the system of flashing red lights required by subsection 1 if the designated area:

(a) Has been designated by a school district and approved by the Department;

(b) Is of sufficient depth and length to provide space for the bus to park at least 8 feet off the traveled portion of the roadway;

(c) Is not within an intersection of roadways;

(d) Contains ample space between the exit door of the bus and the parking area to allow safe exit from the bus;

(e) Is located so as to allow the bus to reenter the traffic from its parked position without creating a traffic hazard; and

(f) Is located so as to allow pupils to enter and exit the bus without crossing the roadway.

3. In addition to the equipment required by subsection 1 and except as otherwise provided in subsection ~~4~~ 5 of NRS 386.830, each school bus must:

(a) Be equipped and identified as required by the regulations of the State Board; and

(b) If the bus is a new bus purchased by a school district to transport pupils, meet the standards set forth in:

(1) Subsection 1 of NRS 386.835 if the bus is purchased on or after January 1, 2016; ~~and~~

(2) Subsection 2 or 3 of NRS 386.835 if the bus is purchased on or after July 1, 2016 ~~;~~ *and*

(3) *Section ~~3~~ 3.2 of this act if the bus is purchased on or after July 1, 2019.*

4. The ~~agents and employees of the~~ Department of ~~Motor Vehicles~~ *Public Safety* shall inspect school buses to determine whether the provisions of this section concerning equipment and identification of the school buses have been complied with, and shall report any violations discovered to the superintendent of schools of the school district wherein the vehicles are operating.

5. If the superintendent of schools fails or refuses to take appropriate action to correct any such violation within 10 days after receiving notice of it from the Department of ~~[Motor Vehicles,]~~ **Public Safety**, the superintendent is guilty of a misdemeanor, and upon conviction must be removed from office.

6. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

**Sec. 6.** NRS 394.190 is hereby amended to read as follows:

394.190 1. The provisions of NRS 386.830 and 386.840 relating to the condition, equipment and identification of vehicles used for the transportation of pupils apply to private schools.

2. On and after January 1, 2016, ~~[or]~~ July 1, 2016, **or July 1, 2019**, as applicable, with respect to any new school bus purchased to transport pupils, the standards for school buses set forth in:

(a) Subsection 1 of NRS 386.835; ~~[and]~~

(b) Subsection 2 or 3 of NRS 386.835 ~~[,]~~; **and**

(c) **Section ~~3.2~~ 3.2 of this act**,

↪ apply to private schools.

3. All such vehicles are subject to inspection at all times by ~~[agents and employees of]~~ the Department of ~~[Motor Vehicles,]~~ **Public Safety**, who shall report any violations discovered thereby to the executive head of the private school.

4. If the executive head of the private school fails or refuses to take appropriate action to correct any such violation within 10 days after receiving the report from the Department of ~~[Motor Vehicles,]~~ **Public Safety**, the executive head is guilty of a misdemeanor.

**Sec. 7.** This act becomes effective ~~[on July 1, 2017,]~~ **upon passage and approval.**

Assemblyman Carrillo moved that the Assembly concur in the Senate Amendment No. 812 to Assembly Bill No. 485.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

The amendment makes two changes. It makes a minor change to reference “English learner” rather than “limited English proficient” to avoid a conflict during the codification process of this definition in NRS 385.007. It also incorporates the provisions of Senate Bill 164, which allows the school district to enter into rental agreements to lease school busses or vehicles for special events taking place within the school district that are not part of any school program as long as the agreements do not interfere with or prevent the regular transport of district students. The amendment also revises the distribution of proceeds of the lease. As discussed, the bill would prohibit use of proceeds for the purpose of salaries or benefits.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

## SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 276, 471, 495, 496; Senate Bills Nos. 12, 56, 71, 81, 164, 171, 183, 230, 233, 274, 281, 287, 322, 323, 356, 364, 384, 386, 397, 471, 477, 502; Senate Joint Resolutions Nos. 4 and 5.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Catie Fitzgerald.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, May 30, 2017, at 11:30 a.m., and that it do so in memory of Dr. Alvin D. Blumberg.

Motion carried.

Assembly adjourned at 3:43 p.m.

Approved:

JASON FRIERSON  
*Speaker of the Assembly*

Attest: SUSAN FURLONG  
*Chief Clerk of the Assembly*