

Amendment No. 455

Senate Amendment to Senate Bill No. 21	(BDR 20-391)
Proposed by: Senate Committee on Government Affairs	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



SENATE BILL NO. 21—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Government Affairs

SUMMARY—Revises certain classifications based on populations. (BDR 20-391)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to classifications based on population; revising the population bases that apply to certain provisions of the Nevada Revised Statutes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, except as otherwise provided or required by the context, “population” is defined for the entire Nevada Revised Statutes as the number of people in a specified area as determined by the last preceding national decennial census conducted by the Bureau of the Census of the United States Department of Commerce pursuant to the United States Constitution and as reported by the Secretary of Commerce to the Governor of Nevada. (NRS 0.050) The Nevada Supreme Court has upheld classifications in statutes based on the population of entities if the classification is rationally related to the subject matter and purpose of the statute, applies prospectively to all such entities that might come within its designated class and does not create an odious, absurd or bizarre distinction. (*County of Clark v. City of Las Vegas*, 97 Nev. 260, 264 (1981)) This bill revises the classifications of populations in certain provisions of the Nevada Revised Statutes in order to determine whether such classifications continue to meet the conditions expressed by the Nevada Supreme Court.

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

Section 1. NRS 244.1507 is hereby amended to read as follows:

244.1507 1. Except as otherwise provided in subsection 2, the board of county commissioners of a county whose population is less than ~~45,000~~ **52,000** may by ordinance direct that:

(a) The powers and duties of two or more county offices be combined into one county office.

(b) The powers and duties of one county office be allocated between two or more county offices.

2. A board of county commissioners shall not take the action described in subsection 1 unless:

1 (a) The board determines that the combining or separating of the applicable
2 county offices will benefit the public;

3 (b) The board determines that the combining or separating of the applicable
4 county offices will not create:

5 (1) An ethical, legal or practical conflict of interest; or

6 (2) A situation in which the powers and duties assigned to a county office
7 are incompatible with the proper performance of that office in the public interest;

8 (c) The board submits to the residents of the county, in the form of an advisory
9 ballot question pursuant to NRS 295.230, a proposal to combine or separate the
10 applicable county offices; and

11 (d) A majority of the voters voting on the advisory ballot question approves the
12 proposal.

13 3. If the combining or separating of county offices pursuant to this section
14 will result in the elimination of one or more county offices, the combining or
15 separating of offices must not become effective until the earlier of the date on
16 which:

17 (a) The normal term of office of the person whose office will be eliminated
18 expires; or

19 (b) The person whose office will be eliminated resigns.

20 4. If the combining or separating of county offices pursuant to this section
21 results in the powers and duties of one county office being transferred to another
22 county office, the county office to which the powers and duties are transferred shall
23 be deemed to be the county office from which the powers and duties were
24 transferred for the purposes of any applicable provision of law authorizing or
25 requiring the performance or exercise of those powers and duties, as appropriate.

26 **Sec. 2.** NRS 244.2795 is hereby amended to read as follows:

27 244.2795 1. Except as otherwise provided in NRS 244.189, 244.276,
28 244.279, 244.2815, 244.2825, 244.2833, 244.2835, 244.284, 244.287, 244.290,
29 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080, except as
30 otherwise required by federal law, except as otherwise required pursuant to a
31 cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an
32 interlocal agreement in existence on or before October 1, 2004, except if the board
33 of county commissioners is entering into a joint development agreement for real
34 property owned by the county to which the board of county commissioners is a
35 party, except for a lease of residential property with a term of 1 year or less, except
36 for the sale or lease of real property to a public utility, as defined in NRS 704.020,
37 to be used for a public purpose, except for the sale or lease of real property to the
38 State or another governmental entity and except for the sale or lease of real property
39 larger than 1 acre which is approved by the voters at a primary or general election
40 or special election, the board of county commissioners shall, when offering any real
41 property for sale or lease:

42 (a) Except as otherwise provided in this paragraph and paragraph (h) of
43 subsection 1 of NRS 244.281, obtain two independent appraisals of the real
44 property before selling or leasing it. If the board of county commissioners holds a
45 public hearing on the matter of the fair market value of the real property, one
46 independent appraisal of the real property is sufficient before selling or leasing it.
47 The appraisal or appraisals, as applicable, must have been prepared not more than 6
48 months before the date on which the real property is offered for sale or lease.

49 (b) Select the one independent appraiser or two independent appraisers, as
50 applicable, from the list of appraisers established pursuant to subsection 2.

51 (c) Verify the qualifications of each appraiser selected pursuant to paragraph
52 (b). The determination of the board of county commissioners as to the
53 qualifications of the appraiser is conclusive.

2. The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.

4. An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if:

(a) The appraiser has an interest in the real property or an adjoining property;

(b) The real property is located in a county whose population is ~~45,000~~ 52,000 or more and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the third degree of consanguinity or affinity; or

(c) The real property is located in a county whose population is less than ~~45,000~~ 52,000 and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the second degree of consanguinity or affinity.

5. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 3. NRS 244.2815 is hereby amended to read as follows:

244.2815 1. A board of county commissioners may sell, lease or otherwise dispose of real property for the purposes of redevelopment or economic development:

(a) Without first offering the real property to the public; and

(b) For less than fair market value of the real property.

2. Before a board of county commissioners may sell, lease or otherwise dispose of real property pursuant to this section, the board must:

(a) Except as otherwise provided in subsection 3, obtain an appraisal of the real property pursuant to NRS 244.2795; and

(b) Adopt a resolution finding that it is in the best interest of the public to sell, lease or otherwise dispose of the real property:

(1) Without offering the real property to the public; and

(2) For less than fair market value of the real property.

3. The board of county commissioners of a county whose population is less than ~~45,000~~ 52,000 may lease real property pursuant to this section without obtaining the appraisal otherwise required pursuant to subsection 2 if:

(a) The real property was acquired by the county directly from the Federal Government; and

(b) The terms and conditions under which the real property was acquired prohibit the sale of the real property and provide for the reversion of the title to the real property to the Federal Government upon demand by the Federal Government.

4. As used in this section:

(a) "Economic development" means:

(1) The establishment of new commercial enterprises or facilities within the county;

(2) The support, retention or expansion of existing commercial enterprises or facilities within the county;

(3) The establishment, retention or expansion of public, quasi-public or other facilities or operations within the county;

(4) The establishment of residential housing needed to support the establishment of new commercial enterprises or facilities or the expansion of existing commercial enterprises or facilities; or

(5) Any combination of the activities described in subparagraphs (1) to (4), inclusive,

➤ to create and retain opportunities of employment for the residents of the county.

(b) "Redevelopment" has the meaning ascribed to it in NRS 279.408.

Sec. 4. NRS 244A.7645 is hereby amended to read as follows:

244A.7645 1. If a surcharge is imposed pursuant to NRS 244A.7643 in a county whose population is 100,000 or more, the board of county commissioners of that county shall establish by ordinance an advisory committee to develop a plan to enhance the telephone system for reporting an emergency in that county and to oversee any money allocated for that purpose. The advisory committee must:

(a) Consist of not less than five members who:

(1) Are residents of the county;

(2) Possess knowledge concerning telephone systems for reporting emergencies; and

(3) Are not elected public officers.

(b) Subject to the provisions of subparagraph (3) of paragraph (a), include the chief law enforcement officer or his or her designee from each office of the county sheriff, metropolitan police department, police department of an incorporated city within the county and department, division or municipal court of a city or town that employs marshals within the county, as applicable.

2. If a surcharge is imposed pursuant to NRS 244A.7643 in a county whose population is less than 100,000, the board of county commissioners of that county shall establish by ordinance an advisory committee to develop a plan to enhance or improve the telephone system for reporting an emergency in that county and to oversee any money allocated for that purpose. The advisory committee must:

(a) Consist of not less than five members who:

(1) Are residents of the county;

(2) Possess knowledge concerning telephone systems for reporting emergencies; and

(3) Are not elected public officers.

(b) Include a representative of an incumbent local exchange carrier which provides service to persons in that county. As used in this paragraph, "incumbent local exchange carrier" has the meaning ascribed to it in 47 U.S.C. § 251(h)(1), as that section existed on October 1, 1999, and includes a local exchange carrier that is treated as an incumbent local exchange carrier pursuant to that section.

(c) Subject to the provisions of subparagraph (3) of paragraph (a), include the chief law enforcement officer or his or her designee from each office of the county sheriff, metropolitan police department, police department of an incorporated city within the county and department, division or municipal court of a city or town that employs marshals within the county, as applicable.

3. If a surcharge is imposed in a county pursuant to NRS 244A.7643, the board of county commissioners of that county shall create a special revenue fund of the county for the deposit of the money collected pursuant to NRS 244A.7643. The money in the fund must be used only:

1 (a) To pay the costs of adopting and reviewing the 5-year master plan for the
2 enhancement of the telephone system for reporting emergencies in the county that
3 is required pursuant to NRS 244A.7643.

4 (b) With respect to the telephone system for reporting an emergency:

5 (1) In a county whose population is ~~445,000~~ 52,000 or more, to enhance
6 the telephone system for reporting an emergency, including only:

7 (I) Paying recurring and nonrecurring charges for telecommunication
8 services necessary for the operation of the enhanced telephone system;

9 (II) Paying costs for personnel and training associated with the routine
10 maintenance and updating of the database for the system;

11 (III) Purchasing, leasing or renting the equipment and software
12 necessary to operate the enhanced telephone system, including, without limitation,
13 equipment and software that identify the number or location from which a call is
14 made; and

15 (IV) Paying costs associated with any maintenance, upgrade and
16 replacement of equipment and software necessary for the operation of the enhanced
17 telephone system.

18 (2) In a county whose population is less than ~~445,000~~ 52,000, to improve
19 the telephone system for reporting an emergency in the county.

20 (c) With respect to purchasing and maintaining portable event recording
21 devices and vehicular event recording devices, to pay:

22 (1) By an entity described in this subparagraph, costs associated with the
23 acquisition, maintenance, storage of data, upgrade and replacement of equipment
24 and software necessary for the operation of portable event recording devices and
25 vehicular event recording devices or systems that consist of both portable event
26 recording devices and vehicular event recording devices. Money may be expended
27 pursuant to this subparagraph for the purchase and maintenance of portable event
28 recording devices or vehicular event recording devices only by:

29 (I) The sheriff's office of a county;

30 (II) A metropolitan police department;

31 (III) A police department of an incorporated city;

32 (IV) A department, division or municipal court of a city or town that
33 employs marshals;

34 (V) A department of alternative sentencing; or

35 (VI) A county school district that employs school police officers.

36 (2) Costs for personnel and training associated with maintaining, updating
37 and operating the equipment, hardware and software necessary for portable event
38 recording devices and vehicular event recording devices or systems that consist of
39 both portable event recording devices and vehicular event recording devices.

40 (3) Costs for personnel and training associated with the maintenance,
41 retention and redaction of audio and video events recorded on portable event
42 recording devices and vehicular event recording devices or systems that consist of
43 both portable event recording devices and vehicular event recording devices.

44 (d) To pay any costs associated with performing an analysis or audit pursuant
45 to NRS 244A.7648 of the surcharges collected by telecommunications providers.

46 4. For the purposes described in subsection 3, money in the fund must be
47 expended in the following order of priority:

48 (a) Paying the costs authorized pursuant to paragraph (a) of subsection 3 to
49 adopt and review the 5-year master plan.

50 (b) If the county performs an analysis or audit described in NRS 244A.7648,
51 paying the costs associated authorized pursuant to paragraph (d) of subsection 3.

52 (c) Paying the costs authorized pursuant to paragraph (b) of subsection 3.

(d) If the county has imposed a portion of the surcharge for purposes of purchasing and maintaining portable event recording devices and vehicular event recording devices:

(1) Paying the costs authorized pursuant to paragraph (c) of subsection 3 other than costs related to personnel and training.

(2) Paying the costs authorized pursuant to paragraph (c) of subsection 3 related to personnel.

(3) Paying the costs authorized pursuant to paragraph (c) of subsection 3 related to training.

5. If money in the fund is distributed to a recipient and:

(a) The recipient has not used the money for any purpose authorized pursuant to subsection 3 within 6 months, the recipient must:

(1) Notify the board of county commissioners and the advisory committee; and

(2) Return the unused money.

(b) The recipient used any portion of the money for a purpose that is not authorized pursuant to subsection 3, the recipient must:

(1) Notify the board of county commissioners and the advisory committee; and

(2) Repay the portion of the money that was used for a purpose not authorized pursuant to subsection 3.

(c) The recipient was not entitled to receive all or a portion of the money, the recipient must:

(1) Notify the board of county commissioners and the advisory committee; and

(2) Repay all money to which the recipient was not entitled to receive.

6. If the balance in the fund created in a county whose population is 100,000 or more pursuant to subsection 3 which has not been committed for expenditure exceeds \$5,000,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed \$5,000,000.

7. If the balance in the fund created in a county whose population is ~~45,000~~ 52,000 or more but less than 100,000 pursuant to subsection 3 which has not been committed for expenditure exceeds \$1,000,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed \$1,000,000.

8. If the balance in the fund created in a county whose population is less than ~~45,000~~ 52,000 pursuant to subsection 3 which has not been committed for expenditure exceeds \$500,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed \$500,000.

Sec. 5. NRS 248.040 is hereby amended to read as follows:

248.040 1. Except as provided in NRS 248.045, each sheriff may:

(a) Appoint, in writing signed by him or her, one or more deputies, who may perform all the duties devolving on the sheriff of the county and such other duties as the sheriff may from time to time direct. The appointment of a deputy sheriff must not be construed to confer upon that deputy policymaking authority for the office of the sheriff or the county by which the deputy sheriff is employed.

(b) Except as otherwise provided in this paragraph, only remove a deputy who has completed a probationary period of 12 months for cause. A deputy who functions as the head of a department or an administrative employee or who has not completed the probationary period may be removed at the sheriff's pleasure.

2. For the purposes of paragraph (b) of subsection 1, in any county whose population is less than ~~145,000~~, **52,000**, "cause" includes, without limitation:

(a) Failure to be certified by the Peace Officers' Standards and Training Commission within the time required by NRS 289.550;

(b) Loss of the certification by the Peace Officers' Standards and Training Commission required by NRS 289.550; or

(c) Failure to maintain a valid driver's license.

➤ This subsection does not limit or impair any internal grievance procedure, grievance procedure negotiated pursuant to chapter 288 of NRS or administrative remedy otherwise available to a deputy.

3. No deputy sheriff is qualified to act as such unless he or she has taken an oath to discharge the duties of the office faithfully and impartially. The oath, together with the written appointment, must be recorded in the office of the recorder of the county within which the sheriff legally holds and exercises office. Revocations of such appointments must be recorded as provided in this subsection. From the time of the recording of the appointments or revocations therein, persons shall be deemed to have notice of the appointments or revocations.

4. The sheriff may require of his or her deputies such bonds as to the sheriff seem proper.

Sec. 6. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies at a physical location or by means of a remote technology system. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. If any portion of a meeting is open to the public, the public officers and employees responsible for the meeting must make reasonable efforts to ensure the facilities for the meeting are large enough to accommodate the anticipated number of attendees. No violation of this chapter occurs if a member of the public is not permitted to attend a public meeting because the facilities for the meeting have reached maximum capacity if reasonable efforts were taken to accommodate the anticipated number of attendees. Nothing in this subsection requires a public body to incur any costs to secure a facility outside the control or jurisdiction of the public body or to upgrade, improve or otherwise modify an existing facility to accommodate the anticipated number of attendees.

3. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting. If the meeting is held using a remote technology system pursuant to NRS 241.023 and has no physical location, the notice must include information on how a member of the public may:

(1) Use the remote technology system to hear and observe the meeting;

(2) Participate in the meeting by telephone; and

(3) Provide live public comment during the meeting and, if authorized by the public body, provide prerecorded public comment.

1 (b) A list of the locations where the notice has been posted.

2 (c) The name, contact information and business address for the person
3 designated by the public body from whom a member of the public may request the
4 supporting material for the meeting described in subsection 7 and:

5 (1) A list of the locations where the supporting material is available to the
6 public; or

7 (2) Information about how the supporting material may be found on the
8 Internet website of the public body.

9 (d) An agenda consisting of:

10 (1) A clear and complete statement of the topics scheduled to be
11 considered during the meeting.

12 (2) A list describing the items on which action may be taken and clearly
13 denoting that action may be taken on those items by placing the term “for possible
14 action” next to the appropriate item or, if the item is placed on the agenda pursuant
15 to NRS 241.0365, by placing the term “for possible corrective action” next to the
16 appropriate item.

17 (3) Periods devoted to comments by the general public, if any, and
18 discussion of those comments. Comments by the general public must be taken:

19 (I) At the beginning of the meeting before any items on which action
20 may be taken are heard by the public body and again before the adjournment of the
21 meeting; or

22 (II) After each item on the agenda on which action may be taken is
23 discussed by the public body, but before the public body takes action on the item.

24 ➤ The provisions of this subparagraph do not prohibit a public body from taking
25 comments by the general public in addition to what is required pursuant to sub-
26 subparagraph (I) or (II). Regardless of whether a public body takes comments from
27 the general public pursuant to sub-subparagraph (I) or (II), the public body must
28 allow the general public to comment on any matter that is not specifically included
29 on the agenda as an action item at some time before adjournment of the meeting.
30 No action may be taken upon a matter raised during a period devoted to comments
31 by the general public until the matter itself has been specifically included on an
32 agenda as an item upon which action may be taken pursuant to subparagraph (2).

33 (4) If any portion of the meeting will be closed to consider the character,
34 alleged misconduct or professional competence of a person, the name of the person
35 whose character, alleged misconduct or professional competence will be
36 considered.

37 (5) If, during any portion of the meeting, the public body will consider
38 whether to take administrative action regarding a person, the name of that person.

39 (6) Notification that:

40 (I) Items on the agenda may be taken out of order;

41 (II) The public body may combine two or more agenda items for
42 consideration; and

43 (III) The public body may remove an item from the agenda or delay
44 discussion relating to an item on the agenda at any time.

45 (7) Any restrictions on comments by the general public. Any such
46 restrictions must be reasonable and may restrict the time, place and manner of the
47 comments, but may not restrict comments based upon viewpoint.

48 4. Minimum public notice is:

49 (a) Posting a copy of the notice at the principal office of the public body. If the
50 meeting is held using a remote technology system pursuant to NRS 241.023 and has
51 no physical location, the public body must also post the notice to the Internet
52 website of the public body not later than 9 a.m. of the third working day before the
53 meeting is to be held unless the public body is unable to do so because of technical

1 problems relating to the operation or maintenance of the Internet website of the
2 public body.

3 (b) Posting the notice on the official website of the State pursuant to NRS
4 232.2175 not later than 9 a.m. of the third working day before the meeting is to be
5 held, unless the public body is unable to do so because of technical problems
6 relating to the operation or maintenance of the official website of the State.

7 (c) Providing a copy of the notice to any person who has requested notice of
8 the meetings of the public body. A request for notice lapses 6 months after it is
9 made. The public body shall inform the requester of this fact by enclosure with,
10 notation upon or text included within the first notice sent. The notice must be:

11 (1) Delivered to the postal service used by the public body not later than 9
12 a.m. of the third working day before the meeting for transmittal to the requester by
13 regular mail; or

14 (2) Transmitted to the requester by electronic mail sent not later than 9
15 a.m. of the third working day before the meeting.

16 5. For each of its meetings, a public body shall document in writing that the
17 public body complied with the minimum public notice required by paragraph (a) of
18 subsection 4. The documentation must be prepared by every person who posted a
19 copy of the public notice and include, without limitation:

20 (a) The date and time when the person posted the copy of the public notice;

21 (b) The address of the location where the person posted the copy of the public
22 notice; and

23 (c) The name, title and signature of the person who posted the copy of the
24 notice.

25 6. Except as otherwise provided in paragraph (a) of subsection 4, if a public
26 body maintains a website on the Internet or its successor, the public body shall post
27 notice of each of its meetings on its website unless the public body is unable to do
28 so because of technical problems relating to the operation or maintenance of its
29 website. Notice posted pursuant to this subsection is supplemental to and is not a
30 substitute for the minimum public notice required pursuant to subsection 4. The
31 inability of a public body to post notice of a meeting pursuant to this subsection as a
32 result of technical problems with its website shall not be deemed to be a violation
33 of the provisions of this chapter.

34 7. Upon any request, a public body shall provide, at no charge, at least one
35 copy of:

36 (a) An agenda for a public meeting;

37 (b) A proposed ordinance or regulation which will be discussed at the public
38 meeting; and

39 (c) Subject to the provisions of subsection 8 or 9, as applicable, any other
40 supporting material provided to the members of the public body for an item on the
41 agenda, except materials:

42 (1) Submitted to the public body pursuant to a nondisclosure or
43 confidentiality agreement which relates to proprietary information;

44 (2) Pertaining to the closed portion of such a meeting of the public body; or

45 (3) Declared confidential by law, unless otherwise agreed to by each
46 person whose interest is being protected under the order of confidentiality.

47 ➤ The public body shall make at least one copy of the documents described in
48 paragraphs (a), (b) and (c) available to the public at the meeting to which the
49 documents pertain. As used in this subsection, "proprietary information" has the
50 meaning ascribed to it in NRS 332.025.

51 8. Unless it must be made available at an earlier time pursuant to NRS
52 288.153, a copy of supporting material required to be provided upon request
53 pursuant to paragraph (c) of subsection 7 must be:

1 (a) If the supporting material is provided to the members of the public body
2 before the meeting, made available to the requester at the time the material is
3 provided to the members of the public body; or

4 (b) If the supporting material is provided to the members of the public body at
5 the meeting, made available at the meeting to the requester at the same time the
6 material is provided to the members of the public body.

7 ➤ If the requester has agreed to receive the information and material set forth in
8 subsection 7 by electronic mail, the public body shall, if feasible, provide the
9 information and material by electronic mail.

10 9. Unless the supporting material must be posted at an earlier time pursuant to
11 NRS 288.153, and except as otherwise provided in subsection 11, the governing
12 body of a county or city whose population is ~~45,000~~ 52,000 or more shall post the
13 supporting material described in paragraph (c) of subsection 7 to its website not
14 later than the time the material is provided to the members of the governing body
15 or, if the supporting material is provided to the members of the governing body at a
16 meeting, not later than 24 hours after the conclusion of the meeting. Such posting is
17 supplemental to the right of the public to request the supporting material pursuant
18 to subsection 7. The inability of the governing body, as a result of technical
19 problems with its website, to post supporting material pursuant to this subsection
20 shall not be deemed to be a violation of the provisions of this chapter.

21 10. Except as otherwise provided in subsection 11, a public body may provide
22 the public notice, information or supporting material required by this section by
23 electronic mail. Except as otherwise provided in this subsection, if a public body
24 makes such notice, information or supporting material available by electronic mail,
25 the public body shall inquire of a person who requests the notice, information or
26 supporting material if the person will accept receipt by electronic mail. If a public
27 body is required to post the public notice, information or supporting material on its
28 website pursuant to this section, the public body shall inquire of a person who
29 requests the notice, information or supporting material if the person will accept by
30 electronic mail a link to the posting on the website when the documents are made
31 available. The inability of a public body, as a result of technical problems with its
32 electronic mail system, to provide a public notice, information or supporting
33 material or a link to a website required by this section to a person who has agreed to
34 receive such notice, information, supporting material or link by electronic mail
35 shall not be deemed to be a violation of the provisions of this chapter.

36 11. If a public body holds a meeting using a remote technology system
37 pursuant to NRS 241.023 and has no physical location for the meeting, the public
38 body must:

39 (a) Have an Internet website; and

40 (b) Post to its Internet website:

41 (1) The public notice required by this section; and

42 (2) Supporting material not later than the time the material is provided to
43 the members of the governing body or, if the supporting material is provided to the
44 members of the governing body at a meeting, not later than 24 hours after the
45 conclusion of the meeting.

46 ➤ The inability of the governing body, as a result of technical problems with its
47 Internet website, to post supporting material pursuant to this subsection shall not be
48 deemed to be a violation of the provisions of this chapter.

49 12. As used in this section, "emergency" means an unforeseen circumstance
50 which requires immediate action and includes, but is not limited to:

51 (a) Disasters caused by fire, flood, earthquake or other natural causes; or

52 (b) Any impairment of the health and safety of the public.

Sec. 7. NRS 241.0355 is hereby amended to read as follows:

241.0355 1. A public body that is required to be composed of elected officials only may not take action by vote unless at least a majority of all the members of the public body vote in favor of the action. For purposes of this subsection, a public body may not count an abstention as a vote in favor of an action.

2. In a county whose population is ~~145,000~~ 52,000 or more, the provisions of subsection 5 of NRS 281A.420 do not apply to a public body that is required to be composed of elected officials only, unless before abstaining from the vote, the member of the public body receives and discloses the opinion of the legal counsel authorized by law to provide legal advice to the public body that the abstention is required pursuant to NRS 281A.420. The opinion of counsel must be in writing and set forth with specificity the factual circumstances and analysis leading to that conclusion.

Sec. 8. NRS 268.059 is hereby amended to read as follows:

268.059 1. Except as otherwise provided in NRS 268.048 to 268.058, inclusive, 268.064, 278.479 to 278.4965, inclusive, and subsection 4 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election, the governing body shall, when offering any real property for sale or lease:

(a) Except as otherwise provided in this paragraph and paragraph (h) of subsection 1 of NRS 268.061, obtain two independent appraisals of the real property before selling or leasing it. If the governing body holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must be based on the zoning of the real property as set forth in the master plan for the city and must have been prepared not more than 6 months before the date on which real property is offered for sale or lease.

(b) Select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the governing body as to the qualifications of the appraiser is conclusive.

2. The governing body shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the governing body. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the property owner or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any real property offered for sale or lease by the governing body if:

(a) The appraiser has an interest in the real property or an adjoining property;

(b) The real property is located in a city in a county whose population is ~~45,000~~ 52,000 or more and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the third degree of consanguinity or affinity; or

(c) The real property is located in a city in a county whose population is less than ~~45,000~~ 52,000 and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the second degree of consanguinity or affinity.

5. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 9. NRS 278.02095 is hereby amended to read as follows:

278.02095 1. Except as otherwise provided in this section, in an ordinance relating to the zoning of land adopted or amended by a governing body, the definition of "single-family residence" must include a manufactured home.

2. Notwithstanding the provisions of subsection 1, a governing body shall adopt standards for the placement of a manufactured home that will not be affixed to a lot within a mobile home park which require that:

(a) The manufactured home:

(1) Be permanently affixed to a residential lot;

(2) Be manufactured within the 6 years immediately preceding the date on which it is affixed to the residential lot;

(3) Have exterior siding and roofing which is similar in color, material and appearance to the exterior siding and roofing primarily used on other single-family residential dwellings in the immediate vicinity of the manufactured home, as established by the governing body;

(4) Consist of more than one section; and

(5) Consist of at least 1,200 square feet of living area unless the governing body, by administrative variance or other expedited procedure established by the governing body, approves a lesser amount of square footage based on the size or configuration of the lot or the square footage of single-family residential dwellings in the immediate vicinity of the manufactured home; and

(b) If the manufactured home has an elevated foundation, the foundation is masked architecturally in a manner determined by the governing body.

➤ The governing body of a local government in a county whose population is less than ~~45,000~~ 52,000 may adopt standards that are less restrictive than the standards set forth in this subsection.

3. Standards adopted by a governing body pursuant to subsection 2 must be objective and documented clearly and must not be adopted to discourage or impede the construction or provision of affordable housing, including, without limitation, the use of manufactured homes for affordable housing.

4. Before a building department issues a permit to place a manufactured home on a lot pursuant to this section, other than a new manufactured home, the owner must surrender the certificate of ownership to the Housing Division of the Department of Business and Industry. The Division shall provide proof of such a surrender to the owner who must submit that proof to the building department.

5. The provisions of this section do not abrogate a recorded restrictive covenant prohibiting manufactured homes, nor do the provisions apply within the boundaries of a historic district established pursuant to NRS 384.005 or 384.100. An application to place a manufactured home on a residential lot pursuant to this section constitutes an attestation by the owner of the lot that the placement complies with all covenants, conditions and restrictions placed on the lot and that the lot is not located within a historic district.

6. As used in this section:

(a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.

(b) "New manufactured home" has the meaning ascribed to it in NRS 489.125.

Sec. 10. NRS 278.030 is hereby amended to read as follows:

278.030 1. The governing body of each city whose population is 25,000 or more and of each county whose population is ~~45,000~~ 52,000 or more shall create by ordinance a planning commission to consist of seven members.

2. Cities whose population is less than 25,000 and counties whose population is less than ~~45,000~~ 52,000 may create by ordinance a planning commission to consist of seven members. If the governing body of any city whose population is less than 25,000 or of any county whose population is less than ~~45,000~~ 52,000 deems the creation of a planning commission unnecessary or inadvisable, the governing body may, in lieu of creating a planning commission as provided in this subsection, perform all the functions and have all of the powers which would otherwise be granted to and be performed by the planning commission.

Sec. 11. NRS 293.464 is hereby amended to read as follows:

293.464 1. If a court of competent jurisdiction orders a county to extend the deadline for voting beyond the statutory deadline in a particular election, the county clerk shall, as soon as practicable after receiving notice of the court's decision:

(a) Cause notice of the extended deadline to be published in a newspaper of general circulation in the county; and

(b) Transmit a notice of the extended deadline to each registered voter who received a mail ballot for the election and has not returned the mail ballot before the date on which the notice will be transmitted.

2. The notice required pursuant to paragraph (a) of subsection 1 must be published:

(a) In a county whose population is ~~47,500~~ 52,000 or more, on at least 3 successive days.

(b) In a county whose population is less than ~~47,500~~ 52,000, at least twice in successive issues of the newspaper.

Sec. 12. NRS 318.5121 is hereby amended to read as follows:

318.5121 1. The board of trustees shall adopt by resolution the procedures for creating and maintaining a list of appraisers qualified to conduct appraisals of real property offered for sale by the board. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

2. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.

3. An appraiser shall not perform an appraisal on any real property for sale by the board of trustees if:

(a) The appraiser has an interest in the real property or an adjoining property;

(b) The real property is located in a county whose population is ~~45,000~~ 52,000 or more and any person who is related to the appraiser has an interest in the

1 real property or an adjoining property and the relationship between the appraiser
2 and the person is within the third degree of consanguinity or affinity; or

3 (c) The real property is located in a county whose population is less than
4 ~~[45,000]~~ 52,000 and any person who is related to the appraiser has an interest in the
5 real property or an adjoining property and the relationship between the appraiser
6 and the person is within the second degree of consanguinity or affinity.

7 **Sec. 13.** NRS 350.0125 is hereby amended to read as follows:

8 350.0125 1. The commission in a county whose population is less than
9 ~~[47,500]~~ 52,000 may request technical assistance from the Department of Taxation
10 to carry out the duties of the commission. Upon such a request, the Department of
11 Taxation shall provide to that commission such technical assistance to the extent
12 that resources are available.

13 2. The board of county commissioners of a county whose population is
14 ~~[47,500]~~ 52,000 or more shall provide the commission in that county with such
15 staff as is necessary to carry out the duties of the commission. The staff provided to
16 the commission pursuant to this subsection shall provide such technical assistance
17 to the commission as the commission requires, except the staff shall not render an
18 opinion on the merits of any proposal or other matter before the commission.

19 **Sec. 14.** NRS 361.453 is hereby amended to read as follows:

20 361.453 1. Except as otherwise provided in this section and NRS 354.705,
21 354.723, 387.3288 and 450.760, the total ad valorem tax levy for all public
22 purposes must not exceed \$3.64 on each \$100 of assessed valuation, or a lesser or
23 greater amount fixed by the State Board of Examiners if the State Board of
24 Examiners is directed by law to fix a lesser or greater amount for that fiscal year.

25 2. Any levy imposed by the Legislature for the repayment of bonded
26 indebtedness or the operating expenses of the State of Nevada and any levy
27 imposed by the board of county commissioners pursuant to NRS 387.195 that is in
28 excess of 50 cents on each \$100 of assessed valuation of taxable property within the
29 county must not be included in calculating the limitation set forth in subsection 1 on
30 the total ad valorem tax levied within the boundaries of the county, city or
31 unincorporated town, if, in a county whose population is less than ~~[45,000]~~ 52,000,
32 or in a city or unincorporated town located within that county:

33 (a) The combined tax rate certified by the Nevada Tax Commission was at
34 least \$3.50 on each \$100 of assessed valuation on June 25, 1998;

35 (b) The governing body of that county, city or unincorporated town proposes to
36 its registered voters an additional levy ad valorem above the total ad valorem tax
37 levy for all public purposes set forth in subsection 1;

38 (c) The proposal specifies the amount of money to be derived, the purpose for
39 which it is to be expended and the duration of the levy; and

40 (d) The proposal is approved by a majority of the voters voting on the question
41 at a general election or a special election called for that purpose.

42 3. The duration of the additional levy ad valorem levied pursuant to
43 subsection 2 must not exceed 5 years. The governing body of the county, city or
44 unincorporated town may discontinue the levy before it expires and may not
45 thereafter reimpose it in whole or in part without following the procedure required
46 for its original imposition set forth in subsection 2.

47 4. A special election may be held pursuant to subsection 2 only if the
48 governing body of the county, city or unincorporated town determines, by a
49 unanimous vote, that an emergency exists. The determination made by the
50 governing body is conclusive unless it is shown that the governing body acted with
51 fraud or a gross abuse of discretion. An action to challenge the determination made
52 by the governing body must be commenced within 15 days after the governing
53 body's determination is final. As used in this subsection, "emergency" means any

unexpected occurrence or combination of occurrences which requires immediate action by the governing body of the county, city or unincorporated town to prevent or mitigate a substantial financial loss to the county, city or unincorporated town or to enable the governing body to provide an essential service to the residents of the county, city or unincorporated town.

Sec. 15. NRS 379.050 is hereby amended to read as follows:

379.050 1. Whenever a new county library is provided for in any county whose population is ~~45,000~~ 52,000 or more, the trustees of any district library in the county previously established may transfer all books, funds, equipment or other property in the possession of such trustees to the new library upon the demand of the trustees of the new library.

2. Whenever there are two or more county library districts in any county whose population is ~~45,000~~ 52,000 or more, the districts may merge into one county library district upon approval of the library trustees of the merging districts.

3. Whenever there is a city or a town library located adjacent to a county library district, the city or town library may:

(a) Merge with the county library district upon approval of the trustees of the merging library and district; or

(b) Subject to the limitations in NRS 379.0221, consolidate with the county library district.

4. All expenses incurred in making a transfer or merger must be paid out of the general fund of the new library.

Sec. 15.5. NRS 387.331 is hereby amended to read as follows:

387.331 1. The tax on residential construction authorized by this section is a specified amount which must be the same for each:

(a) Lot for a mobile home;

(b) Residential dwelling unit; and

(c) Suite in an apartment house,

↳ imposed on the privilege of constructing apartment houses and residential dwelling units and developing lots for mobile homes.

2. The board of trustees of any school district in a county whose population is less than ~~55,000~~ 100,000 and is not a consolidated municipality may request that the board of county commissioners of the county in which the school district is located impose a tax on residential construction in the school district to construct, remodel and make additions to school buildings. Whenever the board of trustees takes that action, it shall notify the board of county commissioners and shall specify the areas of the county to be served by the buildings to be erected or enlarged.

3. If the board of county commissioners decides that the tax should be imposed, it shall notify the Nevada Tax Commission. If the Commission approves, the board of county commissioners may then impose the tax, whose specified amount must not exceed \$1,600.

4. The board shall collect the tax so imposed, in the areas of the county to which it applies, and may require that administrative costs, not to exceed 1 percent, be paid from the amount collected.

5. The money collected must be deposited with the county treasurer in the school district's fund for capital projects to be held and expended in the same manner as other money deposited in that fund.

Sec. 16. NRS 396.892 is hereby amended to read as follows:

396.892 1. Each student who receives a loan made pursuant to NRS 396.890 to 396.898, inclusive, shall repay the loan and accrued interest pursuant to the terms of the loan unless the student:

(a) Practices nursing in a rural area of Nevada or as an employee of the State for 6 months for each academic year for which he or she received a loan; or

1 (b) Practices nursing in any other area of Nevada for 1 year for each academic
2 year for which he or she received a loan.

3 2. The Board of Regents may adopt regulations:

4 (a) Extending the time for completing the required practice beyond 5 years for
5 persons who are granted extensions because of hardship; and

6 (b) Granting prorated credit towards repayment of a loan for time a person
7 practices nursing as required, for cases in which the period for required practice is
8 only partially completed,

9 and such other regulations as are necessary to carry out the provisions of NRS
10 396.890 to 396.898, inclusive.

11 3. As used in this section, "practices nursing in a rural area" means that the
12 person practices nursing in an area located in a county whose population is less than
13 ~~[47,500]~~ **52,000** at least half of the total time the person spends in the practice of
14 nursing, and not less than 20 hours per week.

15 **Sec. 17.** NRS 403.490 is hereby amended to read as follows:

16 403.490 1. To perform any work or construct any superstructure under this
17 chapter wherein an expenditure of \$100,000 or more may be necessary, the board
18 of county highway commissioners shall cause definite plans of such work or
19 superstructure to be made, estimates of the amount of work to be done and the
20 probable cost thereof, together with a copy of the specifications thereof.

21 2. Except as otherwise provided in subsection 3, upon receipt of the plans,
22 estimates and specifications for a project for which the estimated cost is \$100,000
23 or more, the board of county highway commissioners shall advertise for bids and let
24 contracts in the manner prescribed by chapter 332 or 338 of NRS, as applicable.

25 3. In a county whose population is less than ~~[45,000]~~ **52,000**, if the estimated
26 cost of a project is \$100,000 or more but less than \$250,000, the board of county
27 highway commissioners may hold a hearing to determine, by majority vote of the
28 board, if the project can be performed by county employees or through the
29 employment of day labor under the supervision of the board and by the use of its
30 own machinery, tools and other equipment without advertising for bids and letting
31 contracts pursuant to subsection 2. Notice for such a hearing must be provided not
32 less than 15 days before the date of the hearing and must be published pursuant to
33 the provisions of NRS 238.010 to 238.080, inclusive. The board shall provide, in
34 the notice and at least 15 days before the hearing at the office of the board and at
35 the place of the hearing, the following information, without limitation:

36 (a) A list of:

37 (1) All county employees, if any, including supervisors, who will perform
38 the work, including, without limitation, the classification of each employee and an
39 estimate of the direct and indirect costs of the labor;

40 (2) The number of day laborers, if any, that will be employed to perform
41 the work; and

42 (3) All machinery, tools and other equipment of the county to be used on
43 the project.

44 (b) An estimate of:

45 (1) The direct and indirect costs of the labor of the county employees who
46 will perform the work, if any;

47 (2) The direct and indirect costs of the labor of any day laborers who will
48 be employed to perform the work pursuant to chapter 338 of NRS;

49 (3) The cost of any administrative support that will be required for the
50 performance of the work;

51 (4) The total cost of the project, including, without limitation, the fair
52 market value or, if available, the actual cost of all materials, supplies, equipment
53 and labor necessary for the project; and

(5) The amount of savings to be realized by having county employees or day laborers perform the work.

4. In cases of emergency the board of county highway commissioners may let contracts for repairs in the manner prescribed by chapter 332 of NRS.

5. Nothing in this section shall prevent any county from opening, building, improving or repairing any public road or highway in the county through the work of county employees or the employment of day labor, under the supervision of the board of county highway commissioners and by the use of its own machinery, tools and other equipment, without letting contracts to the lowest responsible bidder, if the probable cost of the work does not exceed \$100,000.

Sec. 18. NRS 444A.040 is hereby amended to read as follows:

444A.040 1. The board of county commissioners in a county whose population is 100,000 or more, or its designee, shall make available for use in that county a program for:

(a) The separation at the source of recyclable material from other solid waste originating from residential premises and public buildings where services for the collection of solid waste are provided, including, without limitation, the placement of recycling containers on the premises of apartment complexes and condominiums where those services are provided.

(b) The establishment of recycling centers for the collection and disposal of recyclable material where existing recycling centers do not carry out the purposes of the program.

(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested. This program may be included as a part of any other program made available pursuant to this subsection.

(d) The encouragement of businesses to reduce solid waste and to separate at the source recyclable material from other solid waste. This program must, without limitation, make information regarding solid waste reduction and recycling opportunities available to a business at the time the business applies for or renews a business license.

2. The board of county commissioners of a county whose population is ~~45,000~~ **52,000** or more but less than 100,000, or its designee:

(a) May make available for use in that county a program for the separation at the source of recyclable material from other solid waste originating from residential premises and public buildings where services for the collection of solid waste are provided, including, without limitation, the placement of recycling containers on the premises of apartment complexes and condominiums where those services are provided.

(b) Shall make available for use in that county a program for:

(1) The establishment of recycling centers for the collection and disposal of recyclable material where existing recycling centers do not carry out the purposes of the program established pursuant to paragraph (a).

(2) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested. This program may be included as a part of any other program made available pursuant to this subsection.

3. The board of county commissioners of a county whose population is less than ~~45,000~~ **52,000**, or its designee, may make available for use in that county a program for:

(a) The separation at the source of recyclable material from other solid waste originating from residential premises and public buildings where services for the collection of solid waste are provided, including, without limitation, the placement

1 of recycling containers on the premises of apartment complexes and condominiums
2 where those services are provided.

3 (b) The establishment of recycling centers for the collection and disposal of
4 recyclable material where existing recycling centers do not carry out the purposes
5 of the program.

6 (c) The disposal of hazardous household products which are capable of causing
7 harmful physical effects if inhaled, absorbed or ingested. This program may be
8 included as a part of any other program made available pursuant to this subsection.

9 4. Any program made available pursuant to this section:

10 (a) Must not:

11 (1) Conflict with the standards adopted by the State Environmental
12 Commission pursuant to NRS 444A.020; and

13 (2) Become effective until approved by the Department.

14 (b) May be based on the model plans adopted pursuant to NRS 444A.030.

15 5. The governing body of a municipality may adopt and carry out within the
16 municipality such programs made available pursuant to this section as are deemed
17 necessary and appropriate for that municipality.

18 6. Any municipality may, with the approval of the governing body of an
19 adjoining municipality, participate in any program adopted by the adjoining
20 municipality pursuant to subsection 5.

21 7. Persons residing on an Indian reservation or Indian colony may participate
22 in any program adopted pursuant to subsection 5 by a municipality in which the
23 reservation or colony is located if the governing body of the reservation or colony
24 adopts an ordinance requesting such participation. Upon receipt of such a request,
25 the governing body of the municipality shall make available to the residents of the
26 reservation or colony those programs requested.

27 **Sec. 19.** NRS 455.125 is hereby amended to read as follows:

28 455.125 If an operator of a sewer main receives notice through an association
29 for operators pursuant to paragraph (a) of subsection 1 of NRS 455.110:

30 1. For a proposed excavation or demolition, the operator of the sewer main
31 shall provide the person responsible for the excavation or demolition with the
32 operator's best available information regarding the location of the connection of the
33 sewer service lateral to the sewer main. The operator shall convey the information
34 to the person responsible for the excavation or demolition in such manner as is
35 determined by the operator which may include any one or more of the following
36 methods, without limitation:

37 (a) Identification of the location of the connection of the sewer service lateral
38 to the sewer main;

39 (b) Providing copies of documents relating to the location of the sewer service
40 lateral within 2 working days; or

41 (c) Placement of a triangular green marking along the sewer main or the edge
42 of the public right-of-way, pointing toward the real property serviced by the sewer
43 service lateral to indicate that the location of the sewer service lateral is unknown.

44 2. The operator of a sewer main shall make its best efforts to comply with
45 paragraph (a) or (c) of subsection 1 within 2 working days. If an operator of a sewer
46 main cannot complete the requirements of paragraph (a) or (c) of subsection 1
47 within 2 working days, then the operator and the person responsible for the
48 excavation or demolition must mutually agree upon a reasonable amount of time
49 within which the operator must comply.

50 3. A government, governmental agency or political subdivision of a
51 government that operates a sewer main:

(a) Except as otherwise provided in subsection 4, in a county with a population of ~~45,000~~ 52,000 or more may not charge a person responsible for excavation or demolition in a public right-of-way for complying with this section.

(b) In a county with a population of less than ~~45,000~~ 52,000 may charge a person responsible for excavation or demolition in a public right-of-way for complying with this section in an amount that does not exceed the actual costs for the operator for compliance with this section. Costs assessed pursuant to this paragraph are not subject to the provisions of NRS 354.59881 to 354.59889, inclusive.

4. A government, governmental agency or political subdivision that operates a sewer main in a county with a population of ~~45,000~~ 52,000 or more may charge a person responsible for excavation or demolition in a public right-of-way for complying with this section in an amount that does not exceed the actual costs for the operator for compliance with this section if:

(a) The sewer system of the operator services not more than 260 accounts; and

(b) There is no natural gas pipeline located within the service area of the operator of the sewer main.

➤ Costs assessed pursuant to this subsection are not subject to the provisions of NRS 354.59881 to 354.59889, inclusive.

5. If the operator of a sewer main has received the information required pursuant to NRS 455.131 or has otherwise identified the location of the sewer service lateral in the public right-of-way, then the operator of the sewer main shall be responsible thereafter to identify the location of the sewer service lateral from that information.

Sec. 20. NRS 463.750 is hereby amended to read as follows:

463.750 1. The Commission shall, with the advice and assistance of the Board, adopt regulations governing:

(a) The licensing and operation of interactive gaming; and

(b) The registration of service providers to perform any action described in paragraph (b) of subsection 6 of NRS 463.677.

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

(a) Establish the investigation fees for:

(1) A license to operate interactive gaming;

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

(3) A license for an interactive gaming service provider to perform the actions described in paragraph (a) of subsection 6 of NRS 463.677; and

(4) Registration as a service provider to perform the actions described in paragraph (b) of subsection 6 of NRS 463.677.

(b) Provide that:

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

(2) A person must hold a license for an interactive gaming service provider to perform the actions described in paragraph (a) of subsection 6 of NRS 463.677; and

(3) A person must be registered as a service provider to perform the actions described in paragraph (b) of subsection 6 of NRS 463.677.

(c) Except as otherwise provided in subsections 6 to 10, inclusive, set forth standards for the suitability of a person to be:

(1) Licensed as a manufacturer of interactive gaming systems;

(2) Licensed as an interactive gaming service provider as described in paragraph (a) of subsection 6 of NRS 463.677 that are as stringent as the standards for a nonrestricted license; or

(3) Registered as a service provider as described in paragraph (b) of subsection 6 of NRS 463.677 that are as stringent as the standards for a nonrestricted license.

(d) Set forth provisions governing:

(1) The initial fee for a license for an interactive gaming service provider as described in paragraph (a) of subsection 6 of NRS 463.677.

(2) The initial fee for registration as a service provider as described in paragraph (b) of subsection 6 of NRS 463.677.

(3) The fee for the renewal of such a license for such an interactive gaming service provider or registration as a service provider, as applicable, and any renewal requirements for such a license or registration, as applicable.

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

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

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

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

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

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

(b) In a county whose population is ~~45,000~~ 52,000 or more but less than 700,000, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

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

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

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

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

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

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

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

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

(3) Operates either:

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

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

4 4. The Commission may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 (c) In the case of a covered asset, the asset was not used after December 31,
50 2006, in violation of any provision of federal law or the law of any state, and the
51 interactive gaming facility in connection with which the asset was used was not
52 used after that date in violation of any provision of federal law or the law of any
53 state.

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

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

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

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

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

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

Sec. 21. NRS 647.060 is hereby amended to read as follows:

647.060 1. At the time of purchase by any junk dealer of any hides or junk, the junk dealer shall require the person vending the hides or junk to subscribe a statement containing the following information:

(a) When, where and from whom the vendor obtained the property.

(b) The vendor's age, residence, including the city or town, and the street and number, if any, of the residence, and such other information as is reasonably necessary to enable the residence to be located.

(c) The name of the employer, if any, of the vendor and the place of business or employment of the employer.

2. Except as otherwise provided in subsection 3, the junk dealer shall on the next business day:

(a) File the original statement subscribed by the vendor in the office of the sheriff of the county where the purchase was made; and

(b) If the purchase was made in a city or town, file a copy of the statement with the chief of police of that city or town.

3. In a county whose population is less than ~~147,500,~~ 52,000, the original statement may be filed in the office of the sheriff's deputy for transmission to the sheriff.

Sec. 22. The Legislature declares that in enacting this act it has reviewed each of the classifications by population amended by this act, has considered the suggestions of the several counties and of other interested persons in this State relating to whether any should be retained unchanged or amended differently, and has found that each of the sections in which a criterion of population has been changed should not under present conditions apply to a county larger or smaller, as the case may be, than the new criterion established.

Sec. 23. This act becomes effective upon passage and approval.