

# NEVADA LEGISLATURE

Seventy-Seventh Session, 2013

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## ASSEMBLY DAILY JOURNAL

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### THE ONE HUNDRED AND THIRTEENTH DAY

CARSON CITY (Monday), May 27, 2013

Assembly called to order at 12:22 p.m.

Madam Speaker presiding.

Assemblyman Horne moved that the Assembly recess until 5 p.m.

Motion carried.

Assembly in recess at 12:23 p.m.

### ASSEMBLY IN SESSION

At 6:36 p.m.

Madam Speaker presiding.

Quorum present.

Roll called.

All present except Assemblymen Paul Anderson, Duncan, and Pierce, who were excused.

Prayer by Joanna Fuchs, read by Assemblyman Elliot Anderson.

Good evening and happy Memorial Day.

Dear Lord,

Today we honor our fallen, worthy men and women, who gave their best when they were called upon to serve and protect their country.

We pray that You will bless them, Lord, for their unselfish service in the continual struggle to preserve our freedoms, our safety, and our country's heritage, for all of us.

Bless them abundantly for the hardships they faced, for the sacrifices they made, for their many different contributions to America's victories over tyranny and oppression.

We respect them, we thank them, we honor them, we are proud of them, we remember them, and we pray that You will watch over these special people, our heroes, and bless them and their families with peace and happiness.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne 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

*Madam Speaker:*

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 498, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID P. BOBZIEN, *Chair*

*Madam Speaker:*

Your Committee on Education, to which were referred Senate Bills Nos. 58, 446, 447, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLIOT T. ANDERSON, *Chair*

*Madam Speaker:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 423, 463; Senate Joint Resolution No. 14 of the 76th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JASON FRIERSON, *Chair*

*Madam Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 491, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 466, 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 58, 125, 145, 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 24, 2013

*To the Honorable the Assembly:*

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bills Nos. 189, 209, 227, 303, 364, 365, 442, 448, 449, 455, 459, 460, 471, 478, 483; Assembly Joint Resolution No. 3.

Also, it is my pleasure to inform your esteemed body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 18, Amendment No. 755; Assembly Bill No. 35, Amendments Nos. 668, 830; Assembly Bill No. 48, Amendment No. 854; Assembly Bill No. 50, Amendments Nos. 762, 884; Assembly Bill No. 54, Amendment No. 735; Assembly Bill No. 147, Amendment No. 868; Assembly Bill No. 170, Amendment No. 838; Assembly Bill No. 176, Amendment No. 860; Assembly Bill No. 202, Amendments Nos. 673, 829, 867; Assembly Bill No. 223, Amendment No. 764; Assembly Bill No. 246, Amendment No. 890; Assembly Bill No. 264, Amendment No. 707; Assembly Bill No. 283, Amendment No. 866; Assembly Bill No. 300, Amendment No. 812; Assembly Bill No. 312, Amendment No. 801; Assembly Bill No. 313, Amendments Nos. 740, 888; Assembly Bill No. 345, Amendment No. 882; Assembly Bill No. 346, Amendment No. 883; Assembly Bill No. 348, Amendments Nos. 694, 839; Assembly

Bill No. 349, Amendment No. 831; Assembly Bill No. 374, Amendment No. 872; Assembly Bill No. 377, Amendment No. 828; Assembly Bill No. 378, Amendment No. 754; Assembly Bill No. 415, Amendment No. 706; Assembly Bill No. 445, Amendment No. 599; Assembly Bill No. 453, Amendment No. 765; Assembly Bill No. 456, Amendment No. 772; Assembly Bill No. 486, Amendment No. 654; Assembly Bill No. 487, Amendment No. 863; Assembly Bill No. 494, Amendment No. 655; Assembly Bill No. 496, Amendment No. 676, and respectfully requests your honorable body to concur in said amendments.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bill No. 479.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 395, 430, 454.

Also, it is my pleasure to inform your esteemed body that the Senate on this day concurred in the Assembly Amendment No. 635 to Senate Bill No. 22; Assembly Amendment No. 678 to Senate Bill No. 25; Assembly Amendment No. 679 to Senate Bill No. 39; Assembly Amendment No. 607 to Senate Bill No. 54; Assembly Amendment No. 715 to Senate Bill No. 66; Assembly Amendment No. 689 to Senate Bill No. 82; Assembly Amendment No. 606 to Senate Bill No. 100; Assembly Amendment No. 618 to Senate Bill No. 135; Assembly Amendment No. 729 to Senate Bill No. 141; Assembly Amendment No. 713 to Senate Bill No. 152; Assembly Amendment No. 623 to Senate Bill No. 169; Assembly Amendment No. 660 to Senate Bill No. 199; Assembly Amendment No. 690 to Senate Bill No. 213; Assembly Amendment No. 720 to Senate Bill No. 273; Assembly Amendment No. 609 to Senate Bill No. 305; Assembly Amendment No. 610 to Senate Bill No. 345.

SHERRY L. RODRIGUEZ  
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, May 27, 2013

*To the Honorable the Assembly:*

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bill No. 20.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bill No. 484.

Also, it is my pleasure to inform your esteemed body that the Senate on this day concurred in the Assembly Amendment No. 716 to Senate Bill No. 18; Assembly Amendment No. 683 to Senate Bill No. 76; Assembly Amendment No. 719 to Senate Bill No. 90; Assembly Amendment No. 712 to Senate Bill No. 209; Assembly Amendment No. 721 to Senate Bill No. 236; Assembly Amendment No. 781 to Senate Bill No. 246; Assembly Amendment No. 748 to Senate Bill No. 373; Assembly Amendment No. 611 to Senate Bill No. 392; Assembly Amendment No. 686 to Senate Bill No. 421; Assembly Amendment No. 617 to Senate Bill No. 440.

Also, it is my pleasure to inform your esteemed body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 682 to Senate Bill No. 38; Assembly Amendment No. 665 to Senate Bill No. 176; Assembly Amendment No. 780 to Senate Bill No. 228; Assembly Amendment No. 775 to Senate Bill No. 410; Assembly Amendment No. 788 to Senate Bill No. 436; Assembly Amendment No. 691 to Senate Joint Resolution No. 9.

SHERRY L. RODRIGUEZ  
*Assistant Secretary of the Senate*

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 395.

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

Motion carried.

Senate Bill No. 430.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 454.

Assemblyman Bobzien moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 479.

Assemblyman Bobzien moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 484.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 46 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 491; Senate Bills Nos. 58, 423, 446, 447, 463, 466, 469, 498; Senate Joint Resolution No. 14 of the 76th Session, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 58, 125, 145, and 404, just reported out of committee, be placed on the General File.

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 461.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 894.

AN ACT relating to management of land; authorizing the Division of State Lands of the State Department of Conservation and Natural Resources to establish and carry out programs to conserve certain sagebrush ecosystems;

requiring the Division to coordinate the establishment of a program to improve certain sagebrush ecosystems; establishing the Account to Restore the Sagebrush Ecosystem in the State General Fund; establishing the Sagebrush Ecosystem Council within the Department; prescribing the duties of the Council; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Division of State Lands of the State Department of Conservation and Natural Resources to acquire and hold all lands and interests in land owned or required by the State, with certain exceptions. (NRS 321.001) **Section 2** of this bill authorizes the Division to establish and carry out programs to preserve, restore and enhance sagebrush ecosystems on public land in this State or on private land with the consent of the owner of the land. **Section 3** of this bill requires the Division to coordinate the establishment and carrying out of a program of projects to improve sagebrush ecosystems in this State. **Section 3** requires the Division, when carrying out the program, to: (1) oversee a program ~~allowing the award and banking of~~ **to mitigate damage to sagebrush ecosystems through a system that awards credits to persons and governmental entities** for taking measures to protect, enhance or restore sagebrush ecosystems; (2) identify and prioritize projects to improve sagebrush ecosystems or the scientific knowledge thereof; (3) ~~cooperate~~ **coordinate activities** with federal ~~and state~~ agencies; (4) suggest measures to avoid, minimize and mitigate the impact of activities conducted in areas which include sage grouse habitats to persons conducting those activities who make a request; and (5) submit an annual progress report to the Sagebrush Ecosystem Council created in **section 6** of this bill. **Section 3** further authorizes the Division to enter into agreements, to acquire, hold, sell or lease land, to award grants and to adopt regulations to carry out the program.

**Section 5** of this bill creates the Account to Restore the Sagebrush Ecosystem within the State General Fund. **Section 6** ~~of this bill~~ creates the Sagebrush Ecosystem Council within the Department. **Section 6** requires the Council to: (1) **consider the best science available in its determinations regarding and conservation of the greater sage grouse and sagebrush ecosystems in this State;** (2) formulate and carry out certain strategies and programs for the conservation of sage grouse and for managing land which holds sagebrush ecosystems; ~~(2)~~ **(3)** coordinate discussion among and provide advice to certain persons and governmental entities concerning the management of sagebrush ecosystems; and ~~(3)~~ **(4)** submit a biannual report concerning its activities to the Governor.

WHEREAS, Nevada is known as the Sagebrush State; and

WHEREAS, Restoration and maintenance of the sagebrush ecosystem is essential to wildlife, watersheds, biodiversity and productivity in this State; and

WHEREAS, The greater sage grouse is an important species of bird that inhabits much of the sagebrush habitat in Nevada; and

WHEREAS, The United States Fish and Wildlife Service has determined that the greater sage grouse faces challenges that warrant listing it as threatened or endangered pursuant to the Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et seq., but that the need to list higher priority species precludes the listing of the greater sage grouse; and

WHEREAS, The United States District Court for the District of Idaho ruled on February 2, 2012, that the United States Fish and Wildlife Service is required to reevaluate the status of the greater sage grouse by September 30, 2015 (*W. Watersheds Project v. U.S. Fish & Wildlife Serv.*, 42 Env'tl. L. Rep. 20036 (D. Idaho 2012)); and

WHEREAS, The Secretary of the United States Department of the Interior has invited 11 states that may be impacted by the listing of the greater sage grouse as endangered or threatened, including Nevada, to develop state-specific regulatory mechanisms to conserve the species and make such a listing unnecessary; and

WHEREAS, The development and implementation of a state-specific strategy to conserve the greater sage grouse in Nevada is critical to demonstrate to the United States Fish and Wildlife Service that the species does not require protection pursuant to the Endangered Species Act; and

WHEREAS, The State of Nevada, under the leadership of Governor Kenny Guinn's Sage-Grouse Conservation Team, developed the first edition of the *Greater Sage-Grouse Conservation Plan for Nevada and Eastern California* in 2004; and

WHEREAS, On July 31, 2012, the Greater Sage-grouse Advisory Committee, created by Executive Order 2012-09, presented further recommendations for developing a state-specific strategy to conserve the greater sage grouse; and

WHEREAS, The State of Nevada has authority to manage all wildlife belonging to this State that is not listed pursuant to the Endangered Species Act; and

WHEREAS, It is in the interest of this State to bring stakeholders and relevant agency experts together on an ongoing basis to guide the implementation of conservation measures sufficient to preclude the need to list the greater sage grouse, the bi-state sage grouse and other species that inhabit sagebrush ecosystems pursuant to the Endangered Species Act and provide continual coordination on matters related to the sagebrush ecosystem within this State; and

WHEREAS, The listing of the greater sage grouse or any other species that inhabits sagebrush ecosystems pursuant to the Endangered Species Act will have a significant adverse effect on the customs, culture and economy of the State of Nevada; and

WHEREAS, Executive Order 2012-19 established the Sagebrush Ecosystem Council to, among other duties, implement a conservation strategy for the greater sage grouse and sagebrush ecosystems and oversee the work of the Sagebrush Ecosystem Technical Team; now, therefore,

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

**Section 1.** Chapter 321 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2.** *Except as otherwise provided in section 3 of this act, the Division may establish and carry out programs to preserve, restore and enhance sagebrush ecosystems on public land in this State, and on privately owned land in this State with the consent of the owner of the land.*

**Sec. 3. 1.** *The Administrator of the Division shall coordinate the establishment and carrying out of a program of projects to improve sagebrush ecosystems in this State. The Division shall cooperate, without limitation, with:*

- (a) The Department of Wildlife;*
- (b) The State Department of Agriculture; and*
- (c) The Division of Forestry of the State Department of Conservation and Natural Resources.*

**2.** *In carrying out the program described in subsection 1, the Division, on behalf of the Director of the State Department of Conservation and Natural Resources, shall:*

*(a) Oversee and administer a program to mitigate damage to sagebrush ecosystems ~~by authorizing the award and banking of~~ through a system that awards credits to persons, federal and state agencies, local governments and nonprofit organizations who take measures to protect, enhance or restore sagebrush ecosystems established by the Sagebrush Ecosystem Council created by section 6 of this act;*

*(b) Identify and, if necessary, prioritize any projects concerning the enhancement of the landscape, the restoration of habitat, the reduction of any nonnative grasses and plants and the mitigation of damage to or the expansion of scientific knowledge of sagebrush ecosystems;*

*(c) Coordinate activities with federal agencies;*

*(d) If requested, consult with persons proposing to conduct activities in any area which includes any habitat of the greater sage grouse*

*(Centrocercus urophasianus) to suggest measures to avoid, minimize or mitigate the effect of the activities on any sagebrush ecosystem;*

*(e) Solicit grants and private contributions for projects to improve sagebrush ecosystems; and*

*(f) On or before August 1 of each year, submit a report to the Sagebrush Ecosystem Council created by section 6 of this act. The report must include, without limitation:*

*(1) A description of each project conducted or planned to be conducted pursuant to the program described in subsection 1, including the cost, source of funding and, for projects that have been carried out, the results of the project;*

*(2) A description of any agreement between the Division and any person, federal or state agency, local government or nonprofit organization, including the purpose and provisions of the agreement;*

*(3) A list of all grants and private contributions solicited and all grants awarded to further the purposes of the program;*

*(4) A description of any significant activities conducted in any area which includes habitat of the greater sage grouse and all measures adopted to avoid, minimize or mitigate the effect of the activities on any sagebrush ecosystem; and*

*(5) Any other information specified by the Division or requested by the Council.*

*3. The Division may:*

*(a) Enter into any agreement with a person, federal or state agency, local government or nonprofit organization to further the preservation, restoration and enhancement of sagebrush ecosystems on public land or on privately owned land with the consent of the owner of the land;*

*(b) In accordance with subsection 3 of NRS 321.001, acquire and hold land and any interest in land or water required to carry out the program described in subsection 1;*

*(c) Sell or lease land and any interest in land or water that the Division determines is no longer necessary to carry out the program described in subsection 1;*

*(d) Within the limits of available money, award grants of money to other state agencies, local governments and nonprofit organizations to carry out the program described in subsection 1;*

*(e) Adopt any regulations to carry out the provisions of this section; and*

*(f) Conduct any other activities specified by the Division to carry out the program described in subsection 1.*

*4. The proceeds from the sale or lease of land or of any interest in land or water pursuant to paragraph (c) of subsection 3 must be deposited in the*



*Account to Restore the Sagebrush Ecosystem created by section 5 of this act.*

Sec. 4. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. 1. *The Account to Restore the Sagebrush Ecosystem is hereby created in the State General Fund. The Director shall administer the Account in a manner consistent with policies and priorities established by the Sagebrush Ecosystem Council created by section 6 of this act.*

2. *The Director may apply for and accept any gift, donation, bequest, grant or other source of money. Any money so received must be deposited in the Account.*

3. *The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Money that remains in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*

4. *The money in the Account may only be used to establish and carry out programs to preserve, restore and enhance sagebrush ecosystems pursuant to sections 2 and 3 of this act and is hereby authorized for expenditure as a continuing appropriation for this purpose.*

5. *Claims against the Account must be paid as other claims against the State are paid.*

Sec. 6. 1. *The Sagebrush Ecosystem Council is hereby created in the Department. The Council consists of:*

*(a) The following nine voting members appointed by the Governor:*

- (1) One member who represents agricultural interests;*
- (2) One member who represents the energy industry;*
- (3) One member who represents the general public;*
- (4) One member who represents conservation and environmental interests;*

- (5) One member who represents mining interests;*
- (6) One member who represents ranching interests;*
- (7) One member who represents ~~hunting and fishing interests;~~*
- ~~(8) One member who represents~~ local government; ~~and~~*

~~(9)~~ *(8) One member who acts as a liaison for Native American tribes*  
~~;~~ *and*

*(9) One member of the Board of Wildlife Commissioners or his or her designee.*

*(b) In addition to the members appointed pursuant to paragraph (a), ~~any~~ the following nonvoting members:*

*(1) The Director of the State Department of Conservation and Natural Resources;*

(2) The Director of the Department of Wildlife;

(3) The Director of the State Department of Agriculture;

(4) The State Director of the Nevada State Office of the Bureau of Land Management;

(5) The State Supervisor of the Nevada State Office of the United States Fish and Wildlife Service;

(6) The Forest Supervisor for the Humboldt-Toiyabe National Forest;  
and

(7) Any other members appointed by the Governor as nonvoting ~~members.~~ members.

2. The provisions of subsection 6 of NRS 232A.020 do not apply to the appointment by the Governor of the members of the Council.

3. After the initial terms, each member of the Council appointed pursuant to subparagraphs (1) to (8), inclusive, of paragraph (a) of subsection 1 and subparagraph (7) of paragraph (b) of subsection 1 serves a term of 4 years, commencing on July 1.

4. A vacancy in the membership of the Council must be filled in the same manner as the original appointment for the remainder of the unexpired term. A member may be reappointed.

~~3.7~~ 5. While engaged in the business of the Council, each voting member is entitled to receive a salary of not more than \$80 per day, as established by the Council, and the per diem allowance and travel expenses provided for state officers and employees generally.

~~4.4~~ 6. The Council may:

(a) Adopt regulations to govern the management and operation of the Council; ~~and~~

(b) Establish subcommittees consisting of members of the Council to assist the Council in the performance of its duties ~~;~~

~~5.7~~ ; and

(c) Consider and require the recovery of costs related to activities prescribed by paragraph (d) of subsection 2 of section 3 of this act pursuant to NRS 701.600 to 701.640, inclusive, or any other authorized method of recovering those costs.

7. The Council shall:

(a) Consider the best science available in its determinations regarding and conservation of the greater sage grouse (*Centrocercus urophasianus*) and sagebrush ecosystems in this State;

(b) Establish and carry out strategies for:

(1) The conservation of the greater sage grouse ~~(Centrocercus urophasianus)~~ and sagebrush ecosystems in this State; and

(2) *Managing land which includes those sagebrush ecosystems, taking into consideration the importance of those sagebrush ecosystems and the interests of the State;*

~~[(b)]~~ (c) Establish and carry out a long-term system for carrying out strategies to manage sagebrush ecosystems ~~[that allows the strategies to be adapted to changing circumstances and provides]~~ in this State using an adaptive management framework and providing for input from interested persons ~~[, groups of persons]~~ and ~~[local]~~ governmental entities;

~~[(c)]~~ (d) Oversee any team within the Division of State Lands of the Department which provides technical services concerning sagebrush ecosystems;

~~[(d)]~~ (e) Establish a program to mitigate damage to sagebrush ecosystems in this State by authorizing ~~[the award and banking of credits to persons who take measures]~~ a system that awards credits to persons, federal and state agencies, local governments and nonprofit organizations to protect, enhance or restore sagebrush ecosystems;

~~[(e)]~~ (f) Solicit suggestions and information and, if necessary, prioritize projects concerning the enhancement of the landscape, the restoration of habitat, the reduction of nonnative grasses and plants and the mitigation of damage to or the expansion of scientific knowledge of sagebrush ecosystems;

~~[(f)]~~ (g) If requested, provide advice for the resolution of any conflict concerning the management of the greater sage grouse or a sagebrush ecosystem ~~≠~~

~~[(g)]~~ in this State;

(h) Coordinate and facilitate discussion among persons, federal and state agencies and local governments concerning the maintenance of sagebrush ecosystems and the conservation of the greater sage grouse;

~~[(h)]~~ (i) Provide information and advice to persons, federal and state agencies and local governments concerning any strategy, system, program or project carried out pursuant to this section or section 2 or 3 of this act; and

~~[(i)]~~ (j) Provide direction to state agencies concerning any strategy, system, program or project carried out pursuant to this section or section 2 or 3 of this act ~~≠~~

~~[(j)]~~ and resolve any conflict with any direction given by another state board, commission or department jointly with that board, commission or department, as applicable.

8. On or before June 30 and December 31 of each year, the Council shall submit a written report to the Governor. The report must include, without limitation:

*(a) Information concerning the overall health and population of the greater sage grouse within this State and in the United States and the overall health of sagebrush ecosystems within this State, including, without limitation, information concerning any threats to the population of sage grouse and any sagebrush ecosystems within this State;*

*(b) Information concerning all strategies, systems, programs and projects carried out pursuant to this section and sections 2 and 3 of this act, including, without limitation, information concerning the costs, sources of funding and results of those strategies, systems, programs and projects; and*

*(c) Any other information specified by the Council.*

**Sec. 7.** NRS 232.010 is hereby amended to read as follows:

232.010 As used in NRS 232.010 to 232.150, inclusive ~~†~~, **and sections 5 and 6 of this act:**

1. "Department" means the State Department of Conservation and Natural Resources.

2. "Director" means the Director of the State Department of Conservation and Natural Resources.

**Sec. 8.** NRS 232.020 is hereby amended to read as follows:

232.020 There is hereby created the State Department of Conservation and Natural Resources, in which is vested the administration of the provisions of NRS 232.010 to 232.150, inclusive ~~†~~, **and sections 5 and 6 of this act.**

**Sec. 9.** NRS 232.070 is hereby amended to read as follows:

232.070 1. As executive head of the Department, the Director is responsible for the administration, through the divisions and other units of the Department, of all provisions of law relating to the functions of the Department, except functions assigned by law to the State Environmental Commission, ~~†~~ the State Conservation Commission ~~†~~ **or the Sagebrush Ecosystem Council.**

2. Except as otherwise provided in subsection 4, the Director shall:

(a) Establish departmental goals, objectives and priorities.

(b) Approve divisional goals, objectives and priorities.

(c) Approve divisional and departmental budgets, legislative proposals, contracts, agreements and applications for federal assistance.

(d) Coordinate divisional programs within the Department and coordinate departmental and divisional programs with other departments and with other levels of government.

(e) Appoint the executive head of each division within the Department.

(f) Delegate to the executive heads of the divisions such authorities and responsibilities as the Director deems necessary for the efficient conduct of the business of the Department.

(g) Establish new administrative units or programs which may be necessary for the efficient operation of the Department, and alter departmental organization and reassign responsibilities as the Director deems appropriate.

(h) From time to time adopt, amend and rescind such regulations as the Director deems necessary for the administration of the Department.

(i) Consider input from members of the public, industries and representatives of organizations, associations, groups or other entities concerned with matters of conservation and natural resources on the following:

(1) Matters relating to the establishment and maintenance of an adequate policy of forest and watershed protection;

(2) Matters relating to the park and recreational policy of the State;

(3) The use of land within this State which is under the jurisdiction of the Federal Government;

(4) The effect of state and federal agencies' programs and regulations on the users of land under the jurisdiction of the Federal Government, and on the problems of those users of land; and

(5) The preservation, protection and use of this State's natural resources.

3. Except as otherwise provided in subsection 4, the Director may enter into cooperative agreements with any federal or state agency or political subdivision of the State, any public or private institution located in or outside the State of Nevada, or any other person, in connection with studies and investigations pertaining to any activities of the Department.

4. This section does not confer upon the Director any powers or duties which are delegated by law to the State Environmental Commission, ~~or~~ the State Conservation Commission ~~+~~ **or the Sagebrush Ecosystem Council**, but the Director may foster cooperative agreements and coordinate programs and activities involving the powers and duties of the Commissions ~~+~~ **and the Council**.

5. ~~All~~ **Except as otherwise provided in section 5 of this act, all** gifts of money and other property which the Director is authorized to accept must be accounted for in the Department of Conservation and Natural Resources Gift Fund which is hereby created as a trust fund.

**Sec. 10.** NRS 232.090 is hereby amended to read as follows:

232.090 1. The Department consists of the Director and the following:

(a) The Division of Water Resources.

(b) The Division of State Lands.

(c) The Division of Forestry.

(d) The Division of State Parks.

(e) The Division of Environmental Protection.

(f) The Office of Historic Preservation.

(g) Such other divisions as the Director may from time to time establish.

2. The State Environmental Commission, the State Conservation Commission, the Conservation Districts Program, the Nevada Natural Heritage Program, *the Sagebrush Ecosystem Council* and the Board to Review Claims are within the Department.

**Sec. 11.** NRS 232.140 is hereby amended to read as follows:

232.140 1. ~~Money~~ ***Except as otherwise provided in section 5 of this act, money*** to carry out the provisions of NRS 232.010 to 232.150, inclusive, and ***sections 5 and 6 of this act*** to support the Department and its various divisions and other units must be provided by direct legislative appropriation from the State General Fund.

2. All money so appropriated must be paid out on claims approved by the Director in the same manner as other claims against the State are paid.

**Sec. 12. NRS 232A.020 is hereby amended to read as follows:**

232A.020 1. Except as otherwise provided in this section, a person appointed to a new term or to fill a vacancy on a board, commission or similar body by the Governor must have, in accordance with the provisions of NRS 281.050, actually, as opposed to constructively, resided, for the 6 months immediately preceding the date of the appointment:

(a) In this State; and

(b) If current residency in a particular county, district, ward, subdistrict or any other unit is prescribed by the provisions of law that govern the position, also in that county, district, ward, subdistrict or other unit.

2. After the Governor's initial appointments of members to boards, commissions or similar bodies, all such members shall hold office for terms of 3 years or until their successors have been appointed and have qualified.

3. A vacancy on a board, commission or similar body occurs when a member dies, resigns, becomes ineligible to hold office or is absent from the State for a period of 6 consecutive months.

4. Any vacancy must be filled by the Governor for the remainder of the unexpired term.

5. A member appointed to a board, commission or similar body as a representative of the general public must be a person who:

(a) Has an interest in and a knowledge of the subject matter which is regulated by the board, commission or similar body; and

(b) Does not have a pecuniary interest in any matter which is within the jurisdiction of the board, commission or similar body.

6. ~~The~~ ***Except as otherwise provided in section 6 of this act, the*** Governor shall not appoint a person to a board, commission or similar body if the person is a member of any other board, commission or similar body.

7. The provisions of subsection 1 do not apply if:

(a) A requirement of law concerning another characteristic or status that a member must possess, including, without limitation, membership in another organization, would make it impossible to fulfill the provisions of subsection 1; or

(b) The membership of the particular board, commission or similar body includes residents of another state and the provisions of subsection 1 would conflict with a requirement that applies to all members of that body.

~~Sec. 12.~~ **Sec. 13.** As soon as practicable after the effective date of this act, the Governor shall appoint the members of the Sagebrush Ecosystem Council described in paragraph (a) of subsection 1 of section 6 of this act as follows:

1. Three members to terms that expire on July 1, 2015;
2. Three members to terms that expire on July 1, 2016; and
3. Three members to terms that expire on July 1, 2017.

~~Sec. 13.~~ **Sec. 14.** This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 491.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 853.

AN ACT relating to state financial administration; temporarily extending the allocation of a portion of the proceeds of the basic governmental services tax to the State General Fund; transferring certain commissions collected and penalties retained by the Department of Motor Vehicles with respect to the governmental services tax during Fiscal Year 2014-2015; temporarily increasing for Fiscal Year 2014-2015 the limitation on the percentage of the proceeds of certain fees and charges collected by the Department of Motor Vehicles that are authorized for the Department's costs of administration associated with the collection of those fees and charges; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

The State of Nevada imposes a governmental services tax for the privilege of operating any vehicle upon the public highways of this State. (NRS 371.030) The annual amount of the basic governmental services tax is 4 cents on each \$1 of valuation of the vehicle, as determined by the Department of Motor Vehicles. (NRS 371.040) Existing law sets forth

depreciation schedules for determining the amount of the basic governmental services tax due each year for used vehicles and establishes a minimum tax. (NRS 371.060) In 2009, the amount of the basic governmental services tax due annually was increased for used vehicles by reducing the amount of depreciation allowed and increasing the minimum tax. The revenue from these increases in the basic governmental services tax were allocated to the State General Fund until June 30, 2013, and then were required to be deposited in the State Highway Fund thereafter. (Chapter 395, Statutes of Nevada 2009, p. 2188) **Section 1** of this bill extends for an additional 2 years the period during which the increases in the basic governmental services tax are allocated to the State General Fund. Therefore, those increases will be deposited in the State Highway Fund commencing on July 1, 2015.

Under existing law, the Department of Motor Vehicles is authorized to retain a commission of 1 percent of the revenue of the governmental services tax collected by the county assessors and 6 percent of all other revenue from the governmental services tax received by the Department. (NRS 482.180) The Department is also authorized under existing law to retain any penalties collected for delinquent payment of the governmental services tax. (NRS 371.140) **Section 2** of this bill transfers those commissions collected and penalties retained by the Department during Fiscal Year 2014-2015 to the State General Fund for unrestricted use.

Under existing law, all the proceeds from the imposition of any license or registration fee and other charge regarding the operation of a motor vehicle on any public highway, road or street in Nevada, except costs of administering the collection thereof, is required to be used exclusively for the construction, maintenance and repair of the State's public highways, roads and streets. (Nev. Const. Art. 9, § 5; NRS 408.235) Existing law limits the amount of such proceeds that are authorized to be used as costs of administration to 22 percent of the proceeds collected. (NRS 408.235) **Section 3** of this bill temporarily increases this limitation on costs of administration to 32 percent during Fiscal Year 2014-2015.

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

**Section 1.** Section 20 of chapter 395, Statutes of Nevada 2009, as amended by chapter 476, Statutes of Nevada 2011, at page 2897, is hereby amended to read as follows:

Sec. 10.7. Section 20 of chapter 395, Statutes of Nevada 2009, at page 2199, is hereby amended to read as follows:

Sec. 20. 1. This section and section 19 of this act become effective upon passage and approval.

2. Sections 1 and 2 of this act become effective on July 1, 2009.



3. Section 3 of this act becomes effective on July 1, 2009, and expires by limitation on June 30, 2011.

4. Sections 6 to 12, inclusive, of this act become effective on July 1, 2009, and expire by limitation on June 30, 2013.

5. Sections 4, 5, 13, 14, 15, 16, 17 and 18 of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On September 1, 2009, for all other purposes.

6. Sections 15.5 and 18.5 of this act become effective on July 1, ~~2013~~ **2015**.

7. Section 18 of this act expires by limitation on June 30, ~~2013~~ **2015**.

**Sec. 2.** The State Controller shall, as soon as practicable in Fiscal Year 2014-2015:

1. Notwithstanding the provisions of NRS 482.180, transfer the commissions collected by the Department of Motor Vehicles pursuant to subsection 6 of NRS 482.180 in an amount not to exceed ~~(\$20,680,534)~~ **\$20,813,716** in Fiscal Year 2014-2015 to the State General Fund for unrestricted State General Fund use.

2. Notwithstanding the provisions of NRS 371.140, transfer the penalties retained by the Department of Motor Vehicles pursuant to subsection 1 of NRS 371.140 in an amount not to exceed ~~(\$4,074,856)~~ **\$4,097,964** in Fiscal Year 2014-2015 to the State General Fund for unrestricted State General Fund use.

**Sec. 3.** Notwithstanding the provisions of NRS 408.235, the costs of administration of the Department of Motor Vehicles for Fiscal Year 2014-2015 for the collection of the proceeds for any license or registration fees and other charges with respect to the operation of any motor vehicle must be limited to a sum not to exceed 32 percent of the total proceeds so collected.

**Sec. 4.** 1. This section and section 1 of this act become effective upon passage and approval.

2. Sections 2 and 3 of this act become effective on July 1, 2013.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 58.

Bill read second time and ordered to third reading.

Senate Bill No. 423.

Bill read second time and ordered to third reading.

Senate Bill No. 446.  
Bill read second time and ordered to third reading.

Senate Bill No. 447.  
Bill read second time and ordered to third reading.

Senate Bill No. 463.  
Bill read second time and ordered to third reading.

Senate Bill No. 466.  
Bill read second time and ordered to third reading.

Senate Bill No. 469.  
Bill read second time and ordered to third reading.

Senate Bill No. 498.  
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 14 of the 76th Session.  
Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 46.  
Bill read third time.

The following amendment was proposed by Assemblyman Bobzien:  
Amendment No. 881.

AN ACT relating to the funding of capital projects of school districts; ~~providing for~~ **authorizing** the imposition and **providing for the** administration of a new sales and use tax and ad valorem tax in certain counties for the capital projects of the school districts in those counties; exempting that ad valorem tax from **certain partial tax abatements and** the statutory limitation on the total ad valorem tax levy; authorizing those school districts to use the proceeds of those taxes and certain proceeds from the governmental services tax to finance capital projects; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

The board of trustees of each school district is required to establish a fund for capital projects. (NRS 387.328) **Sections 2 and 10** of this bill ~~require~~ **authorize** the board of county commissioners of each county whose population is 100,000 or more but less than 700,000 (currently only Washoe County) to impose **, by a two-thirds vote,** additional taxes for deposit in the county school district's fund for capital projects. In particular, **section 2** ~~requires~~ **authorizes** the imposition in the county of a new sales and use tax at the rate of one-quarter of 1 percent of the gross receipts of retailers and

**section 10** ~~requires~~ **authorizes** the imposition in the county of a new property tax at the rate of 5 cents on each \$100 of assessed valuation.

**Sections 2-8** of this bill require the administration of ~~the~~ **any** new sales and use tax in the same manner as the sales and use tax imposed by the Local School Support Tax Law, as set forth in chapter 374 of NRS.

Existing law generally limits the total amount of property taxes which may be imposed to \$3.64 on each \$100 of assessed valuation. (NRS 361.453) **Sections 9 and 10** of this bill exempt the new property tax ~~required~~ **authorized** by **section 10** from this limitation. ~~Although existing~~

**Existing** law provides a partial abatement of the property taxes levied on property for which an assessed valuation has previously been established, a remainder parcel of real property, certain single-family residences and certain residential rental dwellings. ~~this partial abatement does not apply to any new property taxes which the Legislature first requires a taxing entity to impose after April 6, 2005.~~ (NRS 361.4722, 361.4723, 361.4724 ) ~~361.4726~~ ~~The new property tax required by section 10 is therefore not subject to this partial abatement.~~ **Section 9.5 of this bill exempts the new property tax authorized by section 10 of this bill from those partial tax abatements.**

**Section 11** of this bill authorizes the school district in each county where these new taxes are imposed to pledge the proceeds of these taxes, and the portion of the governmental services tax whose allocation to the school district is based on the amount of the property tax levy attributable to its debt service, to the payment of any bonds or other obligations the school district issues for capital projects.

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

**Section 1.** Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2, 3 and 4 of this act.

**Sec. 2. 1.** ~~The~~ ***On or before January 1, 2014, the board of county commissioners of each county whose population is 100,000 or more but less than 700,000 shall may enact an ordinance imposing a tax at the rate of one-quarter of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the county. An ordinance adopted pursuant to this section must be approved by a two-thirds majority of the members of the board.***

**2.** ~~The~~ ***Any tax imposed pursuant to this section applies throughout the county, including incorporated cities in the county.***

**3.** ***An ordinance enacted pursuant to this section must include provisions in substance as follows:***

*(a) Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.*

*(b) A provision that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the ordinance.*

*(c) A provision that the county shall contract before the effective date of the ordinance with the Department to perform all functions incident to the administration or operation of the tax in the county.*

*(d) A provision that a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed upon the sale of, and the storage, use or other consumption in the county of, tangible personal property used for the performance of a written contract:*

*(1) Entered into on or before the effective date of the tax; or*

*(2) For the construction of an improvement to real property for which a binding bid was submitted before the effective date of the tax if the bid was afterward accepted,*

*↳ if, under the terms of the contract or bid, the contract price or bid amount cannot be adjusted to reflect the imposition of the tax.*

*(e) A provision that specifies the date on which the tax must first be imposed, which must be the first day of the first calendar quarter that begins at least 120 days after the effective date of the ordinance.*

*Sec. 3. 1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid pursuant to this chapter must be paid to the Department in the form of remittances payable to the Department.*

*2. The Department shall deposit the payments in the State Treasury to the credit of the Sales and Use Tax Account in the State General Fund.*

*3. The State Controller, acting upon the collection data furnished by the Department, shall monthly:*

*(a) Transfer from the Sales and Use Tax Account 1.75 percent of all fees, taxes, interest and penalties collected pursuant to this chapter during the preceding month to the appropriate account in the State General Fund as compensation to the State for the cost of collecting the tax.*

*(b) Determine for each county an amount of money equal to any fees, taxes, interest and penalties collected in or for that county pursuant to this chapter during the preceding month, less the amount transferred to the State General Fund pursuant to paragraph (a).*

*(c) Transfer the amount determined for each county to the Intergovernmental Fund and remit the money to the county treasurer for deposit in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.*

**Sec. 4.** *The Department may redistribute any proceeds from ~~the~~ any tax, interest or penalty collected pursuant to this chapter which is determined to be improperly distributed, but no such redistribution may be made as to amounts originally distributed more than 6 months before the date on which the Department obtains knowledge of the improper distribution.*

**Sec. 5.** NRS 360.2937 is hereby amended to read as follows:

360.2937 1. Except as otherwise provided in this section, NRS 360.320 or any other specific statute, and notwithstanding the provisions of NRS 360.2935, interest must be paid upon an overpayment of any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377 or 377A of NRS, **or sections 2, 3 and 4 of this act**, any fee provided for in NRS 444A.090 or 482.313, or any assessment provided for in NRS 585.497, at the rate of 0.25 percent per month from the last day of the calendar month following the period for which the overpayment was made.

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

3. The interest must be paid:

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

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

**Sec. 6.** NRS 360.300 is hereby amended to read as follows:

360.300 1. If a person fails to file a return or the Department is not satisfied with the return or returns of any tax, contribution or premium or amount of tax, contribution or premium required to be paid to the State by any person, in accordance with the applicable provisions of this chapter, chapter 360B, 362, 363A, 363B, 369, 370, 372, 372A, 374, 377, 377A or 444A of NRS, NRS 482.313, or chapter 585 or 680B of NRS **or sections 2, 3 and 4 of this act**, as administered or audited by the Department, it may compute and determine the amount required to be paid upon the basis of:

(a) The facts contained in the return;

(b) Any information within its possession or that may come into its possession; or

(c) Reasonable estimates of the amount.

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

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

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

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

**Sec. 7.** NRS 360.417 is hereby amended to read as follows:

360.417 Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A, 444A or 585 of NRS, *or sections 2, 3 and 4 of this act*, or any fee provided for in NRS 482.313, and any person or governmental entity that fails to pay any fee provided for in NRS 360.787, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 0.75 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.

**Sec. 8.** NRS 360.510 is hereby amended to read as follows:

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

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

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

↳ give a notice of the delinquency and a demand to transmit personally or by registered or certified mail to any person, including, without limitation, any officer or department of this State or any political subdivision or agency of this State, who has in his or her possession or under his or her control any credits or other personal property belonging to the delinquent, or owing any debts to the delinquent or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or that

person. In the case of any state officer, department or agency, the notice must be given to the officer, department or agency before the Department presents the claim of the delinquent taxpayer to the State Controller.

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

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

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

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

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

7. If any person notified by the notice of the delinquency makes any transfer or other disposition of the property or debts required to be withheld or transmitted, to the extent of the value of the property or the amount of the debts thus transferred or paid, that person is liable to the State for any indebtedness due pursuant to this chapter, ~~for~~ chapter 360B, 362, 363A, 363B, 369, 370, 372, 372A, 374, 377, 377A or 444A of NRS, NRS 482.313, or chapter 585 or 680B of NRS *or sections 2, 3 and 4 of this act* from the person with respect to whose obligation the notice was given if solely by

reason of the transfer or other disposition the State is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

**Sec. 9.** NRS 361.453 is hereby amended to read as follows:

361.453 1. Except as otherwise provided in this section and NRS 354.705, 354.723 and 450.760, **and section 10 of this act**, the total ad valorem tax levy for all public purposes must not exceed \$3.64 on each \$100 of assessed valuation, or a lesser or greater amount fixed by the State Board of Examiners if the State Board of Examiners is directed by law to fix a lesser or greater amount for that fiscal year.

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

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

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

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

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

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

4. A special election may be held pursuant to subsection 2 only if the governing body of the county, city or unincorporated town determines, by a unanimous vote, that an emergency exists. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing 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. 9.5. NRS 361.4726 is hereby amended to read as follows:**

361.4726 1. Except as otherwise provided by specific statute, if any legislative act which becomes effective after April 6, 2005, imposes a duty on a taxing entity to levy a new ad valorem tax or to increase the rate of an existing ad valorem tax, the amount of the new tax or increase in the rate of the existing tax is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

2. **The amount of any tax imposed pursuant to section 10 of this act is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.**

3. For the purposes of this section, “taxing entity” does not include the State.

**Sec. 10.** Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~The~~ **On or before January 1, 2014, the board of county commissioners of each county whose population is 100,000 or more but less than 700,000 shall, may, in addition to any other taxes levied in accordance with this chapter, levy an ad valorem tax of 5 cents on each \$100 of assessed valuation of taxable property within the county for the capital projects of the school district. Any such levy must be approved by a two-thirds majority of the members of the board.**

2. **Any money collected pursuant to this section must be deposited in the county treasury to the credit of the fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.**

3. **The rate of any tax levied pursuant to subsection 1 must not be included in the total ad valorem tax levy for the purposes of the application of the limitation in NRS 361.453.**

**Sec. 11.** NRS 387.328 is hereby amended to read as follows:

387.328 1. The board of trustees of each school district shall establish a fund for capital projects for the purposes set forth in subsection 1 of NRS 387.335. The money in the fund for capital projects may be transferred to the debt service fund to pay the cost of the school district’s debt service.

2. The board of trustees may accumulate money in the fund for capital projects for a period not to exceed 20 years.

3. That portion of the governmental services tax whose allocation to the school district pursuant to NRS 482.181 is based on the amount of the property tax levy attributable to its debt service must be deposited in the

county treasury to the credit of the fund established under subsection 1 or the school district's debt service fund.

4. No money in the fund for capital projects at the end of the fiscal year may revert to the county school district fund, nor may the money be a surplus for any other purpose than those specified in subsection 1.

5. The proceeds of the taxes deposited in the fund for capital projects pursuant to NRS 244.3354, 268.0962 and 375.070 ***and sections 3 and 10 of this act and, in a county whose population is 100,000 or more but less than 700,000, the portion of the governmental services tax whose allocation to the school district pursuant to NRS 482.181 is based on the amount of the property tax levy attributable to its debt service*** may be pledged to the payment of the principal and interest on bonds or other obligations issued for one or more of the purposes set forth in NRS 387.335. The proceeds of such taxes so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of a school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

**Sec. 12.** This act becomes effective upon passage and approval.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 74.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Thank you, Madam Speaker. Assembly Bill 74 requires a person who wishes to conduct business as a document preparation service to register and post a bond with the Secretary of State. The bill requires a registrant to include a clear and conspicuous statement in any advertisement that the registrant is not an attorney authorized to practice in Nevada and may not provide legal advice or representation. Before a registrant provides any services to a client, the registrant and client must enter into a written contract that meets the requirements in this bill. Assembly Bill 74 authorizes the Secretary of State to adopt necessary regulations; investigate alleged violations; issue cease and desist orders; deny, suspend, revoke, or refuse to renew a registration; or refer a matter for civil action in court to enforce the provisions of the bill. The Secretary of State must also establish a toll-free phone number for complaints and post information about making complaints on the Internet. This measure makes a willful violation of its provisions a misdemeanor for the first offense in a five-year period and a gross misdemeanor for a second or subsequent violation in a five-year period. It also authorizes a person who suffers a pecuniary loss to bring a civil action against the registrant. Assembly Bill 74 also includes a \$150,000 appropriation to allow the Secretary of State develop necessary website applications to implement the bill.

I rise in support of Assembly Bill 74. I know that this bill will help many of my constituents in Las Vegas. Just as we don't want people who don't have a medical license to practice on folks and do surgeries or any kind of medical procedures, we don't want my constituents

receiving any type of legal advice that doesn't come from a qualified, bar-approved attorney. So I urge your support.

Roll call on Assembly Bill No. 74:

YEAS—37.

NAYS—Fiore, Wheeler—2.

EXCUSED—Paul Anderson, Duncan, Pierce—3.

Assembly Bill No. 74 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 106.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Thank you, Madam Speaker. Assembly Bill 106 provides for the award of costs, fees, and expenses to a prevailing party in an action or proceeding against the Division of Industrial Relations, Department of Business and Industry before the Occupational Safety and Health Board or a court of judicial review under certain circumstances. The bill specifies that an award of fees and expenses may only be made if the court determines the Division's position was not substantially justified and that no special circumstances would make the award unjust. Further, A.B. 106 provides if the Division appeals an award and the award is affirmed in whole or in part, the Division must pay interest on the amount affirmed. An award made to a prevailing party must be paid from the Fund for Insurance Premiums and approved by the Attorney General or the State Board of Examiners under certain circumstances. Finally, the bill defines "party" as an individual with a net worth of no more than \$2 million or a company with a net worth of no more than \$7 million and no more than 500 employees.

Roll call on Assembly Bill No. 106:

YEAS—38.

NAYS—Daly.

EXCUSED—Paul Anderson, Duncan, Pierce—3.

Assembly Bill No. 106 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 186.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Thank you, Madam Speaker. Assembly Bill 186 requires an employer to provide notice to employees at the time of hire regarding certain employment-related information. The bill also creates the Wage Claim Restitution Account funded by a percentage of certain penalties collected by the Labor Commissioner, to provide restitution to employees who are underpaid by their employer when no other form of restitution is available.

Roll call on Assembly Bill No. 186:

YEAS—28.

NAYS—Ellison, Fiore, Grady, Hambrick, Hansen, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—11.

EXCUSED—Paul Anderson, Duncan, Pierce—3.

Assembly Bill No. 186 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 213.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Thank you, Madam Speaker. Assembly Bill 213 allows a service contract provider to qualify for the issuance of a certificate of registration by maintaining a reserve account that meets minimum requirements and by depositing a security with the Commissioner of Insurance.

Roll call on Assembly Bill No. 213:

YEAS—39.

NAYS—None.

EXCUSED—Paul Anderson, Duncan, Pierce—3.

Assembly Bill No. 213 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 242.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Thank you, Madam Speaker. Assembly Bill 242 requires the Department of Motor Vehicles to place a designation of veteran status on an instruction permit, driver's license, or identification card upon request.

Roll call on Assembly Bill No. 242:

YEAS—39.

NAYS—None.

EXCUSED—Paul Anderson, Duncan, Pierce—3.

Assembly Bill No. 242 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 464.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Thank you, Madam Speaker. I rise in support of Assembly Bill 464. This is our fuel tax bill that has been spoken about numerous times and that Madam Speaker and the Assistant Minority Floor Leader worked on so hard. We had a thorough vetting of it when we did the amendment last week, so if you need to look at it as far as the dollars go, the new fee will offset Highway

Fund appropriations in the Department of Motor Carrier account in the amount of \$44,556 for Fiscal Year 2014 and \$45,312 for Fiscal Year 2015. The new fee of \$6 per International Fuel Taxation Agreement decal is included in the Executive Budget and was approved by the money committees. If you have any questions, I'll be happy to defer them to the Assistant Minority Leader.

Roll call on Assembly Bill No. 464:

YEAS—36.

NAYS—Fiore, Livermore, Wheeler—3.

EXCUSED—Paul Anderson, Duncan, Pierce—3.

Assembly Bill No. 464 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 480.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Thank you, Madam Speaker. I rise in support of Assembly Bill 480. This bill, as amended, requires the Tahoe Regional Planning Agency to annually provide the Governor and the Director of the Legislative Counsel Bureau with: (1) a copy of the agency's most recent independent audit report; (2) a report detailing the nature and purpose of expenditures made by the agency during the previous calendar year from money appropriated by the Legislature; and (3) a report detailing the progress of the agency in achieving the performance measures and benchmarks included in its current biennial budget. The bill also requires the TRPA to submit its proposed budget to the Director of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau by September 1 of even-numbered years. Lastly, this bill implements recommendations included in the Executive Budget, and the act becomes effective on July 1, 2013.

Roll call on Assembly Bill No. 480:

YEAS—39.

NAYS—None.

EXCUSED—Paul Anderson, Duncan, Pierce—3.

Assembly Bill No. 480 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 303.

Bill read third time.

Remarks by Assemblymen Bobzien and Bustamante Adams.

ASSEMBLYMAN BOBZIEN:

Thank you, Madam Speaker. Senate Bill 303 provides for the issuance of driver authorization cards by the Department of Motor Vehicles. The bill allows an applicant to present various documents including, without limitation, a birth certificate or passport issued by a foreign government as proof of his or her name and age. The applicant must also provide certain documents to prove residency in this state. The driver authorization card must be of the same design as a driver's license and contain only the minimum changes from that design as necessary

to comply with the federal Real ID Act. A driver authorization card expires one year after it is issued or renewed.

This bill prohibits the Director of DMV from releasing any information relating to an individual's legal presence to any person or federal, state, or local governmental entity for any purpose relating to the enforcement of immigration laws. Additionally, the driver's authorization card shall not be used to determine eligibility for any benefits, licenses, or services issued or provided by this state or its political subdivisions. Finally, S.B. 303 appropriates from the State Highway Fund to the DMV approximately \$1.6 million over the 2013-2015 biennium for the costs of developing and issuing driver authorization cards.

I just wanted to clarify that in addition to the driver authorization card not being used to determine any benefits, licenses, or services, we are also talking about voter registration, as well. We want to make it perfectly clear on the record that that is not the purpose of this and that those cards should not be used for that. I congratulate the sponsors of this bill for tackling, in a very practical way, what this issue is about, and that is making sure that we have drivers on the road, that we keep track of them, and that we make sure they are following our laws. This bill is a wonderful step in that direction in dealing with this problem.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Thank you, Madam Speaker. I rise in support of S.B. 303. Thank you for the comments from my colleague in the north. We heard a lot of testimony on this, and one of the things I do want to say is I appreciate the leaders that came from Utah, not only to help us craft legislation but to also answer a lot of questions that we had to see if this would actually work in Nevada. And they have proven in Utah that it has worked, and very successfully. I know that some of my colleagues had questions on whether this could be used for voter I.D. Like my colleague from the north said, that is not the intent, and it cannot be used for that purpose. This is not an identification card. This is about public safety for Nevada; I think it is very progressive for our state, and I urge your support.

Roll call on Senate Bill No. 303:

YEAS—30.

NAYS—Ellison, Fiore, Grady, Hambrick, Hansen, Kirner, Livermore, Oscarson, Wheeler—9.

EXCUSED—Paul Anderson, Duncan, Pierce—3.

Senate Bill No. 303 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 58.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 826.

AN ACT relating to veterans; making the Office of Veterans Services the Department of Veterans Services; ~~creating the Office of Veterans Policy and Coordination in the Office of the Governor;~~ creating the Interagency Council on Veterans Affairs; revising provisions relating to donations for veterans homes; requiring the Division of State Parks of the State Department of Conservation and Natural Resources to issue annual permits for the free use of state parks and other recreational areas to certain veterans; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Under existing law, the Office of Veterans Services has various duties and powers relating to veterans and servicemen and servicewomen and their dependents in Nevada, including assisting them with obtaining benefits to which they are entitled and any services that they require and providing administrative oversight of veterans homes and veterans cemeteries in Nevada. (Chapter 417 of NRS) **Section 14** of this bill changes the Office to the Department of Veterans Services, a state department. Accordingly, the Executive Director and Deputy Executive Director of the Office become the Director and Deputy Director of the Department, respectively. The Nevada Veterans Services Commission will now advise the Department instead of the Office. (NRS 417.190) **Sections 1-7, 13, 15-33, 45 and 48-50** of this bill make conforming changes.

~~† Sections 8 and 9 of this bill create the Office of Veterans Policy and Coordination in the Office of the Governor. This Office is headed by an Executive Director who is in the nonclassified service. The Office of Veterans Policy and Coordination is charged with developing policies, initiatives and strategies concerning services provided to veterans and servicemen and servicewomen and their families and coordinating those services.†~~

In 2012, the Governor established by executive order the Interagency Council on Veterans Affairs. (Executive Order 2012-15 (7-3-2012)) The Council was charged with identifying and prioritizing the needs of Nevada’s veterans, working toward increasing the coordination of the efforts of public and private agencies to meet those needs and preparing a report of its findings and recommendations by December 31, 2013, for submission to the Governor. **Section 10** of this bill creates the Council in statute and prescribes its membership, which includes ex officio members and members appointed by the Governor. **Section 11** of this bill ~~provides that the Executive Director of the Office of Veterans Policy and Coordination serves as the Chair of the Council. Section 11 also~~ requires the Council to hold meetings at least once every 3 months. **Section 12** of this bill prescribes issues for the Council to study and requires the Council to submit a report of its findings and recommendations to each regular session of the Legislature.

The Gift Account for Veterans Homes is established under existing law to receive gifts of money or personal property which a donor has restricted to one or more uses at a veterans home. (NRS 417.145) As a result of the authorization of the creation of a veterans home in northern Nevada in **section 55** of this bill, **section 23** of this bill changes the existing Gift Account for Veterans Homes to the Gift Account for the Veterans Home in Southern Nevada to be used for the deposit of gifts which donors have restricted to use at that home. **Section 23** also creates the Gift Account for

the Veterans Home in Northern Nevada to be used for the deposit of gifts which donors have restricted to use at this new veterans home. **Sections 37-44 and 47** of this bill make conforming changes.

Under existing law, the Division of State Parks of the State Department of Conservation and Natural Resources is required to issue an annual permit for the free use of all state parks and recreational areas in this State to persons who are 65 years of age or older and who meet certain residency requirements. (NRS 407.065) **Section 46** of this bill extends this same benefit to a veteran with a permanent service-connected disability of 10 percent or more who received an other than dishonorable discharge from the Armed Forces of the United States and who is a resident of Nevada.

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

**Section 1.** Chapter 417 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

**Sec. 2.** *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 417.010 and sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

**Sec. 3.** *"Department" means the Department of Veterans Services created by NRS 417.020.*

**Sec. 4.** *"Deputy Director" means the Deputy Director of the Department.*

**Sec. 5.** *"Director" means the Director of the Department.*

**Sec. 6.** ~~*"Executive Director" means the Executive Director of the Office of Veterans Policy and Coordination created by section 8 of this act.*~~ (Deleted by amendment.)

**Sec. 7.** *The Director may adopt such regulations as are necessary to carry out the provisions of this chapter.*

**Sec. 8.** ~~*1. There is hereby created within the Office of the Governor the Office of Veterans Policy and Coordination.*~~

~~*2. The Governor shall propose a budget for the Office of Veterans Policy and Coordination.*~~

~~*3. The Governor shall appoint the Executive Director of the Office of Veterans Policy and Coordination. To be eligible for appointment as the Executive Director, a person must:*~~

~~*(a) Be an actual and bona fide resident of the State of Nevada; and*~~

~~*(b) Possess an honorable discharge from a branch of the military and naval service of the United States.*~~

~~*4. The Executive Director is not in the classified or unclassified service of this State and serves at the pleasure of the Governor. The Executive*~~



~~Director shall devote his or her entire time to the duties of his or her office and shall not engage in any other gainful employment or occupation.~~

~~5. The Office of Veterans Policy and Coordination shall consist of the Executive Director and not more than 10 employees.~~

~~6. Employees of the Office of Veterans Policy and Coordination are not in the classified or unclassified service of this State and serve at the pleasure of the Executive Director. (Deleted by amendment.)~~

Sec. 9. ~~{The Executive Director:~~

~~1. Shall direct and supervise the administrative and technical activities of the Office of Veterans Policy and Coordination.~~

~~2. As directed by the Governor, shall identify, recommend and carry out policies, initiatives and strategies relating to the provision of services to veterans and servicemen and servicewomen and their families in Nevada, including, without limitation, the funding, delivery and coordination of those services.~~

~~3. Shall work in coordination with the Department and the Interagency Council on Veterans Affairs to carry out the policies, initiatives and strategies described in subsection 2 and to communicate those policies, strategies and initiatives to veterans and servicemen and servicewomen and their families.~~

~~4. Shall work to increase collaboration and coordination between the State of Nevada and veterans and veterans organizations.~~

~~5. Shall collaborate and coordinate with the Federal Government and the appropriate officials of other states to develop best practices for the provision of services to veterans and servicemen and servicewomen and their families.~~

~~6. Shall develop recommendations for proposed legislation regarding veterans and servicemen and servicewomen and their families.~~

~~7. On or before February 15 of each year, shall submit a report concerning the activities of the Office of Veterans Policy and Coordination during the preceding calendar year to the Nevada Veterans Services Commission, the Governor and the Director of the Legislative Counsel Bureau for transmittal to:~~

~~(a) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction over the subject matter; or~~

~~(b) If the Legislature is not in session, the Legislative Commission.~~

~~8. May apply for and accept any gift, donation, bequest, grant or other source of money to assist the Executive Director in carrying out his or her duties.~~

~~9. May adopt such regulations as may be necessary to carry out the provisions of this section. (Deleted by amendment.)~~

Sec. 10. 1. *The Interagency Council on Veterans Affairs is hereby created. The Council consists of:*

~~(a) The Executive Director of the Office of Veterans Policy and Coordination;~~

~~(b) The Director of the Department of Business and Industry;~~

~~(c) (b) The Director of the Department of Corrections;~~

~~(d) (c) The Director of the Department of Employment, Training and Rehabilitation;~~

~~(e) (d) The Director of the Department of Health and Human Services;~~

~~(f) (e) The Director of the Department of Public Safety;~~

~~(g) (f) The Director of the Department of Veterans Services;~~

~~(h) (g) The Adjutant General;~~

~~(i) (h) The Chancellor of the Nevada System of Higher Education;~~

~~(j) (i) The Executive Director of the Office of Economic Development;~~

~~(k) (j) The Executive Director of the Nevada Indian Commission; and~~

~~(l) (k) Any other persons appointed by the Governor, including, without limitation, representatives of federal and local governmental agencies and private entities that provide services to veterans. Members appointed pursuant to this paragraph serve at the pleasure of the Governor.~~

2. *A member of the Council ~~set forth in paragraphs (b) to (l), inclusive,~~ may designate a person to represent him or her at any meeting of the Council. The person designated may exercise all the duties, rights and privileges of the member that he or she represents.*

Sec. 11. 1. ~~The Executive Director shall serve as the Chair of the Interagency Council on Veterans Affairs.~~ *The members of the Council shall elect a Chair and a Vice Chair . ~~who~~ The Vice Chair presides in the absence of the Chair.*

2. *The Council shall meet at least once each quarter but may meet more often at the call of the Chair or a majority of the members of the Council.*

3. *Members of the Council serve without compensation, except that each member of the Council is entitled, while engaged in the business of the Council, to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses provided to a member of the Council who is an officer or employee of the State of Nevada or a political subdivision of this State must be paid by the state agency or political subdivision which employs him or her.*

4. *Each member of the Council who is an officer or employee of the State of Nevada or a political subdivision of this State must be relieved*

*from his or her duties without loss of regular compensation so that the member may prepare for and attend meetings of the Council and perform any work necessary to carry out the duties of the Council in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Council to make up the time that he or she is absent from work to carry out his or her duties as a member of the Council or to use annual vacation or compensatory time for the absence.*

*5. A majority of the members of the Council constitutes a quorum, and a quorum may exercise all the powers conferred on the Council.*

**Sec. 12.** *The Interagency Council on Veterans Affairs shall:*

*1. Identify and prioritize the needs of veterans and servicemen and servicewomen and their families in this State.*

*2. Study ~~and make recommendations to the Office of Veterans Policy and Coordination regarding~~ the coordination of the efforts of the Federal Government, State Government, local governments and private entities to meet the needs of veterans and servicemen and servicewomen and their families in this State.*

*3. On or before February 15 of each year, submit a report concerning the activities of the Council during the preceding calendar year and any recommendations of the Council to the Governor and the Director of the Legislative Counsel Bureau for transmittal to:*

*(a) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction of the subject matter; or*

*(b) If the Legislature is not in session, the Legislative Commission.*

**Sec. 13.** NRS 417.010 is hereby amended to read as follows:

417.010 ~~{As used in this chapter, unless the context otherwise requires:~~

~~1.} "Administrator" means the administrator of a veterans home in this State.~~

~~2.} "Deputy Executive Director" means the Deputy Executive Director for Veterans Services.~~

~~3.} "Executive Director" means the Executive Director for Veterans Services.~~

**Sec. 14.** NRS 417.020 is hereby amended to read as follows:

417.020 1. The ~~{Office}~~ **Department** of Veterans Services is hereby created.

2. ~~{The Office consists of the offices of the Executive Director for Veterans Services and the Deputy Executive Director for Veterans Services.~~

3. ~~The Executive Director shall serve as the Director of the Office of Veterans Services and is responsible for the performance of the duties imposed upon the Office, and for such other duties as may be prescribed by this chapter.~~

~~4. The Executive Director may adopt such regulations as are necessary to carry out the provisions of this chapter. The Department is vested with the powers and authority provided in this chapter and shall carry out the purposes of this chapter.~~

**Sec. 15.** NRS 417.030 is hereby amended to read as follows:

417.030 1. ***The office of Director of the Department of Veterans Services is hereby created.***

2. The ~~Executive~~ Director ~~and Deputy Executive Director~~ must be appointed by ***and serves at the pleasure of*** the Governor.

~~2.~~ 3. ***The Director shall appoint one Deputy Director of the Department, who shall assist the Director in performing the duties prescribed in this chapter.***

4. Any person to be eligible for appointment as the ~~Executive~~ Director or the Deputy ~~Executive~~ Director must:

- (a) Be an actual and bona fide resident of the State of Nevada;
- (b) Possess an honorable discharge from some branch of the military and naval service of the United States; and
- (c) Have at least 4 years of experience in management or administration.

**Sec. 16.** NRS 417.035 is hereby amended to read as follows:

417.035 The ~~Executive~~ Director shall execute and deliver to the Secretary of State his or her official bond in the penal sum of \$500,000 with a corporate surety licensed to do business in this State, conditioned to ensure his or her faithful discharge of responsibilities as guardian of the estates of those veterans and dependents for whom he or she acts. A separate bond for each estate is not required.

**Sec. 17.** NRS 417.060 is hereby amended to read as follows:

417.060 The ~~Executive~~ Director and the Deputy ~~Executive~~ Director are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, each shall devote his or her entire time and attention to the business of his or her office and shall not pursue any other business or occupation or hold any other office of profit.

**Sec. 18.** NRS 417.070 is hereby amended to read as follows:

417.070 1. The office of the ~~Executive~~ Director must be located in the same city where the state regional office of the United States Department of Veterans Affairs maintains its state administrative bureau, and if that office is discontinued in the State of Nevada, then at such place as the Governor may designate.

2. The office of the Deputy ~~Executive~~ Director must be maintained at Las Vegas, Nevada.

~~3. The Deputy Executive Director shall report to the Executive Director and shall assist the Executive Director in performing the duties prescribed in this chapter.~~

**Sec. 19.** NRS 417.080 is hereby amended to read as follows:

417.080 1. The ~~Executive~~ Director:

- (a) May employ such clerical and stenographic assistance as necessary.
- (b) May purchase necessary office equipment and supplies.
- (c) Is entitled to receive necessary travel and miscellaneous administrative expenses in the administration of this chapter.

2. All clerical and stenographic services, office equipment and supplies, travel expenses at the same rate as other state officers and miscellaneous administrative expenses and salaries must be paid at the time and in the manner that similar claims and expenses of other state departments and officers are paid, but:

(a) All expenses must be within the limits of the appropriation made for the purposes of this chapter; and

(b) The salaries and compensation of clerks and stenographers must be at the same rate as that provided by law for clerks and stenographers in other state departments.

**Sec. 20.** NRS 417.090 is hereby amended to read as follows:

417.090 The ~~Executive~~ Director and the Deputy ~~Executive~~ Director shall:

1. Assist veterans, and those presently serving in the military and naval forces of the United States who are residents of the State of Nevada, their wives, widows, widowers, husbands, children, dependents, administrators, executors and personal representatives, in preparing, submitting and presenting any claim against the United States, or any state, for adjusted compensation, hospitalization, insurance, pension, disability compensation, vocational training, education or rehabilitation and assist them in obtaining any aid or benefit to which they may, from time to time, be entitled under the laws of the United States or of any of the states.

2. Aid, assist, encourage and cooperate with every nationally recognized service organization insofar as the activities of such organizations are for the benefit of veterans, servicemen and servicewomen.

3. Give aid, assistance and counsel to each and every problem, question and situation, individual as well as collective, affecting any veteran, serviceman or servicewoman, or their dependents, or any group of veterans, servicemen and servicewomen, when in their opinion such comes within the scope of this chapter.

4. Coordinate activities of veterans organizations.

5. Serve as a clearinghouse and disseminate information relating to veterans benefits.

6. Conduct any studies which will assist veterans to obtain compensation, hospitalization, insurance, pension, disability compensation,

vocational training, education, rehabilitation or any other benefit to which veterans may be entitled under the laws of the United States or of any state.

7. Aid, assist and cooperate with the office of coordinator of services for veterans created in a county pursuant to NRS 244.401.

8. Pay to each county that creates the office of coordinator of services for veterans, from state money available to him or her, a portion of the cost of operating the office in an amount determined by the ~~{Executive}~~ Director.

9. Take possession of any abandoned or unclaimed artifacts or other property that has military value for safekeeping. The ~~{Executive}~~ Director or Deputy ~~{Executive}~~ Director may transfer such property to a veterans or military museum.

~~† 10. Provide administrative support to the Interagency Council on Veterans Affairs.~~

**Sec. 21.** NRS 417.100 is hereby amended to read as follows:

417.100 The ~~{Executive}~~ Director and the Deputy ~~{Executive}~~ Director may:

1. Administer oaths to any person whose acknowledgment may become necessary in the prosecution of any claim for compensation, hospitalization, insurance or other aid or benefits.

2. Certify to the correctness of any document or documents which may be submitted in connection with any such application.

**Sec. 22.** NRS 417.105 is hereby amended to read as follows:

417.105 1. Each year on or before October 1, the ~~{Office of Veterans Services}~~ **Department** shall review the reports submitted pursuant to NRS 333.3368 and 338.13846.

2. In carrying out the provisions of subsection 1, the ~~{Office of Veterans Services}~~ **Department** shall seek input from:

(a) The Purchasing Division of the Department of Administration.

(b) The State Public Works Board of the State Public Works Division of the Department of Administration.

(c) The Office of Economic Development.

(d) Groups representing the interests of veterans of the Armed Forces of the United States.

(e) The business community.

(f) Local businesses owned by veterans with service-connected disabilities.

3. After performing the duties described in subsections 1 and 2, the ~~{Office of Veterans Services}~~ **Department** shall make recommendations to the Legislative Commission regarding the continuation, modification, promotion or expansion of the preferences for local businesses owned by veterans with service-connected disabilities which are described in NRS 333.3366 and 338.13844.

4. As used in this section:

(a) "Business owned by a veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13841.

(b) "Local business" has the meaning ascribed to it in NRS 333.3363.

(c) "Veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13843.

**Sec. 23.** NRS 417.145 is hereby amended to read as follows:

417.145 1. The Veterans Home Account is hereby established in the State General Fund.

2. Money received from:

(a) Payments made by the United States Department of Veterans Affairs for veterans who receive care in a veterans home;

(b) Other payments for medical care and services;

(c) Appropriations made by the Legislature for veterans homes;

(d) Federal grants and other money received pursuant to paragraph (c) of subsection 1 of NRS 417.147;

(e) Money collected pursuant to the schedule of rates established pursuant to subsection 2 of NRS 417.147 for occupancy of rooms at veterans homes; and

(f) Except as otherwise provided in ~~subsection 7,~~ **subsections 7 and 8**, gifts of money and proceeds derived from the sale of gifts of personal property for the use of veterans homes, if the use of those gifts has not been restricted by the donor,

↪ must be deposited with the State Treasurer for credit to the Veterans Home Account.

3. Interest and income must not be computed on the money in the Veterans Home Account.

4. The Veterans Home Account must be administered by the ~~Executive~~ Director, with the advice of the administrators, and except as otherwise provided in paragraph (c) of subsection 1 of NRS 417.147, the money deposited in the Veterans Home Account may only be expended for:

(a) The establishment, management, maintenance and operation of veterans homes;

(b) A program or service related to a veterans home;

(c) The solicitation of other sources of money to fund a veterans home; and

(d) The purpose of informing the public about issues concerning the establishment and uses of a veterans home.

5. Except as otherwise provided in ~~subsection 7,~~ **subsections 7 and 8**, gifts of personal property for the use of veterans homes:

(a) May be sold or exchanged if the sale or exchange is approved by the State Board of Examiners; or

(b) May be used in kind if the gifts are not appropriate for conversion to money.

6. All money in the Veterans Home Account must be paid out on claims approved by the ~~Executive~~ Director as other claims against the State are paid.

7. The Gift Account for *the* Veterans ~~Homes~~ ***Home in Southern Nevada*** is hereby established in the State General Fund. Gifts of money or personal property which the donor has restricted to one or more uses at ~~at~~ ***the*** veterans home ***in southern Nevada*** must be used only in the manner designated by the donor. Gifts of money which the donor has restricted to one or more uses at ~~at~~ ***this*** veterans home must be deposited with the State Treasurer for credit to the Gift Account for *the* Veterans ~~Homes~~ ***Home in Southern Nevada***. The interest and income earned on the money in the Gift Account for *the* Veterans ~~Homes~~ ***Home in Southern Nevada***, after deducting any applicable charges, must be credited to the Gift Account for *the* Veterans ~~Homes~~ ***Home in Southern Nevada***. Any money remaining in the Gift Account for *the* Veterans ~~Homes~~ ***Home in Southern Nevada*** at the end of each fiscal year does not lapse to the State General Fund, but must be carried forward into the next fiscal year.

8. ***The Gift Account for the Veterans Home in Northern Nevada is hereby established in the State General Fund. Gifts of money or personal property which the donor has restricted to one or more uses at the veterans home in northern Nevada must be used only in the manner designated by the donor. Gifts of money which the donor has restricted to one or more uses at this veterans home must be deposited with the State Treasurer for credit to the Gift Account for the Veterans Home in Northern Nevada. The interest and income earned on the money in the Gift Account for the Veterans Home in Northern Nevada, after deducting any applicable charges, must be credited to the Gift Account for the Veterans Home in Northern Nevada. Any money remaining in the Gift Account for the Veterans Home in Northern Nevada at the end of each fiscal year does not lapse to the State General Fund, but must be carried forward into the next fiscal year.***

9. The Gift Account for Veterans is hereby created in the State General Fund. The ~~Executive~~ Director shall administer the Gift Account for Veterans. The money deposited in the Gift Account for Veterans pursuant to NRS 482.3764 may only be used for the support of outreach programs or services for veterans and their families, or both, as determined by the ~~Executive~~ Director. The interest and income earned on the money in the Gift Account for Veterans, after deducting any applicable charges, must be credited to the Gift Account for Veterans. All money in the Gift Account for Veterans must be paid out on claims approved by the ~~Executive~~ Director as



other claims against the State are paid. Any money remaining in the Gift Account for Veterans at the end of each fiscal year does not lapse to the State General Fund, but must be carried forward into the next fiscal year.

~~19.~~ **10.** The ~~Executive~~ Director shall, on or before August 1 of each year, prepare and submit to the Interim Finance Committee a report detailing the expenditures made from the Gift Account for *the* Veterans ~~Homes~~ ***Home in Southern Nevada, the Gift Account for the Veterans Home in Northern Nevada*** and the Gift Account for Veterans.

**Sec. 24.** NRS 417.147 is hereby amended to read as follows:

417.147 1. The ~~Executive~~ Director shall:

(a) Appoint an administrator for each veterans home in this State. Each administrator must be licensed as a nursing facility administrator pursuant to NRS 654.170.

(b) Take such other actions as are necessary for the management, maintenance and operation of veterans homes in this State, including, without limitation, establishing and implementing rules, policies and procedures for such management, maintenance and operation.

(c) Apply for federal grants and other sources of money available for establishing veterans homes. A federal grant must be used only as permitted by the terms of the grant.

2. With the advice of the Nevada Veterans Services Commission, the ~~Executive~~ Director shall, on or before April 1 of each calendar year, recommend to the State Board of Examiners a schedule of rates to be charged for occupancy of rooms at each veterans home in this State during the following fiscal year. The State Board of Examiners shall establish the schedule of rates. In setting the rates, the State Board of Examiners shall consider the recommendations of the ~~Executive~~ Director, but is not bound to follow the recommendations of the ~~Executive~~ Director.

3. The first veterans home that is established in this State must be established at a location in southern Nevada determined to be appropriate by the Interim Finance Committee. The Interim Finance Committee shall give preference to a site that is zoned appropriately for the establishment of a veterans home, that affords minimum costs of maintenance and that is located in an area where the members of the families of the veterans can easily visit the veterans home. The site for the construction of the veterans home in southern Nevada must be:

(a) Located in reasonable proximity to:

(1) A public transportation system;

(2) Shopping centers; and

(3) A major hospital that has a center for the treatment of trauma which is designated as a level II center by the Administrator of the Health Division of the Department of Health and Human Services.

(b) Not less than 5 acres in area.

4. If an additional veterans home is authorized, it must be established in northern Nevada.

**Sec. 25.** NRS 417.148 is hereby amended to read as follows:

417.148 1. A revolving account up to the amount of \$2,000 is hereby created for each veterans home, and may be used for the payment of bills of the veterans home requiring immediate payment and for no other purpose. The administrator of a veterans home shall deposit the money for the revolving account for the veterans home in a bank, credit union or savings and loan association qualified to receive deposits of public money. The revolving account must be under the control of the administrator of the veterans home for which the account was created.

2. The ~~Executive~~ Director may transfer such amounts of money from the Veterans Home Account to a revolving account as the ~~Executive~~ Director determines necessary provided that the balance in the revolving account does not exceed \$2,000.

**Sec. 26.** NRS 417.150 is hereby amended to read as follows:

417.150 1. The Nevada Veterans Services Commission, consisting of nine members, is hereby created.

2. The Governor shall appoint:

(a) Three members who are representatives of nationally recognized veterans organizations and who possess honorable discharges from some branch of the military and naval service of the United States.

(b) Two members who are representatives of the general public.

3. The Chair of the Advisory Committee for a Veterans Cemetery in Northern Nevada and the Chair of the Advisory Committee for a Veterans Cemetery in Southern Nevada shall each appoint one member from their respective committees to serve as a member of the Commission. Each member so appointed must be a representative of a nationally recognized veterans organization and possess an honorable discharge from some branch of the military and naval service of the United States.

4. The Majority Leader of the Senate shall appoint one member of the Senate to serve as a member of the Commission.

5. The Speaker of the Assembly shall appoint one member of the Assembly to serve as a member of the Commission.

6. The Governor may remove a member of the Commission at any time for failure to perform his or her duties, malfeasance or other good cause.

7. The term of office of each member is 2 years.

8. If a vacancy occurs in the membership of those members appointed pursuant to paragraph (a) of subsection 2, the Governor shall fill the vacancy from among the names of qualified nominees provided to the Governor in writing by the ~~Executive~~ Director.

**Sec. 27.** NRS 417.160 is hereby amended to read as follows:

417.160 1. The Nevada Veterans Services Commission shall annually choose one of its members to serve as Chair and one of its members to serve as Vice Chair.

2. The ~~Executive~~ Director shall provide for the preparation and maintenance of written minutes for and audio recordings or transcripts of each meeting of the ~~Veterans Services~~ Commission.

3. Members of the ~~Veterans Services~~ Commission are entitled to receive:

(a) A salary of not more than \$80 per day, as fixed by the ~~Executive~~ Director, while engaged in the business of the Commission.

(b) A subsistence allowance of not more than \$56 per day, as fixed by the ~~Executive~~ Director, and actual expenses for transportation, while traveling on business of the Commission.

**Sec. 28.** NRS 417.190 is hereby amended to read as follows:

417.190 The Nevada Veterans Services Commission shall:

1. Advise the ~~Executive~~ Director and Deputy ~~Executive~~ Director.

2. Make recommendations to the Governor, the Legislature, the ~~Executive~~ Director and the Deputy ~~Executive~~ Director regarding aid or benefits to veterans.

**Sec. 29.** NRS 417.200 is hereby amended to read as follows:

417.200 1. The ~~Executive~~ Director shall establish, operate and maintain a veterans cemetery in northern Nevada and a veterans cemetery in southern Nevada, and may, within the limits of legislative authorization, employ personnel and purchase equipment and supplies necessary for the operation and maintenance of the cemeteries. The ~~Executive~~ Director shall employ a cemetery superintendent to operate and maintain each cemetery.

2. The cemetery superintendent shall ensure that the area immediately above and surrounding the interred remains in each veterans cemetery is landscaped with natural grass.

3. A person desiring to provide voluntary services to further the establishment, maintenance or operation of either of the cemeteries shall submit a written offer to the cemetery superintendent which describes the nature of the services. The cemetery superintendent shall consider all such offers and approve those he or she deems appropriate. The cemetery superintendent shall coordinate the provision of all services so approved.

**Sec. 30.** NRS 417.210 is hereby amended to read as follows:

417.210 1. A veteran who is eligible for interment in a national cemetery pursuant to the provisions of 38 U.S.C. § 2402 is eligible for interment in a veterans cemetery in this State.

2. An eligible veteran, or a member of his or her immediate family, or a veterans organization recognized by the ~~Executive~~ Director may apply for a

plot in a cemetery for veterans in this State by submitting a request to the cemetery superintendent on a form to be supplied by the cemetery superintendent. The cemetery superintendent shall assign available plots in the order in which applications are received. A specific plot may not be reserved before it is needed for burial. No charge may be made for a plot or for the interment of a veteran.

3. One plot is allowed for the interment of each eligible veteran and for each member of his or her immediate family, except where the conditions of the soil or the number of the decedents of the family requires more than one plot.

4. The ~~Executive~~ Director shall charge a fee for the interment of a family member, but the fee may not exceed the actual cost of interment.

5. As used in this section, “immediate family” means the spouse, minor child or, when the ~~Executive~~ Director deems appropriate, the unmarried adult child of an eligible veteran.

**Sec. 31.** NRS 417.220 is hereby amended to read as follows:

417.220 1. The Account for Veterans Affairs is hereby created in the State General Fund.

2. Money received by the ~~Executive~~ Director or the Deputy ~~Executive~~ Director from:

(a) Fees charged pursuant to NRS 417.210;

(b) Allowances for burial from the *United States* Department of Veterans Affairs or other money provided by the Federal Government for the support of veterans cemeteries;

(c) Receipts from the sale of gifts and general merchandise;

(d) Grants obtained by the ~~Executive~~ Director or the Deputy ~~Executive~~ Director for the support of veterans cemeteries; and

(e) Except as otherwise provided in subsection 6 and NRS 417.145 and 417.147, gifts of money and proceeds derived from the sale of gifts of personal property that he or she is authorized to accept, if the use of such gifts has not been restricted by the donor,

↪ must be deposited with the State Treasurer for credit to the Account for Veterans Affairs and must be accounted for separately for a veterans cemetery in northern Nevada or a veterans cemetery in southern Nevada, whichever is appropriate.

3. The interest and income earned on the money deposited pursuant to subsection 2, after deducting any applicable charges, must be accounted for separately. Interest and income must not be computed on money appropriated from the State General Fund to the Account for Veterans Affairs.

4. The money deposited pursuant to subsection 2 may only be used for the operation and maintenance of the cemetery for which the money was collected. In addition to personnel he or she is authorized to employ pursuant

to NRS 417.200, the ~~Executive~~ Director may use money deposited pursuant to subsection 2 to employ such additional employees as are necessary for the operation and maintenance of the cemeteries, except that the number of such additional full-time employees that the ~~Executive~~ Director may employ at each cemetery must not exceed 60 percent of the number of full-time employees for national veterans cemeteries that is established by the National Cemetery Administration of the United States Department of Veterans Affairs.

5. Except as otherwise provided in subsection 7, gifts of personal property which the ~~Executive~~ Director or the Deputy ~~Executive~~ Director is authorized to receive but which are not appropriate for conversion to money may be used in kind.

6. The Gift Account for Veterans Cemeteries is hereby created in the State General Fund. Gifts of money that the ~~Executive~~ Director or the Deputy ~~Executive~~ Director is authorized to accept and which the donor has restricted to one or more uses at a veterans cemetery must be accounted for separately in the Gift Account for Veterans Cemeteries. The interest and income earned on the money deposited pursuant to this subsection must, after deducting any applicable charges, be accounted for separately for a veterans cemetery in northern Nevada or a veterans cemetery in southern Nevada, as applicable. Any money remaining in the Gift Account for Veterans Cemeteries at the end of each fiscal year does not revert to the State General Fund, but must be carried over into the next fiscal year.

7. The ~~Executive~~ Director or the Deputy ~~Executive~~ Director shall use gifts of money or personal property that he or she is authorized to accept and for which the donor has restricted to one or more uses at a veterans cemetery in the manner designated by the donor, except that if the original purpose of the gift has been fulfilled or the original purpose cannot be fulfilled for good cause, any money or personal property remaining in the gift may be used for other purposes at the veterans cemetery in northern Nevada or the veterans cemetery in southern Nevada, as appropriate.

**Sec. 32.** NRS 417.230 is hereby amended to read as follows:

417.230 1. There are hereby created the Advisory Committee for a Veterans Cemetery in Northern Nevada and the Advisory Committee for a Veterans Cemetery in Southern Nevada, each consisting of seven members as follows:

(a) One member of the Senate, appointed by the Majority Leader of the Senate.

(b) One member of the Assembly, appointed by the Speaker of the Assembly.

(c) Five members of veterans organizations in this State, appointed by the Governor.

2. The members of the Committees shall serve terms of 2 years.
3. Each Committee shall annually elect a Chair and a Vice Chair from among its members.
4. Each Committee shall meet at least 4 times a year.
5. Any legislative member of a Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session of the Legislature convenes.
6. While engaged in the work of the Committee, each member of each Committee is entitled to receive the per diem allowances and travel expenses provided for state officers and employees generally.
7. The ~~Executive~~ Director shall consult with each Committee regarding the establishment, maintenance and operation of the veterans cemetery for which the Committee was created.

**Sec. 33.** NRS 120A.610 is hereby amended to read as follows:

120A.610 1. Except as otherwise provided in subsections 4 to 8, inclusive, all abandoned property other than money delivered to the Administrator under this chapter must, within 2 years after the delivery, be sold by the Administrator to the highest bidder at public sale in whatever manner affords, in his or her judgment, the most favorable market for the property. The Administrator may decline the highest bid and reoffer the property for sale if the Administrator considers the bid to be insufficient.

2. Any sale held under this section must be preceded by a single publication of notice, at least 3 weeks before sale, in a newspaper of general circulation in the county in which the property is to be sold.

3. The purchaser of property at any sale conducted by the Administrator pursuant to this chapter takes the property free of all claims of the owner or previous holder and of all persons claiming through or under them. The Administrator shall execute all documents necessary to complete the transfer of ownership.

4. Except as otherwise provided in subsection 5, the Administrator need not offer any property for sale if the Administrator considers that the probable cost of the sale will exceed the proceeds of the sale. The Administrator may destroy or otherwise dispose of such property or may transfer it to:

(a) The Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society, upon its written request, if the property has, in the opinion of the requesting institution, historical, artistic or literary value and is worthy of preservation; or

(b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society.

↪ An action may not be maintained by any person against the holder of the property because of that transfer, disposal or destruction.

5. The Administrator shall transfer property to the ~~{Office}~~ **Department** of Veterans Services, upon its written request, if the property has military value.

6. Securities delivered to the Administrator pursuant to this chapter may be sold by the Administrator at any time after the delivery. Securities listed on an established stock exchange must be sold at the prevailing price for that security on the exchange at the time of sale. Other securities not listed on an established stock exchange may be sold:

(a) Over the counter at the prevailing price for that security at the time of sale; or

(b) By any other method the Administrator deems acceptable.

7. The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for 10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period and the Administrator determines that the probable cost of the sale of the property will exceed the proceeds of the sale, it may be destroyed.

8. All proceeds received by the Administrator from abandoned gift certificates must be accounted for separately in the Abandoned Property Trust Account in the State General Fund. At the end of each fiscal year, before any other money in the Abandoned Property Trust Account is transferred pursuant to NRS 120A.620, the balance in the subaccount created pursuant to this subsection, less any costs, service charges or claims chargeable to the subaccount, must be transferred to the Educational Trust Account, which is hereby created in the State General Fund. The money in the Educational Trust Account may be expended only as authorized by the Legislature for educational purposes.

**Sec. 34.** NRS 244.406 is hereby amended to read as follows:

244.406 1. Except as otherwise provided in this section, the office of coordinator of services for veterans must be supported from money in the county general fund and from any gifts or grants received by the county for the support of the office.

2. The board of county commissioners of a county that creates the office of coordinator of services for veterans is authorized to accept funds from the ~~{Executive}~~ Director ~~{for}~~ **of the Department of Veterans Services** pursuant to subsection 8 of NRS 417.090 for the support of the office.

3. The board of county commissioners of a county that creates the office of coordinator of services for veterans may enter into an agreement with the

Health Division of the Department of Health and Human Services for the purpose of obtaining federal matching funds to contribute to the salaries and expenses of the office of coordinator of services for veterans for its activities which are reasonably related to the programs of the Health Division of the Department of Health and Human Services and which benefit or result in cost avoidance for the Health Division.

4. The board of county commissioners of a county that creates the office of coordinator of services for veterans shall, on or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for distribution to each regular session of the Legislature describing the efficiency and effectiveness of the office. The report must include, without limitation, the number, total value and average value of the benefits received by the office on behalf of veterans, their spouses and their dependents.

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

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

**Sec. 37.** NRS 361.090 is hereby amended to read as follows:

361.090 1. The property, to the extent of \$2,000 assessed valuation, of any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 continuous days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

(b) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(c) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the Government of the United States, regardless of the number of days served on active duty,

↪ and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section, the first \$2,000 assessed valuation of property in which an applicant has any interest shall be deemed the property of the applicant.



3. The exemption may be allowed only to a claimant who files an affidavit with his or her claim for exemption on real property pursuant to NRS 361.155. The affidavit may be filed at any time by a person claiming exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county in this State. After the filing of the original affidavit, the county assessor shall, except as otherwise provided in this subsection, mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for ~~the Veterans Homes~~ *Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada* established pursuant to NRS 417.145,

↳ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.

5. Persons in actual military service are exempt during the period of such service from filing the annual forms for renewal of the exemption, and the county assessors shall continue to grant the exemption to such persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his or her behalf during the period of such service by any person having knowledge of the facts.

6. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the county assessor shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

7. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which the person is not entitled, the person is guilty of a gross misdemeanor.

8. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in

the Consumer Price Index (All Items) from July 2003 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

**Sec. 38.** NRS 361.0905 is hereby amended to read as follows:

361.0905 1. Any person who qualifies for an exemption pursuant to NRS 361.090 or 361.091 may, in lieu of claiming the exemption:

(a) Pay to the county ~~assessor~~ **tax receiver** all or any portion of the amount by which the tax would be reduced if the person claimed the exemption; and

(b) Direct the county ~~assessor~~ **tax receiver** to deposit that amount for credit to the Gift Account for **the** Veterans ~~Homes~~ **Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada** established pursuant to NRS 417.145.

2. Any person who wishes to waive his or her exemption pursuant to this section shall designate the amount to be credited to ~~the~~ **a Gift** Account on a form provided by the Nevada Tax Commission.

3. The county ~~assessor~~ **tax receiver** shall deposit any money received pursuant to this section with the State Treasurer for credit to the Gift Account for **the** Veterans ~~Homes~~ **Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada** established pursuant to NRS 417.145. The State Treasurer shall not accept more than a total of \$2,000,000 for credit to ~~the~~ **a Gift** Account pursuant to this section and NRS 371.1035 during any fiscal year.

**Sec. 39.** NRS 361.091 is hereby amended to read as follows:

361.091 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his or her surviving spouse, is entitled to an exemption.

2. The amount of exemption is based on the total percentage of permanent service-connected disability. The maximum allowable exemption for total permanent disability is the first \$20,000 assessed valuation. A person with a permanent service-connected disability of:

(a) Eighty to 99 percent, inclusive, is entitled to an exemption of \$15,000 assessed value.

(b) Sixty to 79 percent, inclusive, is entitled to an exemption of \$10,000 assessed value.

↪ For the purposes of this section, any property in which an applicant has any interest is deemed to be the property of the applicant.

3. The exemption may be allowed only to a claimant who has filed an affidavit with his or her claim for exemption on real property pursuant to

NRS 361.155. The affidavit may be made at any time by a person claiming an exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and be filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada, that the affiant meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county within this State. After the filing of the original affidavit, the county assessor shall, except as otherwise provided in this subsection, mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for ~~the Veterans Homes~~ *Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada* established pursuant to NRS 417.145,

↳ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.

5. Before allowing any exemption pursuant to the provisions of this section, the county assessor shall require proof of the applicant's status, and for that purpose shall require the applicant to produce an original or certified copy of:

(a) An honorable discharge or other document of honorable separation from the Armed Forces of the United States which indicates the total percentage of his or her permanent service-connected disability;

(b) A certificate of satisfactory service which indicates the total percentage of his or her permanent service-connected disability; or

(c) A certificate from the *United States* Department of Veterans Affairs or any other military document which shows that he or she has incurred a permanent service-connected disability and which indicates the total percentage of that disability, together with a certificate of honorable discharge or satisfactory service.

6. A surviving spouse claiming an exemption pursuant to this section must file with the county assessor an affidavit declaring that:

(a) The surviving spouse was married to and living with the veteran who incurred a permanent service-connected disability for the 5 years preceding his or her death;

(b) The veteran was eligible for the exemption at the time of his or her death or would have been eligible if the veteran had been a resident of the State of Nevada;

(c) The surviving spouse has not remarried; and

(d) The surviving spouse is a bona fide resident of the State of Nevada.

↪ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county assessor shall, except as otherwise provided in this subsection, mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.

7. If a veteran or the surviving spouse of a veteran submits, as proof of disability, documentation that indicates a percentage of permanent service-connected disability for more than one permanent service-connected disability, the amount of the exemption must be based on the total of those combined percentages, not to exceed 100 percent.

8. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 361.090.

9. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which the person is not entitled, the person is guilty of a gross misdemeanor.

10. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsection 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July 2003 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

**Sec. 40.** NRS 361.155 is hereby amended to read as follows:

361.155 1. Except as otherwise provided in this section:

(a) All claims for personal tax exemptions on real property, the initial claim of an organization for a tax exemption on real property and the designation of any amount to be credited to the Gift Account for *the* Veterans ~~Home~~ *Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada* pursuant to NRS 361.0905 must be filed on or before June 15.

(b) An initial claim for a tax exemption on real property acquired after June 15 and before July 1 must be filed on or before July 5.

2. All exemptions provided for pursuant to this chapter apply on a fiscal year basis, and any exemption granted pursuant to this chapter must not be in an amount which gives the taxpayer a total exemption greater than that to which the taxpayer is entitled during any fiscal year.

3. Except as otherwise provided in this section, each claim for an exemption provided for pursuant to this chapter must be filed with the county assessor of:

(a) The county in which the claimant resides for personal tax exemptions;  
or

(b) Each county in which property is located for the tax exemption of an organization.

4. After the initial claim for an exemption pursuant to NRS 361.088 or 361.098 to 361.150, inclusive, an organization is not required to file annual claims if the property remains exempt. If any portion of the property loses its exemption pursuant to NRS 361.157 or for any other reason becomes taxable, the organization must notify the county assessor.

5. If an exemption is granted or renewed in error because of an incorrect claim or failure of an organization to give the notice required by subsection 4, the assessor shall assess the taxable portion of the property retroactively pursuant to NRS 361.769 and a penalty of 10 percent of the tax due for the current year and any prior years may be added.

6. If a claim for a tax exemption on real property and any required affidavit or other documentation in support of the claim is not filed within the time required by subsection 1, or if a claim for a tax exemption is denied by the county assessor, the person claiming the exemption may, on or before January 15 of the fiscal year for which the claim of exemption is made, file the claim and any required documentation in support of the claim with the county board of equalization of the county in which the claim is required to be filed pursuant to subsection 3. The county board of equalization shall review the claim of exemption and may grant or deny the claim for that fiscal year, as it determines to be appropriate. The State Board of Equalization shall establish procedures for:

(a) The review of a claim of exemption by a county board of equalization pursuant to this subsection; and

(b) The appeal to the State Board of Equalization of the denial of a claim of exemption by a county board of equalization pursuant to this subsection.

**Sec. 41.** NRS 371.103 is hereby amended to read as follows:

371.103 1. Vehicles, to the extent of \$2,000 determined valuation, registered by any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

(b) Has served a minimum of 90 continuous days on active duty none of which was for training purposes, who was assigned to active duty at some time between January 1, 1961, and May 7, 1975;

(c) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(d) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the Government of the United States, regardless of the number of days served on active duty,

➔ and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. In lieu of claiming the exemption from taxation set forth in subsection 1 in his or her name, a veteran may transfer the exemption to his or her current spouse. To transfer the exemption, the veteran must file an affidavit of transfer with the Department in the county where the exemption would otherwise have been claimed. The affidavit of transfer must be made before the county assessor or a notary public. If a veteran makes such a transfer:

(a) The spouse of the veteran is entitled to the exemption in the same manner as if the spouse were the veteran;

(b) The veteran is not entitled to the exemption for the duration of the transfer;

(c) The transfer expires upon the earlier of:

(1) The termination of the marriage;

(2) The death of the veteran; or

(3) The revocation of the transfer by the veteran as described in paragraph (d); and

(d) The veteran may, at any time, revoke the transfer of the exemption by filing with the Department in the county where the exemption is claimed an affidavit made before the county assessor or a notary public.

3. For the purpose of this section, the first \$2,000 determined valuation of vehicles in which a person described in subsection 1 or 2 has any interest shall be deemed to belong to that person.

4. Except as otherwise provided in subsection 5, a person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he or she is an actual bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 or 2, as applicable, and that the exemption is claimed in no other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit of exemption and after the transfer of the exemption, if any, pursuant to subsection 2, the county assessor shall, except as otherwise provided in this subsection, mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for ~~the Veterans Homes~~ *Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada* established pursuant to NRS 417.145,

→ to the person who claimed the exemption each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.

5. Persons in actual military service are exempt during the period of such service from filing annual affidavits of exemption and the Department shall grant exemptions to those persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his or her behalf during the period of such service by any person having knowledge of the facts.

6. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the Department shall require proof of status of the veteran or, if a transfer has been made pursuant to subsection 2, proof of status of the veteran to whom the person claiming the exemption is married, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

7. If any person files a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof a tax exemption is allowed to a person not entitled to the exemption, the person is guilty of a gross misdemeanor.

8. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 3 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated.

**Sec. 42.** NRS 371.1035 is hereby amended to read as follows:

371.1035 1. Any person who qualifies for an exemption pursuant to NRS 371.103 or 371.104 may, in lieu of claiming the exemption:

(a) Pay to the Department all or any portion of the amount by which the tax would be reduced if the person claimed the exemption; and

(b) Direct the Department to deposit that amount for credit to the Gift Account for *the* Veterans ~~Homes~~ *Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada* established pursuant to NRS 417.145.

2. Any person who wishes to waive his or her exemption pursuant to this section shall designate the amount to be credited to ~~the~~ *a Gift* Account on a form provided by the Department.

3. The Department shall deposit any money received pursuant to this section with the State Treasurer for credit to the Gift Account for *the* Veterans ~~Homes~~ *Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada* established pursuant to NRS 417.145. The State Treasurer shall not accept more than a total of \$2,000,000 for credit to ~~the~~ *a Gift* Account pursuant to this section and NRS 361.0905 during any fiscal year.

**Sec. 43.** NRS 371.104 is hereby amended to read as follows:

371.104 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his or her surviving spouse, is entitled to a veteran's exemption from the payment of governmental services taxes on vehicles of the following determined valuations:

(a) If he or she has a disability of 100 percent, the first \$20,000 of determined valuation.

(b) If he or she has a disability of 80 to 99 percent, inclusive, the first \$15,000 of determined valuation.

(c) If he or she has a disability of 60 to 79 percent, inclusive, the first \$10,000 of determined valuation.

2. In lieu of claiming the exemption from taxation set forth in subsection 1 in his or her name, a veteran may transfer the exemption to his or her current spouse. To transfer the exemption, the veteran must file an affidavit of transfer with the Department in the county where the exemption would



otherwise have been claimed. The affidavit of transfer must be made before the county assessor or a notary public. If a veteran makes such a transfer:

(a) The spouse of the veteran is entitled to the exemption in the same manner as if the spouse were the veteran;

(b) The veteran is not entitled to the exemption for the duration of the transfer;

(c) The transfer expires upon the earlier of:

(1) The termination of the marriage;

(2) The death of the veteran; or

(3) The revocation of the transfer by the veteran as described in paragraph (d); and

(d) The veteran may, at any time, revoke the transfer of the exemption by filing with the Department in the county where the exemption is claimed an affidavit made before the county assessor or a notary public.

3. For the purpose of this section, the first \$20,000 of determined valuation of vehicles in which a person described in subsection 1 or 2 has any interest shall be deemed to belong entirely to that person.

4. A person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he or she is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 or 2, as applicable, and that the exemption is claimed in no other county within this State. After the filing of the original affidavit of exemption and after the transfer of the exemption, if any, pursuant to subsection 2, the county assessor shall, except as otherwise provided in this subsection, mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for ~~the Veterans Homes~~ ***Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada*** established pursuant to NRS 417.145,

➔ to the person who claimed the exemption each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.

5. Before allowing any exemption pursuant to the provisions of this section, the Department shall require proof of the veteran's status, and for that purpose shall require production of:

(a) A certificate from the Department of Veterans Affairs that the veteran has incurred a permanent service-connected disability, which shows the percentage of that disability; and

(b) Any one of the following:

- (1) An honorable discharge;
- (2) A certificate of satisfactory service; or
- (3) A certified copy of either of these documents.

6. A surviving spouse claiming an exemption pursuant to this section must file with the Department in the county where the exemption is claimed an affidavit declaring that:

(a) The surviving spouse was married to and living with the veteran with a disability for the 5 years preceding his or her death;

(b) The veteran with a disability was eligible for the exemption at the time of his or her death or, if not for a transfer of the exemption pursuant to subsection 2, would have been eligible for the exemption at the time of his or her death; and

(c) The surviving spouse has not remarried.

↪ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county assessor shall, except as otherwise provided in this subsection, mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.

7. If a tax exemption is allowed under this section, the veteran and his or her current spouse are not entitled to an exemption under NRS 371.103.

8. If any person makes a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof the person is allowed a tax exemption to which he or she is not entitled, the person is guilty of a gross misdemeanor.

9. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 3 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated.

**Sec. 44.** NRS 371.105 is hereby amended to read as follows:

371.105 Claims pursuant to NRS 371.101, 371.102, 371.103 or 371.104 for tax exemption on the governmental services tax and designations of any amount to be credited to the Gift Account for ~~the Veterans Homes~~ **Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada** pursuant to NRS 371.1035 must be filed annually at any time on or before the date when payment of the tax is due. All exemptions provided for in this section must not be in an amount which gives the taxpayer a total

exemption greater than that to which the taxpayer is entitled during any fiscal year.

**Sec. 45.** NRS 389.810 is hereby amended to read as follows:

389.810 1. Notwithstanding any provision of this title to the contrary, a person who:

(a) Left high school before graduating to serve in the Armed Forces of the United States during:

(1) World War II and so served at any time between September 16, 1940, and December 31, 1946;

(2) The Korean War and so served at any time between June 25, 1950, and January 31, 1955; or

(3) The Vietnam Era and so served at any time between January 1, 1961, and May 7, 1975;

(b) Was discharged from the Armed Forces of the United States under honorable conditions; and

(c) As a result of his or her service in the Armed Forces of the United States, did not receive a high school diploma,

➔ shall be deemed to have earned sufficient credits to receive a standard high school diploma.

2. A school district may, upon request, issue a standard high school diploma to any person who meets the requirements set forth in subsection 1. A school district may issue a standard high school diploma to such a person even if the person:

(a) Holds a general educational development credential or its equivalent; or

(b) Is deceased, if the family of the veteran requests the issuance of the diploma.

3. The State Board and the ~~Office~~ **Department** of Veterans Services shall work cooperatively to establish guidelines for identifying and issuing standard high school diplomas to persons pursuant to this section.

4. A person to whom a standard high school diploma is issued pursuant to this section shall not be deemed to be a pupil for the purposes of this title.

**Sec. 46.** NRS 407.065 is hereby amended to read as follows:

407.065 1. The Administrator, subject to the approval of the Director:

(a) Except as otherwise provided in this paragraph, may establish, name, plan, operate, control, protect, develop and maintain state parks, monuments and recreational areas for the use of the general public. The name of an existing state park, monument or recreational area may not be changed unless the Legislature approves the change by statute.

(b) Shall protect state parks and property controlled or administered by the Division from misuse or damage and preserve the peace within those areas.

The Administrator may appoint or designate certain employees of the Division to have the general authority of peace officers.

(c) May allow multiple use of state parks and real property controlled or administered by the Division for any lawful purpose, including, but not limited to, grazing, mining, development of natural resources, hunting and fishing, in accordance with such regulations as may be adopted in furtherance of the purposes of the Division.

(d) ~~Shall~~ ***Except as otherwise provided in this paragraph, shall*** impose and collect reasonable fees for entering, camping and boating in state parks and recreational areas. The Division shall issue ~~upon application therefor and proof of residency and age,~~ an annual permit for entering, camping and boating in all state parks and recreational areas in this State :

***(1) Upon application therefor and proof of residency and age,*** to any person who is 65 years of age or older and has resided in this State for at least 5 years immediately preceding the date on which the application is submitted.

***(2) Upon application therefor and proof of residency and proof of status as described in subsection 5 of NRS 361.091, to a bona fide resident of the State of Nevada who has incurred a permanent service-connected disability of 10 percent or more and has been honorably discharged from the Armed Forces of the United States.***

↪ The permit must be issued without charge, except that the Division shall charge and collect an administrative fee for the issuance of the permit in an amount sufficient to cover the costs of issuing the permit.

(e) May conduct and operate such special services as may be necessary for the comfort and convenience of the general public, and impose and collect reasonable fees for such special services.

(f) May rent or lease concessions located within the boundaries of state parks or of real property controlled or administered by the Division to public or private corporations, to groups of natural persons, or to natural persons for a valuable consideration upon such terms and conditions as the Division deems fit and proper, but no concessionaire may dominate any state park operation.

(g) May establish such capital projects construction funds as are necessary to account for the parks improvements program approved by the Legislature. The money in these funds must be used for the construction and improvement of those parks which are under the supervision of the Administrator.

(h) In addition to any concession specified in paragraph (f), may establish concessions within the boundaries of any state park to provide for the sale of food, drinks, ice, publications, sundries, gifts and souvenirs, and other such related items as the Administrator determines are appropriately made

available to visitors. Any money received by the Administrator for a concession established pursuant to this paragraph must be deposited in the Fund for State Park Interpretative and Educational Programs and Operation of Concessions.

2. The Administrator:

(a) Shall issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter each state park and each recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee; and

(b) May issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter a specific state park or specific recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee.

3. An annual permit issued pursuant to subsection 2 does not authorize the holder of the permit to engage in camping or boating, or to attend special events. The holder of such a permit who wishes to engage in camping or boating, or to attend special events, must pay any fee established for the respective activity.

4. Except as otherwise provided in subsection 1 of NRS 407.0762 and subsection 1 of NRS 407.0765, the fees collected pursuant to paragraphs (d), (e) and (f) of subsection 1 or subsection 2 must be deposited in the State General Fund.

**Sec. 47.** NRS 482.3764 is hereby amended to read as follows:

482.3764 1. Before the Department issues to any person, pursuant to NRS 482.3763:

(a) An initial set of special license plates, it shall:

(1) Collect a special fee for the support of outreach programs and services for veterans and their families in the amount of \$25; and

(2) Affix a decal to each plate if requested by an applicant who meets the requirements set forth in NRS 482.37635.

(b) An annual renewal sticker, it shall:

(1) Collect a special fee for the support of outreach programs and services for veterans and their families in the amount of \$20; and

(2) Affix a decal to each plate if requested by an applicant who meets the requirements set forth in NRS 482.37635.

2. The Department shall deposit all money collected pursuant to this section with the State Treasurer for credit to the Gift Account for Veterans created by subsection ~~18~~ 9 of NRS 417.145.

**Sec. 48.** NRS 483.292 is hereby amended to read as follows:

483.292 1. When a person applies to the Department for an instruction permit or driver's license pursuant to NRS 483.290, the Department shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.

2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States.

3. If the person declares pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the Department shall count the declaration and maintain it only numerically in a record kept by the Department for that purpose.

4. The Department shall, at least once each quarter:

(a) Compile the aggregate number of persons who have, during the immediately preceding quarter, declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that number to the ~~Office~~ **Department** of Veterans Services to be used for statistical purposes.

**Sec. 49.** NRS 483.852 is hereby amended to read as follows:

483.852 1. When a person applies to the Department for an identification card pursuant to NRS 483.850, the Department shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.

2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States.

3. If the person declares pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the Department shall count the declaration and maintain it only numerically in a record kept by the Department for that purpose.

4. The Department shall, at least once each quarter:

(a) Compile the aggregate number of persons who have, during the immediately preceding quarter, declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that number to the ~~Office~~ **Department** of Veterans Services to be used for statistical purposes.

**Sec. 50.** NRS 642.0197 is hereby amended to read as follows:

642.0197 1. A funeral director who obtains custody of the unclaimed human remains of a deceased person whom the funeral director knows, has reason to know or reasonably believes is a veteran shall report the name of the deceased person to the ~~Office~~ **Department** of Veterans Services not

later than 1 year after obtaining custody of the unclaimed human remains of the deceased person.

2. Upon receipt of a report made pursuant to subsection 1, the ~~{Office}~~ **Department** of Veterans Services shall determine whether the deceased person is a veteran who is eligible for interment at a national cemetery pursuant to 38 U.S.C. § 2402 or a veterans cemetery pursuant to NRS 417.210. The ~~{Office}~~ **Department** of Veterans Services shall provide notice of the determination to the funeral director.

3. If the ~~{Office}~~ **Department** of Veterans Services provides notice to a funeral director of a determination that a deceased person is a veteran who is eligible for interment at a national cemetery or a veterans cemetery, the funeral director shall arrange for the proper disposition of the veteran's remains with:

- (a) A national cemetery or veterans cemetery; or
- (b) The ~~{Office}~~ **Department** of Veterans Services.

4. A funeral director is immune from civil or criminal liability for any act or omission with respect to complying with the provisions of this section.

5. As used in this section, "veteran" has the meaning ascribed to it in NRS 176A.090.

**Sec. 51.** NRS 417.040 and 417.050 are hereby repealed.

**Sec. 52.** The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

**Sec. 53.** If the name of a fund or account is changed pursuant to the provisions of this act, the State Controller shall change the designation of the name of the fund or account without making any transfer of the money in the fund or account. The assets and liabilities of such a fund or account are unaffected by the change of the name.

**Sec. 54.** Any regulations adopted by the Executive Director of the Office of Veterans Services before October 1, 2013, pursuant to NRS 417.020 remain in effect and may be enforced by the Director of the Department of Veterans Services until the Director of the Department of Veterans Services adopts regulations to repeal or replace those regulations.

**Sec. 55.** The Legislature hereby authorizes the Department of Veterans Services to purchase, construct, lease, renovate or acquire by lease-purchase a veterans home in northern Nevada.

**Sec. 56.** On or before October 1, 2013, the Governor shall appoint the members of the Interagency Council on Veterans Affairs pursuant to paragraph ~~(d)~~ **(k)** of subsection 1 of section 10 of this act.

**TEXT OF REPEALED SECTIONS**

**417.040 Executive Director and Deputy Executive Director: Terms of office.** The term of office of the Executive Director or Deputy Executive Director is 4 years, terminating on July 1 of the first year of the Governor's term of office.

**417.050 Executive Director and Deputy Executive Director: Vacancies; removal from office; absence from office.**

1. Upon a vacancy occurring in the office of Executive Director or Deputy Executive Director, the Governor shall appoint a successor to that office within 30 days after the vacancy.

2. The Executive Director or Deputy Executive Director may be removed from office at any time on failure to perform the duties required by this chapter.

3. The Deputy Executive Director shall assume the duties of the Executive Director in the Executive Director's absence.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 125.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 841.

AN ACT relating to governmental administration; exempting the lease of certain state lands from appraisal and certain procedural requirements; authorizing the discounted lease of state lands and buildings to certain businesses seeking to locate or expand in this State; revising provisions relating to the annual inventory of real property owned by or leased to the State; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the State Land Registrar to lease state land for certain purposes. (Chapter 321 of NRS) **Section 3** of this bill authorizes the lease of state land to certain businesses seeking to locate or expand in this State for less than fair market value for the first year of the lease. **Section 3** requires the State Land Registrar, the Administrator of the State Public Works Division of the Department of Administration and the Executive Director of the Office of Economic Development to approve such a lease and establish the amount of rent to be received for the state land pursuant to the lease.



With limited exceptions, existing law sets forth certain procedural requirements for the sale or lease of state land, which include: (1) the requirement to obtain two independent appraisals of the land; (2) the requirement that the lease be upon sealed bids followed by oral offers; and (3) the requirement that certain leases be approved by the State Board of Examiners and the Interim Finance Committee. (NRS 321.007, 321.335, 322.007) **Sections 1, 1.5, 2, 4 and 5** of this bill except from these requirements the lease of state land if the lease is for less than 25,000 square feet of land or the lease is approved pursuant to **section 3**.

Existing law requires: (1) each state officer, department, agency, board and commission to maintain an inventory of all real property leased to the State; and (2) the Division of State Lands of the State Department of Conservation and Natural Resources, the Department of Transportation and the State Public Works Division to maintain an inventory of all real property owned by the State. (NRS 331.110) **Section 8** of this bill provides that each inventory must be provided to the Administrator on or after April 1 but not later than June 30 of each year. **Section 8** also sets forth certain requirements relating to those inventories. ~~Section 6 of this bill requires the Administrator of the State Public Works Division to provide the inventory of real property owned by the State to the Executive Director of the Office of Economic Development and authorizes the Administrator to enter into a lease or agreement with certain businesses seeking to locate or expand in this State for the lease of certain state-owned buildings to the business for less than the fair market value during the first year of the lease.~~

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

**Section 1.** Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

*The State Land Registrar may offer any state land for lease without complying with the provisions of NRS 321.007 or 321.335 if the area of the state land is less than 25,000 square feet.*

**Sec. 1.5.** NRS 321.007 is hereby amended to read as follows:

321.007 1. Except as otherwise provided in subsection 5, NRS 322.063, 322.065 or 322.075, **or section 1 or 3 of this act**, except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:

(a) Except as otherwise provided in this paragraph, obtain two independent appraisals of the land before selling or leasing it. If the Interim Finance Committee grants its approval after discussion of the fair market value of the land, one independent appraisal of the land is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.

(b) Notwithstanding the provisions of chapter 333 of NRS, 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 State Land Registrar as to the qualifications of an appraiser is conclusive.

2. The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land 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 owner of the land or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.

5. If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market value of similar rental properties prepared by a licensed real estate broker or salesperson when offering such a property for lease.

6. If land 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 land is void if the change takes place within 5 years after the date of the void sale or lease.

**Sec. 2.** NRS 321.335 is hereby amended to read as follows:

321.335 1. Except as otherwise provided in NRS 321.125, 322.063, 322.065 or 322.075, **or section 1 or 3 of this act**, except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for

land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for an agreement entered into pursuant to the provisions of NRS 277.080 to 277.170, inclusive, or a lease of residential property with a term of 1 year or less, after April 1, 1957, all sales or leases of any lands that the Division is required to hold pursuant to NRS 321.001, including lands subject to contracts of sale that have been forfeited, are governed by the provisions of this section.

2. Whenever the State Land Registrar deems it to be in the best interests of the State of Nevada that any lands owned by the State and not used or set apart for public purposes be sold or leased, the State Land Registrar may, with the approval of the State Board of Examiners and the Interim Finance Committee, cause those lands to be sold or leased upon sealed bids, or oral offer after the opening of sealed bids for cash or pursuant to a contract of sale or lease, at a price not less than the highest appraised value for the lands plus the costs of appraisal and publication of notice of sale or lease.

3. Before offering any land for sale or lease, the State Land Registrar shall comply with the provisions of NRS 321.007.

4. After complying with the provisions of NRS 321.007, the State Land Registrar shall cause a notice of sale or lease to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold or leased is situated, and in such other newspapers as the State Land Registrar deems appropriate. If there is no newspaper published in the county where the land to be sold or leased is situated, the notice must be so published in a newspaper published in this State having a general circulation in the county where the land is situated.

5. The notice must contain:

- (a) A description of the land to be sold or leased;
- (b) A statement of the terms of sale or lease;
- (c) A statement that the land will be sold pursuant to subsection 6; and
- (d) The place where the sealed bids will be accepted, the first and last days on which the sealed bids will be accepted, and the time when and place where the sealed bids will be opened and oral offers submitted pursuant to subsection 6 will be accepted.

6. At the time and place fixed in the notice published pursuant to subsection 4, all sealed bids which have been received must, in public session, be opened, examined and declared by the State Land Registrar. Of the proposals submitted which conform to all terms and conditions specified in the notice published pursuant to subsection 4 and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral offer is accepted or the State Land Registrar rejects all bids and offers. Before finally accepting any written bid, the State Land

Registrar shall call for oral offers. If, upon the call for oral offers, any responsible person offers to buy or lease the land upon the terms and conditions specified in the notice, for a price exceeding by at least 5 percent the highest written bid, then the highest oral offer which is made by a responsible person must be finally accepted.

7. The State Land Registrar may reject any bid or oral offer to purchase or lease submitted pursuant to subsection 6, if the State Land Registrar deems the bid or offer to be:

- (a) Contrary to the public interest.
- (b) For a lesser amount than is reasonable for the land involved.
- (c) On lands which it may be more beneficial for the State to reserve.
- (d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.

8. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of sale specified in the notice of sale, the State Land Registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.

9. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.

10. The State Land Registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the State Land Registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

11. If land that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the land, the State Land Registrar may offer the land for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the land, the State Land Registrar must, as applicable, obtain a new appraisal or new appraisals of the land pursuant to the provisions of NRS 321.007 before offering the land for sale or lease a second time. If land that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the land, the State Land Registrar may list the land for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of

consanguinity or affinity does not have an interest in the land or an adjoining property.

**Sec. 3.** Chapter 322 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may lease state land pursuant to NRS 322.060 for less than the fair market value of the state land for the first year of the lease, including, without limitation, without the payment of rent for the first year of the lease, to a person who intends to locate or expand a business in this State if, except as otherwise provided in subsection 5, the business meets the requirements of subsection 4.*

*2. Before state land may be leased pursuant to this section, the following persons must approve the lease and establish the recommended amount of rent to be received for the state land:*

*(a) The Administrator of the Division of State Lands, as ex officio State Land Registrar;*

*(b) The Administrator of the State Public Works Division of the Department of Administration; and*

*(c) The Executive Director of the Office of Economic Development.*

*3. Any lease entered into pursuant to this section must be for a term of at least 10 years.*

*4. Except as otherwise provided in subsection 5, the lease or agreement may not include a discount to the business for the first year unless:*

*(a) The business is consistent with:*

*(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and*

*(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.*

*(b) The business is registered pursuant to the laws of this State or the person who intends to locate or expand the business in this State commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.*

*(c) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:*

*(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.*

*(2) Establishing the business will require the business to make a capital investment of at least \$1,000,000 in this State.*

*(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:*

*(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and*

*(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.*

*(d) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:*

*(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.*

*(2) Establishing the business will require the business to make a capital investment of at least \$250,000 in this State.*

*(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:*

*(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and*

*(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.*

*(e) If the business is an existing business, the business meets at least two of the following requirements:*

*(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.*

*(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:*

*(I) County assessor of the county in which the business will expand, if the business is locally assessed; or*

*(II) The Department of Taxation, if the business is centrally assessed.*

*(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:*

*(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and*

*(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.*

*(f) In lieu of meeting the requirements of paragraph (c), (d) or (e), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:*

*(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.*

*(2) Establishing the business will require the business to make a capital investment of at least \$500,000 in this State.*

*(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:*

*(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and*

*(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the Office by regulation pursuant to subsection 8 of NRS 360.750.*

*5. The Executive Director of the Office of Economic Development may waive the requirements of subsection 4 for good cause shown if the lease is for state land of less than 25,000 square feet.*

**Sec. 4.** NRS 322.007 is hereby amended to read as follows:

322.007 Any lease of state land, except a lease for residential purposes , ~~for~~ a lease for farming or grazing ~~or~~ *or a lease authorized pursuant to*

*section 1 or 3 of this act*, whose term extends or is renewable beyond 1 year must be approved by the State Board of Examiners and the Interim Finance Committee.

**Sec. 5.** NRS 322.060 is hereby amended to read as follows:

322.060 Subject to the provisions of NRS 321.335, leases or easements authorized pursuant to the provisions of NRS 322.050, and not made for the purpose of extracting oil, coal or gas or the utilization of geothermal resources from the lands leased, must be:

1. For such areas as may be required to accomplish the purpose for which the land is leased or the easement granted.

2. Except as otherwise provided in NRS 322.063, 322.065 and 322.067, *and section 3 of this act*, for such term and consideration as the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may determine reasonable based upon the fair market value of the land.

3. Executed upon a form to be prepared by the Attorney General. The form must contain all of the covenants and agreements usual or necessary to such leases or easements.

**Sec. 6.** ~~Chapter 331 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Based upon the inventories submitted pursuant to subsection 3 of NRS 331.110 and any other information available to him or her, the Administrator shall provide a list of all real property owned by the State to the Executive Director of the Office of Economic Development.~~

~~2. The Administrator may enter into agreements to lease state owned buildings which are not being actively used or for which no future use is reasonably anticipated to businesses seeking to locate or expand in this State.~~

~~3. Any lease or agreement into which the Administrator enters pursuant to subsection 2:~~

~~(a) Must be for a term of at least 5 years;~~

~~(b) Must be approved by the Executive Director of the Office of Economic Development; and~~

~~(c) Subject to the provisions of subsection 4, may be for less than fair market value for the first year of the lease, including, without limitation, an offer to lease the state owned building without the payment of rent for the first year of the lease.~~

~~4. The lease or agreement may not include a discount to the business for the first year unless:~~

~~(a) The business is consistent with:~~



~~(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and~~

~~(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.~~

~~(b) The business is registered pursuant to the laws of this State or the person who intends to locate or expand the business in this State commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.~~

~~(c) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:~~

~~(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.~~

~~(2) Establishing the business will require the business to make a capital investment of at least \$1,000,000 in this State.~~

~~(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:~~

~~(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.~~

~~(d) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:~~

~~(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.~~

~~(2) Establishing the business will require the business to make a capital investment of at least \$250,000 in this State.~~

~~(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:~~

~~(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.~~

~~(e) If the business is an existing business, the business meets at least two of the following requirements:~~

~~(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.~~

~~(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:~~

~~(I) County assessor of the county in which the business will expand, if the business is locally assessed; or~~

~~(II) The Department of Taxation, if the business is centrally assessed.~~

~~(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:~~

~~(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.~~

~~(f) In lieu of meeting the requirements of paragraph (e), (d) or (e), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:~~

~~(1) The business will have 10 or more full time employees on the payroll of the business by the fourth quarter that it is in operation.~~

~~(2) Establishing the business will require the business to make a capital investment of at least \$500,000 in this State.~~

~~(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:~~

~~(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the Office by regulation pursuant to subsection 8 of NRS 360.750. (Deleted by amendment.)~~

Sec. 7. ~~NRS 331.090 is hereby amended to read as follows:~~

~~331.090 The Administrator may accept rent money from various departments and agencies and from nongovernmental entities or businesses that are occupying space in the various state owned buildings. The rent money must be deposited in the Buildings and Grounds Operating Fund in the State Treasury. (Deleted by amendment.)~~

Sec. 8. NRS 331.110 is hereby amended to read as follows:

331.110 1. Except as otherwise provided by law, the Administrator may lease and equip office rooms outside of state buildings for the use of state officers, departments, agencies, boards and commissions whenever sufficient space cannot be provided within state buildings. The Administrator shall negotiate, approve and oversee any agreement to lease office rooms pursuant to this section, but no such lease may extend beyond the term of 1 year unless it is reviewed and approved by a majority of the members of the State Board of Examiners. The Attorney General shall approve each lease entered into pursuant to this subsection as to form and compliance with law.

2. Notwithstanding any other provision of law, before the Administrator enters into any lease for office rooms for any state officer, department, agency, board or commission, the Administrator shall consider, without limitation:

(a) The reasonableness of the terms of the agreement, including, without limitation, the cost; and

(b) The availability of space for use by the state officer, department, agency, board or commission in buildings that are owned by or leased to the State.

3. Each state officer, department, agency, board and commission shall maintain and, *on or after April 1 but not later than June 30 of each year*, provide to the Administrator an inventory of all real property leased to the State that is occupied by or otherwise used by the state officer, department, agency, board and commission. The Division of State Lands, Department of

Transportation and State Public Works Division of the Department of Administration shall maintain and , *on or after April 1 but not later than June 30 of each year*, provide to the Administrator an inventory of all real property owned by the State. *Each inventory must identify:*

*(a) Real property that is being actively used by a state officer, department, agency, board or commission.*

*(b) Real property that is not being actively used by a state officer, department, agency, board or commission.*

*(c) Real property that is not being used by a state officer, department, agency, board or commission but which is reasonably anticipated to be actively used by a state officer, department, agency, board or commission in the future.*

*(d) Real property that is being actively used as a park or wildlife area.*

4. Except as otherwise provided in subsection 6, the Administrator shall post on an Internet website maintained by the State a list of all real property owned or leased by the State. Each such listing shall include, without limitation, a brief description of:

(a) The location, size and current use of the real property ~~to~~ , **including, without limitation, whether the real property is actively used;** and

(b) The terms of the lease, including, without limitation, the cost to the State.

5. Before submitting the inventory to the Administrator pursuant to subsection 3, a state officer, department, agency, board, commission, the Division of State Lands, Department of Transportation or State Public Works Division of the Department of Administration that uses the property may request the Chief of the Budget Division of the Department of Administration to deem information regarding the property confidential for the purpose of maintaining public safety.

6. If the Chief of the Budget Division deems information regarding property to be confidential pursuant to subsection 5, the information concerning the property must be kept confidential and is not a public book or record within the meaning of NRS 239.010. The Chief of the Budget Division must inform the Administrator that the information is confidential and that the information must not be posted on an Internet website maintained by the State pursuant to subsection 4.

7. An owner of a building who enters into a contract with a state agency for occupancy in the building:

(a) If the contract is entered into before May 28, 2009, may comply with the program; and

(b) If the contract is entered into on or after May 28, 2009, shall, to the extent practicable as determined by the Administrator, comply with the program.

↪ If an owner chooses not to comply with the program pursuant to paragraph (a), a state or local agency shall not, after May 28, 2009, enter into a contract for occupancy of a building owned by the owner, except that the Administrator may authorize a state or local agency to enter into a contract for the occupancy of a building owned by an owner who does not comply with the program if the Administrator determines that it is impracticable for the owner to comply with the program.

8. As used in this section, “program” means the program established pursuant to NRS 701.218.

**Sec. 9.** This act becomes effective on July 1, 2013.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 145.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 800.

AN ACT relating to transportation; authorizing certain officials in each county responsible for the maintenance and repair of certain roads to establish a Complete Streets program for retrofitting certain roads to improve access to those roads by all users; allowing a person who is registering or renewing the registration of a vehicle at a kiosk or via the Internet to make a voluntary contribution at that time to the Complete Streets program in his or her county; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Under existing law, in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), the board of county highway commissioners is authorized to construct, repair and maintain public highways and roads within the county. (NRS 403.090) Existing law also provides that a county may, by ordinance, create a regional transportation commission if a streets and highways plan has been adopted by the county or regional planning commission. (NRS 277A.170) **Section 5** of this bill allows a regional transportation commission to adopt a policy for a Complete Streets program, which means a program for the retrofitting of streets or highways under the jurisdiction of the commission for the primary purpose of adding or significantly repairing facilities that provide street or highway access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. **Section 4.8** of this bill allows the board of

county commissioners, in a county whose population is 100,000 or more **(currently Clark and Washoe Counties)** and in which a regional transportation commission does not exist, to adopt a Complete Streets program. **Section 9** of this bill allows the board of county highway commissioners, in a county whose population is less than 100,000 and in which a regional transportation commission does not exist, to adopt a Complete Streets program.

**Sections 2 and 3** of this bill require the Department of Motor Vehicles to include on each application for vehicle registration or renewal of registration **that is completed at a kiosk or via the Internet** notice of a voluntary \$2 contribution to be made to the Complete Streets program in the county where the vehicle is to be registered unless the person registering the vehicle or renewing the registration indicates on that application that he or she wishes to opt out of making the contribution. **Section 1** of this bill requires the Department of Motor Vehicles to distribute monthly the money collected from the voluntary contributions to the transportation officials in the respective counties.

**Sections 4.8, 5 and 9** require that a board of county commissioners, regional transportation commission or a board of county highway commissioners which receives money from the Department of Motor Vehicles for a Complete Streets program use that money only for projects that are a part of such a program.

**Section 16.5 of this bill requires the Director of the Department of Motor Vehicles to determine when sufficient resources are available for the Department to carry out the provisions of this bill, and to provide notice of that fact. Section 17 of this bill provides that this bill becomes effective: (1) upon passage and approval, for the purpose of adopting regulations and performing other preparatory administrative tasks; and (2) for all other purposes, upon the earlier of October 1, 2015, or the date on which the Director provides notice that sufficient resources are available for the Department to carry out the provisions of this bill.**

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

**Section 1.** Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Any voluntary contributions collected pursuant to subsection 11 of NRS 482.480 must be distributed to each county based on the county of registration of the vehicle for which the contribution was made, to be used as provided in section 4.8, 5 or 9 of this act, as applicable. The Department shall remit monthly the contributions directly:*

*(a) In a county in which a regional transportation commission exists, to the regional transportation commission.*

*(b) In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, to the board of county commissioners.*

*(c) In a county whose population is less than 100,000 and in which a regional transportation commission does not exist, to the board of county highway commissioners created pursuant to NRS 403.010.*

*2. The Department shall certify monthly to the State Board of Examiners the amount of the voluntary contributions collected pursuant to subsection 11 of NRS 482.480 for each county by the Department and its agents during the preceding month, and that the money has been distributed as provided in this section.*

*3. As used in this section, “regional transportation commission” means a regional transportation commission created and organized in accordance with chapter 277A of NRS.*

**Sec. 2.** NRS 482.215 is hereby amended to read as follows:

482.215 1. All applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Except as otherwise provided in NRS 482.294, applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the Department or to a registered dealer.

3. Each application must be made upon the appropriate form furnished by the Department and contain:

(a) The signature of the owner, except as otherwise provided in subsection 2 of NRS 482.294, if applicable.

(b) The owner’s residential address.

(c) The owner’s declaration of the county where he or she intends the vehicle to be based, unless the vehicle is deemed to have no base. The Department shall use this declaration to determine the county to which the governmental services tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and the last license number, if known, and the state in which it was issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this State for the make to be registered to the person first purchasing or operating the vehicle.

(e) Except as otherwise provided in this paragraph, if the applicant is not an owner of a fleet of vehicles or a person described in subsection 5:

(1) Proof satisfactory to the Department or registered dealer that the applicant carries insurance on the vehicle provided by an insurance company licensed by the Division of Insurance of the Department of Business and

Industry and approved to do business in this State as required by NRS 485.185; and

(2) A declaration signed by the applicant that he or she will maintain the insurance required by NRS 485.185 during the period of registration. If the application is submitted by electronic means pursuant to NRS 482.294, the applicant is not required to sign the declaration required by this subparagraph.

(f) If the applicant is an owner of a fleet of vehicles or a person described in subsection 5, evidence of insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185:

(1) In the form of a certificate of insurance on a form approved by the Commissioner of Insurance;

(2) In the form of a card issued pursuant to NRS 690B.023 which identifies the vehicle; or

(3) In another form satisfactory to the Department.

↪ The Department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

***(h) ~~4.~~ If the application for registration is submitted via the Internet, a statement which informs the applicant that he or she may make a monetary contribution of \$2 for each vehicle registered for the Complete Streets program, if any, created pursuant to section 4.8, 5 or 9 of this act, as applicable, based on the declaration made pursuant to paragraph (c). The application form must state in a clear and conspicuous manner that a contribution for a Complete Streets program is voluntary and is in addition to any fees required for registration, and must include a method by which the applicant can indicate his or her intention to opt out of making such a contribution.***

4. The application must contain such other information as is required by the Department or registered dealer and must be accompanied by proof of ownership satisfactory to the Department.

5. For purposes of the evidence required by paragraph (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this State, may be declared as a fleet by the registered owner thereof on his or her original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance covering that fleet.



(b) Other fleets composed of 10 or more vehicles based in this State or vehicles insured under a blanket policy which does not identify individual vehicles may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his or her original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.

(c) A person who qualifies as a self-insurer pursuant to the provisions of NRS 485.380 may file a copy of his or her certificate of self-insurance.

(d) A person who qualifies for an operator's policy of liability insurance pursuant to the provisions of NRS 485.186 and 485.3091 may file evidence of that insurance.

**Sec. 3.** NRS 482.280 is hereby amended to read as follows:

482.280 1. The registration of every vehicle expires at midnight on the day specified on the receipt of registration, unless the day specified falls on a Saturday, Sunday or legal holiday. If the day specified on the receipt of registration is a Saturday, Sunday or legal holiday, the registration of the vehicle expires at midnight on the next judicial day. The Department shall mail to each holder of a certificate of registration a notification for renewal of registration for the following period of registration. The notifications must be mailed by the Department in sufficient time to allow all applicants to mail the notifications to the Department or to renew the certificate of registration at a kiosk or authorized inspection station or via the Internet or an interactive response system and to receive new certificates of registration and license plates, stickers, tabs or other suitable devices by mail before the expiration of their registrations. An applicant may present or submit the notification to any agent or office of the Department.

2. A notification:

(a) Mailed or presented to the Department or to a county assessor pursuant to the provisions of this section;

(b) Submitted to the Department pursuant to NRS 482.294; or

(c) Presented to an authorized inspection station or authorized station pursuant to the provisions of NRS 482.281,

↪ must include, if required, evidence of compliance with standards for the control of emissions.

3. The Department shall include with each notification mailed pursuant to subsection 1:

(a) The amount of the governmental services tax to be collected pursuant to the provisions of NRS 482.260.

(b) The amount set forth in a notice of nonpayment filed with the Department by a local authority pursuant to NRS 484B.527.

(c) A statement which informs the applicant:

(1) That, pursuant to NRS 485.185, the applicant is legally required to maintain insurance during the period in which the motor vehicle is registered which must be provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State; and

(2) Of any other applicable requirements set forth in chapter 485 of NRS and any regulations adopted pursuant thereto.

*(d) A statement which informs the applicant that , if the applicant renews a certificate of registration at a kiosk or via the Internet, he or she may make a monetary contribution of \$2 for each vehicle registration renewed for the Complete Streets program, if any, created pursuant to section 4.8, 5 or 9 of this act, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The notification must state in a clear and conspicuous manner that a contribution for a Complete Streets program is voluntary and is in addition to any fees required for registration.*

*4. An application for renewal of a certificate of registration submitted at a kiosk or via the Internet must include a statement which informs the applicant that he or she may make a monetary contribution of \$2, for each vehicle registration which is renewed at a kiosk or via the Internet, for the Complete Streets program, if any, created pursuant to subsection 4.8, 5 or 9 of this act, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The application must state in a clear and conspicuous manner that a contribution for a Complete Streets program is voluntary and is in addition to any fees required for registration, and must include a method by which the applicant can indicate his or her intention to opt out of making such a contribution.*

~~4.4~~ 5. An owner who has made proper application for renewal of registration before the expiration of the current registration but who has not received the license plate or plates or card of registration for the ensuing period of registration is entitled to operate or permit the operation of that vehicle upon the highways upon displaying thereon the license plate or plates issued for the preceding period of registration for such a time as may be prescribed by the Department as it may find necessary for the issuance of the new plate or plates or card of registration.

**Sec. 4.** NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the Department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. Except as otherwise provided in this section, for each stock passenger car and each reconstructed or specially constructed passenger car registered

to a person, regardless of weight or number of passenger capacity, a fee for registration of \$33.

2. Except as otherwise provided in subsection 3:

(a) For each of the fifth and sixth such cars registered to a person, a fee for registration of \$16.50.

(b) For each of the seventh and eighth such cars registered to a person, a fee for registration of \$12.

(c) For each of the ninth or more such cars registered to a person, a fee for registration of \$8.

3. The fees specified in subsection 2 do not apply:

(a) Unless the person registering the cars presents to the Department at the time of registration the registrations of all the cars registered to the person.

(b) To cars that are part of a fleet.

4. For every motorcycle, a fee for registration of \$33 and for each motorcycle other than a trimobile, an additional fee of \$6 for motorcycle safety. The additional fee must be deposited in the State Highway Fund for credit to the Account for the Program for the Education of Motorcycle Riders.

5. For each transfer of registration, a fee of \$6 in addition to any other fees.

6. Except as otherwise provided in subsection 7 of NRS 485.317, to reinstate the registration of a motor vehicle that is suspended pursuant to that section:

(a) A fee as specified in NRS 482.557 for a registered owner who failed to have insurance on the date specified by the Department, which fee is in addition to any fine or penalty imposed pursuant to NRS 482.557; or

(b) A fee of \$50 for a registered owner of a dormant vehicle who cancelled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first cancelling the registration for the vehicle in accordance with subsection 3 of NRS 485.320,

↪ both of which must be deposited in the Account for Verification of Insurance which is hereby created in the State Highway Fund. The money in the Account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.

7. For every travel trailer, a fee for registration of \$27.

8. For every permit for the operation of a golf cart, an annual fee of \$10.

9. For every low-speed vehicle, as that term is defined in NRS 484B.637, a fee for registration of \$33.

10. To reinstate the registration of a motor vehicle that is suspended pursuant to NRS 482.451, a fee of \$33.

**11. For each vehicle for which the registered owner has not indicated his or her intention to opt out of making a contribution pursuant to**

*paragraph (h) of subsection 3 of NRS 482.215 or ~~paragraph (d) of subsection 4 of NRS 482.280~~, a contribution of \$2. The contribution must be distributed to the appropriate county pursuant to section 1 of this act.*

**Sec. 4.2.** Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 4.4, 4.6 and 4.8 of this act.

**Sec. 4.4.** *As used in this section and sections 4.6 and 4.8 of this act, “regional transportation commission” has the meaning ascribed to it in section 1 of this act.*

**Sec. 4.6. 1.** *In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, the board of county commissioners shall create in the county treasury a fund to be known as the Complete Streets fund, for the purpose of:*

*(a) Executing projects as a part of a Complete Streets program pursuant to section 4.8 of this act; and*

*(b) Matching federal money from any federal source for the execution of projects as a part of a Complete Streets program pursuant to section 4.8 of this act.*

**2.** *The county treasurer shall deposit money that is collected pursuant to paragraph (b) of subsection 1 of section 1 of this act in the Complete Streets fund.*

**3.** *The board of county commissioners shall administer the Complete Streets fund.*

**Sec. 4.8. 1.** *In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, the board of county commissioners may adopt a policy for a Complete Streets program and may plan and carry out projects as a part of a Complete Streets program.*

**2.** *Any money received by a board of county commissioners pursuant to paragraph (b) of subsection 1 of section 1 of this act must be used solely for the execution of projects as a part of a Complete Streets program.*

**3.** *A board of county commissioners must not cause or allow any portion of the Complete Streets fund created pursuant to section 4.6 of this act to be used for a purpose other than those set forth in this section.*

**4.** *As used in this section, “Complete Streets program” means a program for the retrofitting of roads that are under the jurisdiction of the board of county commissioners for the primary purpose of adding or significantly repairing facilities which provide road access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. The term includes the operation of a public transit system as part of a Complete*

*Streets program, but the term does not include the purchase of vehicles or other hardware for a public transit system.*

Sec. 5. Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A commission may adopt a policy for a Complete Streets program and may plan and carry out projects as a part of a Complete Streets program.*

2. *Any money received by a commission pursuant to paragraph (a) of subsection 1 of section 1 of this act must be used solely for the execution of projects as a part of a Complete Streets program.*

3. *A commission must not cause or allow any portion of the Complete Streets fund created pursuant to NRS 277A.240 to be used for a purpose other than those set forth in this section.*

4. *As used in this section, “Complete Streets program” means a program for the retrofitting of streets or highways that are under the jurisdiction of the commission for the primary purpose of adding or significantly repairing facilities which provide street or highway access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. The term includes the operation of a public transit system as part of a Complete Streets program, but the term does not include the purchase of vehicles or other hardware for a public transit system.*

Sec. 6. NRS 277A.240 is hereby amended to read as follows:

277A.240 The commission :

1. *Except as otherwise provided in subsection 2, may establish a fund consisting of contributions from private sources, the State or the county and cities and towns within the jurisdiction of the commission for the purpose of matching federal money from any federal source.*

2. *Shall establish a fund consisting of distributions from the Department of Motor Vehicles pursuant to paragraph (a) of subsection 1 of section 1 of this act, to be known as the Complete Streets fund, for the purpose of:*

*(a) Executing projects as a part of a Complete Streets program pursuant to section 5 of this act; and*

*(b) Matching federal money from any federal source for the execution of projects as a part of a Complete Streets program pursuant to section 5 of this act.*

Sec. 7. Chapter 403 of NRS is hereby amended by adding thereto the provisions set forth as sections 7.5, 8 and 9 of this act.

Sec. 7.5. *As used in this section and sections 8 and 9 of this act, “regional transportation commission” has the meaning ascribed to it in section 1 of this act.*

**Sec. 8. 1.** *The board of county commissioners shall create in the county treasury a fund to be known as the Complete Streets fund, for the purpose of:*

*(a) Executing projects as a part of a Complete Streets program pursuant to section 9 of this act; and*

*(b) Matching federal money from any federal source for the execution of projects as a part of a Complete Streets program pursuant to section 9 of this act.*

**2.** *The county treasurer shall deposit money that is collected pursuant to paragraph (c) of subsection 1 of section 1 of this act in the Complete Streets fund.*

**3.** *The board of county highway commissioners shall administer the Complete Streets fund.*

**Sec. 9. 1.** *A board of county highway commissioners may adopt a policy for a Complete Streets program and may plan and carry out projects as a part of a Complete Streets program.*

**2.** *Any money received by a board of county highway commissioners pursuant to paragraph (c) of subsection 1 of section 1 of this act must be used solely for the execution of projects as a part of a Complete Streets program.*

**3.** *As used in this section, “Complete Streets program” means a program for the retrofitting of roads that are under the jurisdiction of the board of county highway commissioners for the primary purpose of adding or significantly repairing facilities which provide road access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. The term includes the operation of a public transit system as part of a Complete Streets program, but the term does not include the purchase of vehicles or other hardware for a public transit system.*

**Sec. 10.** NRS 403.160 is hereby amended to read as follows:

403.160 **1.** If the board of county highway commissioners shall decide not to appoint a county road supervisor for the county, the board may, at its option, create a board of road commissioners for each district. The board of road commissioners shall consist of one to three members.

**2.** The boundaries of the districts may be fixed by the board of county highway commissioners, and road commissioners may be elected in the same manner as in the case of township officers.

**3.** Road commissioners shall hold office until their successors are duly elected or appointed, and qualified, and shall take and subscribe to the constitutional oath of office before entering upon their duties.

**4.** A board of road commissioners shall:

**(a)** Exercise the duties of the county road supervisor.

(b) Have supervision over all road work within its district, and may appoint whomever the board may choose to do the work.

5. All vouchers shall be signed by at least a majority of the road commissioners and allowed as in the usual course of claims against the county, but , ***except as otherwise provided in section 9 of this act***, no board of road commissioners shall contract for any amount of work in excess of the funds set aside for such district by the board of county commissioners unless in case of an emergency when, by order of the board of county commissioners, a larger amount may be expended.

6. The board of county commissioners shall set aside for each road district the sums of money apportioned for each road district at the first meeting of the board in January, or as soon thereafter as possible.

**Sec. 11.** NRS 403.180 is hereby amended to read as follows:

403.180 1. When any roads shall have been rebuilt or constructed and made to meet with such specifications as may be outlined by the board of county highway commissioners, which shall include grading, draining, macadamizing , ~~or~~ graveling ~~or~~ ***or retrofitting pursuant to section 9 of this act***, and shall have been declared by the board of county highway commissioners to be standard county roads, then they shall be termed and designated as standard county roads.

2. When the board of county highway commissioners shall have declared and designated any road to be a standard county road, then , ***except as otherwise provided in section 9 of this act***, the cost of maintaining such road shall be paid out of the county general fund in the same manner as provided in NRS 403.460.

**Sec. 12.** NRS 403.435 is hereby amended to read as follows:

403.435 The board of county commissioners of any county is hereby authorized to enter into agreements with the appropriate federal agency for the use of federal funds to construct, improve or maintain roads, other than state highways. The share of any county in the cost of such cooperative road project shall be paid :

**1. For a project that is a part of a Complete Streets program pursuant to section 9 of this act, from the Complete Streets fund created pursuant to section 8 of this act; or**

**2. For any other project**, from county road funds; but donations may be accepted in lieu of appropriations from county road funds.

**Sec. 13.** NRS 403.460 is hereby amended to read as follows:

403.460 1. If, at a primary, general or special election, a majority of the voters of the county vote against the issuance of the bonds for roads and bridges, and no special county road and bridge fund is thereby created, or if for any other reason the fund is not created, ***except as otherwise provided in section 9 of this act***, the cost of all county road and bridge work performed

must be paid out of the county general fund by order of the board, if that work was performed by the order of and under the direction of the board of county highway commissioners or the county road supervisor, and according to the provisions of this chapter.

2. All claims presented to the board of county highway commissioners must be sworn and subscribed to and attested by the county road supervisor.

**Sec. 14.** NRS 403.470 is hereby amended to read as follows:

403.470 All money appropriated or expended by the board of county highway commissioners, whether it be appropriated or expended out of the county road and bridge fund which may be created by this chapter, ***the Complete Streets fund created pursuant to section 8 of this act***, or out of the county general fund as provided in NRS 403.460, must be expended by the board of county highway commissioners for the purposes hereinafter named and for no other purposes:

1. For laying out, grading, draining, graveling or macadamizing, maintaining, and, when deemed necessary, sprinkling or oiling roads.

2. The purchase of road machinery necessary for the construction of such roads, and the maintenance of the same.

3. The purchase of property necessary in road construction.

4. The purchase of material and machinery for the construction of all superstructures necessary to the perfect drainage of a highway, and for all work performed by order of and under the direction of the board of county highway commissioners.

***5. The execution of a project that is a part of a Complete Streets program pursuant to section 9 of this act.***

**Sec. 15.** NRS 403.550 is hereby amended to read as follows:

403.550 1. All claims against the county in relation to the county roads and bridges shall be presented to the clerk of the board of county highway commissioners on a prepared form at least 1 day before the regular meeting of the board. There shall be printed on the form an oath that the amount claimed is just and correct, which must be subscribed to by the claimant. The claim shall also be certified by the county road supervisor.

2. Upon the approval of any claim by the board of county highway commissioners, the county auditor is authorized and required to draw a warrant for the amount named in the claim to the person or persons named therein as claimants, in the usual manner provided by law. Nothing in this subsection shall interfere with or prevent the county auditor from exercising his or her veto power provided by law.

3. The county treasurer shall keep the county road and bridge fund, provided for in this chapter, in a separate and distinct fund. ~~The~~ ***Except as otherwise provided in section 8 of this act, the*** county treasurer shall pay out of this fund all warrants drawn on him or her by the county auditor for road



purposes, but under no condition shall the county treasurer pay out of this fund for other purposes.

**Sec. 16.** NRS 403.590 is hereby amended to read as follows:

403.590 *1.* Whenever it appears to the board of county commissioners that any road district is or would be unreasonably burdened by the expense of constructing or maintenance and repair of any bridge, the board may:

~~{1. Cause}~~

*(a) Except as otherwise provided in subsection 2, cause* all or a portion of the aggregate cost or expense to be paid out of the county general fund, or a portion out of that fund or out of any other county fund in which there is a surplus; or

~~{2.}~~ *(b)* Levy a tax therefor, not to exceed one-fourth of 1 percent on the taxable property in the county, annually, until the amount appropriated is raised and paid.

*2. A board of county commissioners must not cause or allow any portion of the Complete Streets fund created pursuant to section 8 of this act to be used for a purpose other than those set forth in section 9 of this act.*

**Sec. 16.5. As soon as practicable after January 1, 2014, upon determining that sufficient resources are available to enable the Department of Motor Vehicles to carry out the amendatory provisions of this act, the Director of the Department shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact, and shall publish on the Internet website of the Department notice to the public of that fact.**

**Sec. 17.** This act becomes effective:

1. Upon passage and approval for the purposes of the adoption of regulations and any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. ~~{On January 1, 2014, for}~~ **For** all other purposes. ~~{1. on:~~

**(a) October 1, 2015; or**

**(b) The date on which the Director of the Department of Motor Vehicles, pursuant to section 16.5 of this act, notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the Department to carry out the amendatory provisions of this act,**

**↪ whichever occurs first.**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 404.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 808.

AN ACT relating to time shares; amending provisions relating to licensing and registration of sales agents, representatives, managers, developers, project brokers and time-share resale brokers; revising provisions relating to permits to sell time shares; amending provisions relating to time-share instruments; revising provisions governing public offering statements; amending provisions governing the sale and resale of time shares; revising provisions governing the management and development of time-share plans and time-share projects; **revising provisions governing certain fees relating to time shares;** prohibiting certain acts; amending various other provisions relating to time shares; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides certain exemptions from the requirements governing time shares. (NRS 119A.170) **Section 11** of this bill revises these exemptions.

Existing law governs the qualifications and licensing of sales agents and requires a sales agent to be associated with a project broker. (NRS 119A.210-119A.237) **Section 14** of this bill maintains the existing law requiring that a sales agent obtain a license from the Real Estate Division of the Department of Business and Industry, but provides that a sales agent is not required to be licensed pursuant to existing law governing real estate salespersons.

Existing law provides for the registration and regulation of a representative, defined as a person who, on behalf of a developer, induces other persons to attend a sales presentation. (NRS 119A.120, 119A.240, 119A.260) **Section 18** of this bill maintains the existing law requiring ~~that~~ a representative ~~must~~ **to** register with the Division, but provides that a representative is not required to be licensed pursuant to existing law governing real estate salespersons. **Section 19** of this bill amends provisions setting forth the prohibited acts of representatives.

Existing law requires a developer of a time-share plan to obtain certain permits from the Administrator of the Division before selling or offering for sale any time shares in this State. Existing law requires an applicant for a public offering statement and permit to sell time shares to submit an application containing certain information. (NRS 119A.300) **Section 23** of this bill: (1) requires the applicant to include with the application a public offering statement; and (2) provides that in lieu of the information required to be included with the application, a developer of a time-share plan in which

some or all of the units are located outside of this State may file an abbreviated registration. **Section 3** of this bill requires a developer to file an amended statement of record with the Division under certain circumstances. **Section 25** of this bill amends the grounds for denial of an application for a permit to sell time shares. **Section 26** of this bill amends provisions relating to the procedure for approving or denying an application for a permit to sell time shares. **Section 27** of this bill provides for a hearing on the denial of an amendment to the statement of record or a renewal of a permit to sell time shares. **Section 28** of this bill revises the information to be provided in a public offering statement if a time-share project is not completed before the issuance of a permit to sell time shares.

**Section 29** of this bill authorizes instead of requires the Division to complete an investigation before issuing any permit or license issued pursuant to the provisions of existing law governing time shares.

**Section 30** of this bill provides that a renewal of a permit to sell time shares in this State is deemed approved if the Division does not take certain actions within the prescribed period.

~~† Section 52 of this bill repeals provisions of existing law governing advertisements for time shares, and section 13 of this bill authorizes the Division to adopt regulations regarding advertisements relating to time shares.†~~

**Existing law governs the fees that the Division is required to collect relating to time shares. (NRS 119A.360) Section 32 of this bill increases certain fees and revises the fee based on the number of time shares sold by a developer to provide for a fee based on the number of time shares in a time-share plan. Section 32 also establishes a fee for an amendment to a statement of record, the initial registration of a time-share resale broker and the renewal of the registration of a time-share resale broker.**

Existing law governs the contents of a time-share instrument. (NRS 119A.380) **Section 33** of this bill enacts provisions relating to the governing instrument of a time-share plan or units governed by the laws of another state or jurisdiction.

Existing law requires a developer to provide each prospective purchaser with a copy of the developer's public offering statement. (NRS 119A.400) **Section 35** of this bill provides that, upon the request of a prospective purchaser for an electronic copy of the public offering statement, the developer must provide an electronic copy of the public offering statement.

Existing law requires money, negotiable instruments or other deposits pertaining to the sale of a time share to be placed in escrow. (NRS 119A.420) **Section 36** of this bill requires money, negotiable instruments or other deposits pertaining to the sale of a time share received from a purchaser to be

placed in an escrow account or requires the developer to establish a surety bond.

Existing law provides for the licensing and regulation of a time-share resale broker. (NRS 119A.4771) **Section 41** of this bill amends provisions relating to the registration of a time-share resale broker. **Sections 42 and 43** of this bill provide for a right to cancel certain contracts or agreements relating to the resale of a time share.

Existing law governs the charging or collection of an advance fee by a time-share resale broker. (NRS 119A.4779) **Section 44** of this bill requires a contract for an advance fee listing to include certain information. **Section 44** also prohibits a time-share resale broker from engaging in certain acts with respect to an advance fee and provides penalties for engaging in those acts.

**Section 48** of this bill removes the authority of the Administrator to require an association or developer to provide an opinion of an independent professional consultant regarding the budget.

Existing law prohibits certain unfair methods of competition or deceptive or unfair acts in the offer to sell or sale of a time share. (NRS 119A.710) **Section 4** of this bill prohibits a person from knowingly participating in a plan or scheme to transfer a time share to a person who does not pay the assessments or taxes for that time share and provides a penalty for a violation of this provision.

**Section 52 of this bill repeals provisions of existing law governing advertisements for time shares, and section 13 of this bill authorizes the Division to adopt regulations regarding advertisements relating to time shares.**

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

**Section 1.** Chapter 119A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 to 4, inclusive, of this act.

**Sec. 1.2.** *"Branch office" means an office operated by a real estate broker who is licensed pursuant to chapter 645 of NRS, separate from the principal location of the real estate broker, for the purpose of engaging in the business of selling or reselling time shares.*

**Sec. 1.4.** *"Component site" means the specific geographic location where units that are part of a time-share plan are located, including, without limitation, new units added to a single project in the same geographic location and under common management.*

**Sec. 2.** *"Statement of record" means the information provided to the Administrator pursuant to paragraph (a) of subsection 1 of NRS 119A.300 or subsection 2 of NRS 119A.300, as applicable.*

Sec. 2.5. 1. *Every branch office must be operated under the supervision of a real estate broker or real estate broker-salesperson who is licensed pursuant to chapter 645 of NRS and who has had at least 2 years of experience as an active real estate broker, real estate broker-salesperson or real estate salesperson in the United States.*

2. *The project broker or time-share resale broker is responsible for each branch office which he or she operates.*

3. *If the location of the branch office does not permit a project broker or a time-share resale broker to exercise direct supervision of a branch office, a real estate broker-salesperson shall directly supervise the branch office.*

4. *A supervisor of a branch office may not supervise more than one branch office.*

Sec. 3. 1. *If there is a material change to the time-share plan which is not caused by or under the control of the developer, the developer shall file with the Division an amended statement of record not later than 10 days before the material change occurs or within 10 days after the developer knows or reasonably should have known of the material change. For any material change to the time-share plan, the developer shall file an amended statement of record, and such an amended statement of record is effective on the 60th day after the filing or, in the event that additional units are added to the time-share plan which are in a component site previously registered with the Division, on the 120th day after the filing, unless the Administrator:*

*(a) Issues a denial of the amended statement of record pursuant to NRS 119A.654 describing the reasons for the denial in sufficient detail to allow the developer to correct the deficiencies in the amended statement of record; or*

*(b) Approves the amended statement of record on an earlier date.*

2. *The Administrator shall, within 30 days after receiving evidence that the deficiencies in the amended statement of record are cured, approve or deny the amended statement of record and list the specific reasons for denial. If the Division fails to take any of the actions described in this subsection within the 30-day period, the amended statement of record shall be deemed approved by the Division.*

3. *Any amendment proposed by the developer to the provisions of a time-share instrument must be filed with the Division. Unless the Division notifies the developer of its disapproval within 15 days after the developer files the proposed amendment to the time-share instrument, the amendment shall be deemed to be approved by the Division.*

Sec. 4. 1. *Except as otherwise provided in subsection 3, a person who knowingly participates, for consideration or with the expectation of*

*consideration, in any plan or scheme, a purpose of which is to transfer a previously sold time share to a transferee who does not pay or provide payment for all assessments for that time share commits a false, misleading or deceptive act or practice for the purposes of NRS 207.170, 207.171, 598.0915 to 598.0925, inclusive, and chapters 598A and 599A of NRS.*

*2. The failure of a transferee to pay assessments or taxes that come due after the acquisition of a previously sold time share by a person who acquires the time share for commercial purposes is prima facie evidence of a violation of this section.*

*3. An association or manager does not violate the provisions of this section by performing such acts and collecting such fees or expenses as are customary during the transfer.*

**Sec. 5.** NRS 119A.010 is hereby amended to read as follows:

119A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 119A.020 to 119A.160, inclusive, **and sections 1.2, 1.4 and 2 of this act** have the meanings ascribed to them in those sections.

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

**Sec. 7.** NRS 119A.090 is hereby amended to read as follows:

119A.090 "Project broker" means any person who coordinates the sale of time shares for ~~at~~ **one or more** time-share ~~plan and to whom sales agents and representatives are responsible.~~ **plans on behalf of one or more developers and who is licensed as a real estate broker pursuant to the provisions of chapter 645 of NRS.**

**Sec. 8.** NRS 119A.100 is hereby amended to read as follows:

119A.100 "Public offering statement" means a ~~report, issued by the Administrator~~ **disclosure document prepared and signed by the developer and approved for use by the Division** pursuant to the provisions of this chapter, which ~~authorizes a developer to offer to sell or sell time shares in the time share plan which is the subject of the report.~~ **contains the information required by this chapter and any regulations adopted pursuant thereto.**

**Sec. 9.** NRS 119A.130 is hereby amended to read as follows:

119A.130 "Sales agent" means a person who, on behalf of a developer ~~;~~ **and under the supervision of a real estate broker licensed pursuant to the provisions of chapter 645 of NRS,** sells or offers to sell a time share to a purchaser or who, if he or she is not registered as a representative, may act to induce other persons to attend a sales presentation on the behalf of a developer.

**Sec. 10.** NRS 119A.156 is hereby amended to read as follows:

119A.156 "Time-share resale broker" means a person who ~~is registered as a time share resale broker pursuant to the provisions of this chapter.~~ **, for**

*compensation, lists, advertises, transfers, assists in transferring, promotes for resale or solicits prospective purchasers for previously sold time shares on behalf of an owner other than a developer.*

**Sec. 11.** NRS 119A.170 is hereby amended to read as follows:

119A.170 1. ~~The~~ *Unless the method of disposition is adopted to evade the provisions of this chapter or chapter 645 of NRS, the provisions of this chapter, except subsection ~~4.1~~ 5, do not apply to:*

(a) The sale *or resale* of 12 or fewer time shares in a *time-share* ~~project~~ *plan*; ~~for the sale of 12 or fewer time shares in the same subdivision;~~

(b) The sale or transfer of a time share by an owner who is not the developer, unless the time share is sold in the ordinary course of business of that owner;

(c) Any transfer of a time share:

(1) By deed in lieu of foreclosure;

(2) At a foreclosure sale; or

(3) By the resale of a time share that has been acquired by an association ~~by~~ *as a result of nonpayment of association assessments:*

*(I) By termination of a contractual right of occupancy;*

*(II) By deed or other transfer in lieu of foreclosure or termination;*

or ~~at~~

*(III) At a foreclosure sale ~~at~~,*

*provided that the association or its agent delivers the disclosures required by NRS 119A.4775 to the purchaser;*

(d) A gratuitous transfer of a time share;

(e) A transfer by devise or descent or a transfer to an inter vivos trust; or

(f) The sale or transfer of the right to use and occupy a unit on a periodic basis which recurs over a period of less than 5 years. ~~at~~

~~unless the method of disposition is adopted to evade the provisions of this chapter or chapter 645 of NRS.~~

2. *The provisions of NRS 119A.290 to 119A.470, inclusive, and sections 3 and 4 of this act and 119A.480 do not apply to the offer or disposition in this State of a time share in a time-share plan that includes units which are located outside of this State, which are not registered under this chapter and which are offered or sold to an existing owner of a time share in a time-share plan offered by the same developer or an affiliate of the same developer who has a valid permit under this chapter, if the developer or its affiliate:*

*(a) Authorizes the purchaser to cancel the purchase contract until midnight of the fifth calendar day after the date of execution of the contract; and*

*(b) Provides the purchaser with all the time-share disclosure documents required by law in the jurisdiction where the unit is located.*

3. Any campground or developer who is subject to the requirements of chapter 119B of NRS and complies with those provisions is not required to comply with the provisions of this chapter.

~~3.4~~ 4. The Division may waive any provision of this chapter if it finds that the enforcement of that provision is not necessary in the public interest or for the protection of purchasers.

~~4.4~~ 5. The provisions of chapter 645 of NRS apply to the sale of time shares, except any sale of a time share to which this chapter applies ~~it~~ **and except any provisions of this chapter expressly excluding the applicability of the provisions of chapter 645 of NRS**, and for that purpose the terms “real property” and “real estate” as used in chapter 645 of NRS shall be deemed to include a time share, whether it is an interest in real property or merely a contractual right to occupancy.

**6. The provisions of NRS 119A.520 to 119A.580, inclusive, only apply to the management of time-share projects located in this State.**

**Sec. 12.** NRS 119A.172 is hereby amended to read as follows:

119A.172 The provisions of this chapter and chapter 645 of NRS relating to real estate brokers and sales agents do not apply to an owner, other than a developer, who, for compensation, refers prospective purchasers to a developer **or an association** or an employee or agent of the developer ~~it~~ **or association**, if the owner:

1. Refers to ~~the~~ **a developer or an association** or an employee or agent of the developer ~~it~~ **or association**, or any combination thereof, not more than 20 prospective purchasers within any 1 calendar year; and

2. Does not ~~show a unit to the prospective purchaser,~~ discuss with the prospective purchaser the terms and conditions of the purchase or otherwise participate in negotiations relating to the sale of the time share.

**Sec. 13.** NRS 119A.190 is hereby amended to read as follows:

119A.190 The Division may:

1. Adopt regulations ~~which~~ :

*(a) Which* are necessary to carry out the provisions of this chapter.

*(b) Regarding the content of advertisements relating to time shares.*

2. ***Publish on its official Internet website, or otherwise make public for at least 30 days before the adoption by the Division, any form proposed to be used by the Division under this chapter. The Division shall consider comments on any such proposed form before its adoption.***

3. Employ such legal counsel, investigators and other professional consultants as are necessary to carry out the provisions of this chapter ~~it~~ , ***including, without limitation, for the review of a statement of record filed pursuant to NRS 119A.300.***

**Sec. 14.** NRS 119A.210 is hereby amended to read as follows:



119A.210 1. The Administrator shall issue a sales agent's license to each applicant who submits an application to the Division, in the manner provided by the Division, which includes:

(a) Satisfactory evidence, affirmed by the project broker or another acceptable source, that the applicant has completed 14 hours of instruction in:

- (1) Ethics.
- (2) The applicable laws and regulations relating to time shares.
- (3) Principles and practices of selling time shares.

(b) Satisfactory evidence that the applicant has a reputation for honesty, trustworthiness and competence.

(c) A designation of the ~~developer for whom the applicant proposes to sell time shares.~~ **project broker who will supervise the sales agent.**

(d) The social security number of the applicant.

(e) Any further information required by the Division, including the submission by the applicant to any investigation by the police or the Division.

2. In addition to or in lieu of the 14 hours of instruction required by paragraph (a) of subsection 1, the applicant may be required to pass an examination which may be adopted by the Division to examine satisfactorily the knowledge of the applicant in those areas of instruction listed in paragraph (a) of subsection 1.

3. Each applicant must submit the statement required pursuant to NRS 119A.263 and pay the fees provided for in this chapter.

4. Each applicant must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division; and

(b) Submit to the Division:

(1) A completed fingerprint card and written permission authorizing the Division to submit the applicant's 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 Division deems necessary; or

(2) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository 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 Division deems necessary.

5. The Division may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Division deems necessary.

6. A person who is licensed as a real estate salesperson pursuant to chapter 645 of NRS is not required to obtain a license pursuant to the provisions of this section.

7. *A sales agent is not required to be licensed pursuant to the provisions of chapter 645 of NRS.*

8. Each sales agent's license issued pursuant to this section expires 2 years after the last day of the calendar month in which it was issued and must be renewed on or before that date. Each licensee who submits the statement required pursuant to NRS 119A.263 and meets the requirements for renewal may renew his or her license upon the payment of the renewal fee before his or her license expires.

~~8.~~ 9. If a licensee fails to renew his or her license before it expires, the license may be reinstated if the licensee submits the statement and pays the renewal fee and the penalty specified in NRS 119A.360 within 1 year after the license expires.

~~9.~~ 10. The Administrator may adopt regulations establishing and governing requirements for the continuing education of sales agents.

**Sec. 15.** NRS 119A.220 is hereby amended to read as follows:

119A.220 1. A sales agent may work for only one project broker at any one time at the location designated in the license.

2. A project broker shall give written notice to the Division of a change of association of any sales agent associated with the project broker within 10 days after that change.

3. The project broker, upon the termination of the employment of any sales agent associated with the project broker, shall submit that agent's license to the Division.

4. If a sales agent changes his or her association with any project broker or changes his or her location ~~with the same project broker,~~ **designated in the license**, the sales agent must apply to the Division for the reissuance of his or her license for its unexpired term. The application must be accompanied by a fee of \$10.

5. A sales agent may only become associated with a project broker who certifies to the sales agent's honesty, trustworthiness and good reputation.

**Sec. 16.** (Deleted by amendment.)

**Sec. 17.** (Deleted by amendment.)

**Sec. 18.** NRS 119A.240 is hereby amended to read as follows:

119A.240 1. The Administrator shall register as a representative each applicant who:

- (a) Submits proof satisfactory to the Division that the applicant has a reputation for honesty, trustworthiness and competence;
- (b) Applies for registration in the manner provided by the Division;
- (c) Submits the statement required pursuant to NRS 119A.263; and
- (d) Pays the fees provided for in this chapter.

2. An application for registration as a representative must include the social security number of the applicant.

**3. *A representative is not required to be licensed pursuant to the provisions of chapter 645 of NRS.***

**Sec. 19.** NRS 119A.260 is hereby amended to read as follows:

119A.260 1. A representative shall not negotiate ~~for~~ ~~make~~ ~~representations concerning the merits or value of a time share plan or a project.~~ ***the sale of, or discuss prices of, a time share.*** A representative may only induce and solicit persons to attend promotional meetings for the sale of time shares and distribute information on behalf of a developer.

2. The representative's activities must strictly conform to the methods for the procurement of prospective purchasers which have been approved by the Division.

3. The representative shall comply with the same standards for conducting business as are applied to real estate brokers and salespersons pursuant to chapter 645 of NRS and the regulations adopted pursuant thereto.

4. A representative shall not make targeted solicitations of purchasers or prospective purchasers of time shares in another project ~~††~~ ***with which the representative is not associated.*** A developer or project broker shall not pay or offer to pay a representative a bonus or other type of special compensation to engage in such activity.

**Sec. 20.** NRS 119A.270 is hereby amended to read as follows:

119A.270 A developer shall not:

1. Offer to sell any time shares in this state unless the developer holds either a preliminary permit to sell time shares or a permit to sell time shares issued by the Administrator ~~††~~ ***pursuant to the provisions of this chapter.***

2. Sell any time shares in this state unless the developer holds a permit to sell time shares issued by the Administrator ~~††~~ ***pursuant to the provisions of this chapter.***

3. Offer to sell or sell a time share in this state unless the developer has named a person to act as a project broker.

4. Offer to sell or sell a time share in this state except through a project broker.

**Sec. 21.** NRS 119A.280 is hereby amended to read as follows:

119A.280 1. The Administrator may issue an order directing a developer to cease engaging in activities for which the developer has not received *or been deemed to have received* a permit under this chapter or conducting activities in a manner not in compliance with the provisions of this chapter or the regulations adopted pursuant thereto.

2. The order to cease must be in writing and must ~~state that, in the opinion of the Administrator, the developer has not been issued a permit for the activity or the terms of the permit do not allow the developer to conduct the activity in that manner.~~ *describe the violation in sufficient detail to inform the developer of the aspect in which it has failed to comply with the provisions of this chapter.* The developer shall not engage in any activity regulated by this chapter after the developer receives such an order.

3. Within 30 days after receiving such an order, a developer may file a verified petition with the Administrator for a hearing. The Administrator shall hold a hearing within 30 days after the petition has been filed. If the Administrator fails to hold a hearing within 30 days, or does not render a written decision within 45 days after the final hearing, the cease and desist order is rescinded.

4. If the decision of the Administrator after a hearing is against the person ordered to cease and desist, the person may appeal that decision by filing, within 30 days after the date on which the decision was issued, a petition in the district court for the county in which the person conducted the activity. The burden of proof in the appeal is on the appellant. The court shall consider the decision of the Administrator for which the appeal is taken and is limited solely to a consideration and determination of the question of whether there has been an abuse of discretion on the part of the Administrator in making the decision.

5. In lieu of the issuance of an order to cease such activities, the Administrator may enter into an agreement with the developer in which the developer agrees to:

- (a) Discontinue the activities that are not in compliance with this chapter;
- (b) Pay all costs incurred by the Division in investigating the developer's activities and conducting any necessary hearings; and
- (c) Return to the purchasers any money or property which the developer acquired through such violations.

↪ Except as otherwise provided in NRS 239.0115, the terms of such an agreement are confidential unless violated by the developer.

**Sec. 22.** NRS 119A.290 is hereby amended to read as follows:

119A.290 1. The Administrator shall issue a preliminary permit to sell time shares to each applicant who:

- (a) Submits proof satisfactory to the ~~Division~~ *Administrator* that all of the requirements for a permit to sell time shares will be met;

(b) Applies for the preliminary permit in the manner provided by the Division; and

(c) Pays the fee provided for in this chapter.

2. A preliminary permit entitles the developer to solicit and accept reservations to purchase time shares.

**Sec. 23.** NRS 119A.300 is hereby amended to read as follows:

119A.300 **1.** Except as otherwise provided in NRS 119A.310, the Administrator shall issue a ~~public offering statement and a~~ permit to sell time shares to each applicant who:

~~1. Submits an application;~~

**(a) Files by electronic means or in ~~the~~ any other manner ~~provided~~ prescribed by the ~~Division, which includes:~~**

~~(a) Administrator, a statement of record which includes:~~

**(1)** The name and address of the project broker;

~~(b) (2)~~ **(2)** A copy of each time-share instrument that relates to the time-share plan;

~~(c) (3)~~ **(3)** A preliminary title report for the project and copies of the documents listed as exceptions in the report;

~~(d) (4)~~ **(4)** Copies of any other documents which relate to the time-share plan or the project, including any contract, agreement or other document to be used to establish and maintain an association and to provide for the management of the time-share plan or the project, or both;

~~(e) (5)~~ **(5)** Copies of instructions for escrow, deeds, sales contracts and any other documents that will be used in the sale of the time shares;

~~(f) (6)~~ **(6)** A copy of any proposed trust agreement which establishes a trust for the time-share plan or the project, or both;

~~(g) (7)~~ **(7)** Documents which show the current assessments for property taxes on the project;

~~(h) (8)~~ **(8)** Documents which show compliance with local zoning laws;

~~(i) (9)~~ **(9)** If the units which are the subject of the time-share plan are in a condominium project, or other form of common-interest ownership of property, documents which show that use of the units is in compliance with the documents which created the common-interest ownership;

~~(j) (10)~~ **(10)** Copies of all documents which will be given to a purchaser who is interested in participating in a program for the exchange of occupancy rights among owners and copies of the documents which show acceptance of the time-share plan in such a program;

~~(k) (11)~~ **(11)** A copy of the budget or a projection of the operating expenses of the association, if applicable;

~~(l) (12)~~ **(12)** A financial statement of the developer; and

~~(m) Such other information as the Division;~~

(13) *A public offering statement in a form prescribed by regulation ~~1~~ requires;* of the Division; and

~~12.~~ (b) Pays the fee provided for in this chapter.

2. *In lieu of the statement of record required pursuant to subsection 1, the Division may accept an abbreviated registration from a developer of a time-share plan in which some or all the units are located outside of this State if:*

(a) *The developer provides evidence that the time-share plan is registered with the applicable regulatory agency in the state or jurisdiction where the time-share plan is offered or sold or that the time-share plan is in compliance with the laws and regulations of the state or jurisdiction in which some or all of the units are located; and*

(b) *The disclosure requirements of the other state or jurisdiction are substantially equivalent to or greater than the information required to be disclosed to purchasers in this State pursuant to paragraph (a) of subsection 1.*

3. *A developer who files an abbreviated registration pursuant to subsection 2 shall, in addition to paying the fee required by paragraph (b) of subsection 1, provide:*

(a) *The developer's legal name, any assumed names used by the developer and the developer's principal office location, mailing address, primary contact person and telephone number;*

(b) *The name, location, mailing address, primary contact person and telephone number of the time-share plan;*

(c) *The name and principal address of the developer's authorized project broker who must be a real estate broker licensed to maintain offices within this State;*

(d) *The name and principal address of all entities who act as the manager of the time-share plan;*

(e) *Evidence of registration or compliance with the laws and regulations of the jurisdiction in which the time-share plan is located, approved or accepted;*

(f) *A brief description as to whether the time-share plan is a single-site time-share plan or a time-share plan with more than one location and a brief description of the types of time shares offered in the time-share plan;*

(g) *Disclosure of each jurisdiction in which the developer has applied for registration of the time-share plan and whether the time-share plan or its developer was denied registration or was the subject of any disciplinary proceeding;*

(h) *Copies of any disclosure documents required to be given to purchasers or required to be filed with the state or jurisdiction in which the time-share plan is located, approved or accepted;*

(i) *A copy of the current annual or projected budget for the association if not otherwise included in the disclosure documents; and*

(j) *Any other information regarding the developer, time-share plan, project broker or managing entities as established by the Division by regulation;*

**4. A developer of a time-share plan with units located solely in this State may not file an abbreviated application.**

**Sec. 24.** NRS 119A.305 is hereby amended to read as follows:

119A.305 The terms and conditions of the documents and agreements submitted pursuant to NRS 119A.300 which relate to the creation and management of the time-share plan and to the sale of time shares and to which the applicant or an affiliate of the applicant is a party must be described in the public offering statement and constitute ~~additional~~ **the** terms and conditions of the applicant's permit to sell time shares.

**Sec. 25.** NRS 119A.310 is hereby amended to read as follows:

119A.310 1. The Administrator shall deny an application for a permit to sell time shares if the Administrator finds that:

(a) The developer failed to comply with any of the provisions of this chapter or the regulations adopted by the Division; or

(b) The developer, any affiliate of the developer or any officer of the developer or an affiliate of the developer, has:

(1) Been convicted of or pleaded nolo contendere to forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or other crime involving moral turpitude;

(2) Been the subject of a judgment in any civil or administrative action, including a proceeding to revoke or suspend a license, involving fraud or dishonesty;

(3) Been permanently enjoined by a court of competent jurisdiction from selling real estate, time shares or securities in an unlawful manner;

(4) Had a registration as a broker-dealer in securities or a license to act as a real estate broker or salesperson, project broker or sales agent revoked;

(5) Been convicted of or pleaded nolo contendere to selling time shares without a license; or

(6) Had a permit to sell time shares, securities or real estate revoked.

2. The Administrator may deny an application for a permit to sell time shares if the Administrator finds that the developer ~~or any affiliate of the developer,~~ has failed to offer satisfactory proof that it has a good reputation for honesty, trustworthiness, integrity and competence **and the developer is competent** to transact the business of a developer in a manner which safeguards the interests of the public.

3. The burden of proof is on the developer to establish to the satisfaction of the ~~Division~~ **Administrator** that the developer is ~~qualified to receive a~~

~~license.~~ *competent to transact the business of the developer in a manner which safeguards the interests of the public.*

*4. If a developer has substantially complied with the provisions of this chapter in good faith, a nonmaterial error or omission is not sufficient grounds to deny a permit.*

**Sec. 26.** NRS 119A.320 is hereby amended to read as follows:

119A.320 1. The ~~Division~~ **Administrator** shall, ~~issue an order,~~ within ~~30~~ **60** days after the receipt of an *initial* application for a permit to sell time shares ~~by notifying~~ *in a time-share plan containing only one component site, regardless of whether additional component sites may be added later by an amendment to the filing, notify* the applicant of its decision to:

(a) *Issue a permit to sell time shares;*

(b) *Issue a preliminary permit to sell time shares, including a list of all deficiencies, if any, which must be corrected before a permit is issued; or*

~~(c)~~ (c) *Deny the application and list all the reasons for denial ~~in sufficient detail to allow the developer to cure the deficiencies.~~*

2. *The Administrator shall, within 120 days after the receipt of an initial application for a permit to sell time shares in a time-share plan containing more than one component site, notify the applicant of its decision to:*

(a) *Issue a permit to sell time shares;*

(b) *Issue a preliminary permit to sell time shares, including a list of all deficiencies, if any, which must be corrected before a permit is issued; or*

(c) *Deny the application and list all the reasons for denial in sufficient detail to allow the developer to cure the deficiencies.*

3. The ~~Division~~ **Administrator** shall, within ~~45~~ **30** days after:

(a) *The receipt of evidence that the deficiencies in the application for a permit to sell time shares are cured, issue a permit to sell time shares or deny the application and list the specific reasons for denial; or*

(b) *The issuance of a preliminary permit ~~and receipt of evidence that all the requirements for the issuance of a permit to sell time shares have been met,~~ issue ~~the~~ the permit to sell time shares.*

4. *If it is in the public interest that the Administrator issue a second notice regarding the inadequate cure of any deficiencies in the application for a permit to sell time shares, then the Administrator shall issue such a second notice within 15 business days after the developer submits evidence to cure the deficiencies identified pursuant to paragraph (c) of subsection 1 or paragraph (c) of subsection 2, as applicable.*

5. *If the developer fails to cure all the deficiencies after a second notice is issued pursuant to subsection 3, the Administrator may deny the*



*application and require the developer to pay a new filing fee pursuant to NRS 119A.360.*

**Sec. 27.** NRS 119A.330 is hereby amended to read as follows:

119A.330 1. If the Administrator denies an application for a permit to sell time shares, ***an amendment to the statement of record or the renewal of a permit to sell time shares***, the applicant may, within 30 days, file a written request for a hearing. The Administrator shall set the matter for hearing to be conducted within 90 days after receipt of the applicant's request, unless the applicant requests a postponement of the hearing at least 3 working days before the date set for hearing. If such a request is made by the applicant, the date of the hearing must be agreed upon between the Division and the applicant.

2. If the Division fails to:

- (a) Hold the hearing within 90 days or within the extended time if a postponement is requested;
  - (b) Render its decision within 60 days after the hearing; or
  - (c) Notify the applicant in writing, by its order, within 15 days after its decision was made,
- the order of denial expires and the Division shall issue, within 15 days, a permit to sell time shares to the developer.

**Sec. 28.** NRS 119A.340 is hereby amended to read as follows:

119A.340 If a project has not been completed before the issuance of a permit to sell time shares, the ~~permit~~ ***public offering statement*** must state the estimated date of completion and:

1. The developer shall ~~deliver to the agency~~ ***establish to the satisfaction of the Administrator that a bond has been issued*** in an amount ~~and upon terms approved by the division~~ ***necessary*** to assure completion of the project free of any liens, ~~which is payable to the Division for the benefit of the purchasers of the time share property and~~ which remains in effect until the project is completed free of all liens;

2. A cash deposit to cover the estimated costs of completing the project must be deposited with an escrow agent under an agreement which is approved by the ~~Division;~~ ***Administrator;*** or

3. The developer shall make any other arrangement which is approved by the ~~Division;~~ ***Administrator and necessary to safeguard the interests of the public.***

**Sec. 29.** NRS 119A.350 is hereby amended to read as follows:

119A.350 1. The Division ~~shall;~~ ***may,*** before issuing any permit or license pursuant to the provisions of this chapter, fully investigate all information submitted to it as required by this chapter and, ~~may;~~ if necessary, inspect the property which is the subject of any application. All reasonable expenses incurred by the Division in carrying out the

investigation or inspection must be paid by the applicant and no license or permit may be issued until those expenses have been paid.

2. Payments received by the Division pursuant to this section must be deposited in the State Treasury for credit to the Real Estate Investigative Account. The Administrator shall use the money in the Account to pay the expenses of agents and employees of the Division making the investigations pursuant to this section. The Administrator may advance money to them for those expenses when appropriate.

**Sec. 30.** NRS 119A.355 is hereby amended to read as follows:

119A.355 1. A permit must be renewed annually by the developer by filing an application with and paying the fee for renewal to the Administrator. The application must be filed and the fee paid not later than 30 days before the date on which the permit expires. The application must include the budget of the association and any *material* change that has occurred in the information previously provided to the Administrator or in a *public offering* statement ~~of disclosure~~ provided to a prospective purchaser pursuant to the provisions of NRS 119A.400.

2. The renewal is effective on the 30th day after the filing of the application unless the Administrator:

(a) ~~Denies~~ *Issues a written denial of* the renewal pursuant to NRS 119A.654 ~~for for any other reason;~~ *describing the reasons for denial in sufficient detail to allow the developer to cure the deficiencies;* or

(b) Approves the renewal on an earlier date.

3. *The Division shall, within 30 days after the receipt of evidence that the deficiencies in the application for renewal of a permit to sell time shares are cured, renew the permit to sell time shares or deny the renewal and list the specific reasons for denial.*

4. *If the Administrator fails to take any action described in subsection 3, the renewal of the permit to sell time shares shall be deemed issued by the Division.*

**Sec. 31.** NRS 119A.357 is hereby amended to read as follows:

119A.357 1. A sales agent, representative, manager, developer, ~~or~~ project broker *or time-share resale broker* shall notify the Division in writing if he or she is convicted of, or enters a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or any crime involving moral turpitude.

2. A sales agent, representative, manager, developer, ~~or~~ project broker *or time-share resale broker* shall submit the notification required by subsection 1:

(a) Not more than 10 days after the conviction or entry of the plea of guilty, guilty but mentally ill or nolo contendere; and

(b) When submitting an application to renew a license, registration or permit issued pursuant to this chapter.

**Sec. 32.** NRS 119A.360 is hereby amended to read as follows:

119A.360 1. The Division shall collect the following fees at ~~such times and upon such conditions as it~~ ~~[may]~~ ~~shall provide by regulation.~~ the time of filing:

For each application for the registration of a representative.....	<del>185</del> <u>100</u>
For each renewal of the registration of a representative.....	<del>85</del> <u>100</u>
For each transfer of the registration of a representative to a different developer.....	<del>20</del> <u>25</u>
For each penalty for a late renewal of the registration of a representative.....	<del>40</del> <u>75</u>
For each preliminary permit to sell time shares.....	<del>275</del> <u>400</u>
For each <u>initial</u> permit to sell time shares <del>per subdivision</del> .....	<del>500</del> <u>1,500</u>
For each amendment to a <del>public offering</del> statement <u>of record</u> after the issuance of the <del>report</del> <u>permit to sell time shares, where no new component sites are added</u> .....	<del>150</del> <u>200</u>
<u>For each amendment to a statement of record after the issuance of the permit to sell time shares, where one or more new component sites are added, not including the addition of units to a component site previously permitted</u> .....	<u>500</u>
<u>For each annual renewal of a permit to sell time shares with only one component site</u> .....	<u>750</u>
For each <u>annual</u> renewal of a permit to sell time shares <u>with more than one component site</u> .....	<del>1500</del> <u>1,500</u>
<u>For each initial registration of a time-share resale broker</u> .....	<u>300</u>
<u>For each renewal of the registration of a time-share resale broker</u> .....	<u>150</u>
For each original and annual registration of a manager.....	<del>75</del> <u>100</u>
For each application for an original license as a sales agent.....	<del>175</del> <u>200</u>
For each renewal of a license as a sales agent.....	<del>175</del> <u>200</u>
For each penalty for a late renewal of a license as a sales agent.....	<del>75</del> <u>100</u>
For each change of name or address of a licensee or status of a license.....	<del>20</del> <u>25</u>
For each duplicate license, permit or registration where the original is lost or destroyed, and an affidavit is made	

thereof.....~~120~~ 25  
 For each annual approval of a course of instruction  
 offered in preparation for an original license or permit...~~100~~ 150  
 For each original accreditation of a course of  
 continuing education.....~~100~~ 150  
 For each renewal of accreditation of a course of  
 continuing education.....~~150~~ 75

2. ~~Each developer shall pay an additional fee for each time share the developer sells in a time share plan over 50 pursuant to the following schedule:~~

Number of time shares	Amount to be paid per time share
<del>51 - 250</del> .....	<del>5.00</del>
<del>251 - 500</del> .....	<del>4.00</del>
<del>501 - 750</del> .....	<del>3.00</del>
<del>751 - 1500</del> .....	<del>2.50</del>
<del>over 1500</del> .....	<del>1.00</del>

**Within 10 days after receipt of written notification from the Administrator of the approval of the application for a permit to sell time shares and before the issuance of the permit to sell time shares, or within 10 days after an amendment that adds time shares to the time-share plan is approved or deemed approved, each developer shall, for each time share that the developer includes in the initial time-share plan or adds to the time-share plan by amendment, pay a one-time fee of:**

- (a) For each such time share up to and including 1,499 time shares, \$3.**
- (b) For each such time share over 1,499 time shares, \$1.50.**

**↪ For the purposes of calculating the amount of the fee payable under this subsection, “time share” means the right to use and occupy a unit for 7 days or more per calendar year.**

3. Except for the fees relating to the registration of a representative, the Administrator may reduce the fees established by this section if the reduction is equitable in relation to the costs of carrying out the provisions of this chapter.

4. The Division shall adopt regulations which establish the fees to be charged and collected by the Division to pay the costs of:

- (a) Any examination for a license, including any costs which are necessary for the administration of such an examination.
- (b) Any investigation of a person’s background.

**Sec. 33.** NRS 119A.380 is hereby amended to read as follows:

119A.380 1. Each time-share plan must be created by one or more time-share instruments.

2. A time-share instrument must provide:

- (a) A legal description and the physical address of the project;
- (b) The name of the time-share plan;
- (c) A system for establishing the permanent identifying numbers of the time shares;
- (d) For assessment of the expenses of the time-share plan and an allocation of those expenses among the time shares;
- (e) The voting rights which are assigned to each time share;
- (f) If applicable, the procedure to add units and other real estate to, and to withdraw units and other real estate from, the time-share plan, and the method of reallocating expenses among the time shares after any such addition or withdrawal;
- (g) The maximum number of time shares that may be created under the time-share plan;
- (h) For selection of the trustee for insurance which is required to be maintained by the association or the developer;
- (i) For maintenance of the units;
- (j) For management of the time-share plan;
- (k) A procedure to amend the time-share instrument; and
- (l) The rights of the purchaser relating to the occupancy of the unit.

3. A time-share instrument may provide for:

- (a) The developer's reserved rights;
- (b) Cumulative voting, but only for the purpose of electing the members of the board; and
- (c) The establishment of:
  - (1) Separate voting classes based on the size or type of unit to which the votes are allocated; and
  - (2) A separate voting class for the developer during the period in which the developer is in control.

4. The provisions of a time-share instrument are severable.

5. The rule against perpetuities and NRS 111.103 to 111.1039, inclusive, do not apply to defeat any provisions of a time-share instrument.

**6. *With respect to time-share plans governed by the law of another state or units located outside of this State, the instrument creating and governing the time-share plans or units must be in compliance with the applicable laws of the state or jurisdiction under which the time-share plan is formed or in which the units are located. If the standards set forth in the law of the state or jurisdiction under which the time-share plan is formed or in which the units are located conflict with the requirements of this chapter, the laws of the other state or jurisdiction control. If the association***

*and the time-share instrument comply with subsections 1 and 2, the association and the developer shall be deemed to be in compliance with the requirements of this section and are not required to revise a time-share instrument to comply with this chapter.*

**Sec. 34.** NRS 119A.390 is hereby amended to read as follows:

119A.390 A reservation to purchase a time share must:

1. Be on a form approved by the Division;
2. Include a provision which grants the prospective purchaser the right to cancel the reservation at any time before the execution of the contract of sale with the full refund of any deposit;
3. Provide for the placement of any deposit in escrow until ***the statement of record is approved and*** a permit is issued by the Administrator pursuant to NRS 119A.300;
4. Guarantee the purchase price for the time share for a certain period after the ~~issuance of~~ ***statement of record is approved and*** the permit to sell time shares ~~is~~ ***issued by the Administrator;*** and
5. Require that any interest earned on the deposit for the reservation be paid to the prospective purchaser.

**Sec. 35.** NRS 119A.400 is hereby amended to read as follows:

119A.400 1. Each developer, through his or her project broker and sales agents, shall provide each prospective purchaser with a copy of the developer's public offering statement ~~which must contain a copy of the developer's permit to sell time shares.~~ ***and any pending amendments that have been submitted to the Division but have not yet been approved, along with a statement to the purchaser that the amendment has been submitted to the Division for approval. The public offering statement must contain the date the permit was originally issued and its annual expiration date. A prospective purchaser may request to receive the public offering statement in electronic format or paper format. If the prospective purchaser requests the public offering statement in electronic format, the developer shall provide to the purchaser the statement of the right of cancellation pursuant to NRS 119A.410 in a single separate document.***

2. The project broker or sales agent shall review the public offering statement with each prospective purchaser before the execution of any contract for the sale of a time share and obtain a receipt signed by the purchaser for a copy of the public offering statement.

3. If a contract is signed by the purchaser, the signed receipt for a copy of the public offering statement must be kept by the project broker for 3 years and is subject to such inspections and audits as may be prescribed by regulations adopted by the Division.

**Sec. 36.** NRS 119A.420 is hereby amended to read as follows:

119A.420 All money, negotiable instruments or other deposits pertaining to the sale of a time share ***which are received from a purchaser*** must be placed in ***an*** escrow ~~[- pursuant to an agreement approved by the Division, with an escrow agent or a trustee.]~~ ***account established to the satisfaction of the Division and held until such time as the right to cancel the contract of sale pursuant to NRS 119A.410 has expired and the purchaser has failed to cancel the contract of sale. In lieu of placing such deposits in an escrow account, the developer or project broker may establish to the satisfaction of the Division that a surety bond has been posted for the benefit of purchasers in the project in the amount of:***

1. *Twenty-five thousand dollars; or*
2. *The highest monthly total amount of deposits received by a project broker,*

***↪ whichever is greater.***

**Sec. 37.** NRS 119A.430 is hereby amended to read as follows:

119A.430 ~~[Escrow]~~ ***The sale of a time share to a purchaser*** may not be closed unless the developer has provided satisfactory evidence to the Administrator that:

1. The project is free and clear of any blanket encumbrance;
2. Each person who holds an interest in the blanket encumbrance has executed an agreement, approved by the Administrator, to subordinate his or her rights to the rights of the purchaser;
3. Title to the project has been conveyed to a trustee;
4. All holders of a lien recorded against the project have recorded an instrument providing for the release and reconveyance of each time share from the lien upon the payment of a specified sum or the performance of a specified act;
5. The developer has obtained and recorded one or more binding nondisturbance agreements acceptable to the Administrator, that:
  - (a) Are executed by the developer, all holders of a lien recorded against the project and any other person whose interest in the project could defeat the rights or interests of any purchaser under the time-share instrument or contract of sale; and
  - (b) Provide that any person whose interest in the project could defeat the rights or interests of any purchaser under the time-share instrument or contract of sale takes title to the project subject to the rights of the purchasers; or
6. Alternative arrangements have been made which are adequate to protect the rights of the purchasers of the time shares and approved by the Administrator.

**Sec. 38.** NRS 119A.460 is hereby amended to read as follows:

119A.460 If a trust is created pursuant to ~~the requirement of this chapter,~~ **subsection 3 of NRS 119A.430**, the:

1. Trustee must be approved by the Administrator.
2. Trust must be irrevocable, unless otherwise provided by the ~~Division,~~ **Administrator.**
3. Trustee must not be permitted to encumber the property unless permission to do so has been given by the ~~Division,~~ **Administrator.**
4. Association or each owner must be made a third-party beneficiary.
5. Trustee must be required to give at least 30 days' notice in writing of his or her intention to resign to the association, if it has been formed, and to the ~~Division,~~ **Administrator**, and the ~~Division,~~ **Administrator** must approve a substitute trustee before the resignation of the trustee may be accepted.

**Sec. 39.** NRS 119A.470 is hereby amended to read as follows:

119A.470 1. If title to a project is conveyed to a trustee pursuant to subsection 3 of NRS 119A.430, before escrow closes for the sale of the first time share, the developer must provide the ~~Division,~~ **Administrator** with satisfactory evidence that:

- (a) Title to the project has been conveyed to the trustee.
- (b) All proceeds received by the developer from the sales of time shares are being delivered to the trustee and deposited in a fund which has been established to provide for the payment of any taxes, costs of insurance or the discharge of any lien recorded against the project.

2. The trustee shall pay the charges against the trust in the following order:

- (a) Trustee's fees and costs.
- (b) Payment of taxes.
- (c) Payments due any holder of a lien recorded against the project.
- (d) Any other payments authorized by the document creating the trust.

3. The Administrator may inspect the records relating to the trust at any reasonable time.

**Sec. 40.** NRS 119A.475 is hereby amended to read as follows:

119A.475 1. Where any part of the statement of record, when that part became effective, contained an untrue statement of a material fact or omitted to state a material fact required to be stated therein, the Administrator or any person acquiring a time share from the developer or his or her agent during the period the public offering statement remained uncorrected (unless it is proved that at the time of the acquisition the Administrator or purchaser knew of the untruth or omission) may sue the developer in any court of competent jurisdiction.

2. Any developer or agent who sells a time share:

- (a) In violation of this chapter; or



(b) By means of a public offering statement which contained an untrue statement of a material fact required to be stated therein,

↳ may be sued by the Administrator or purchaser of the time share.

3. If a suit authorized under subsection 1 or 2 is brought by the purchaser, the purchaser is entitled to recover such damages as represent the difference between the amount paid for the time share and the reasonable cost of any permanent improvements thereto, and the lesser of:

(a) The value thereof as of the time the suit was brought;

(b) The price at which the time share has been disposed of in a bona fide market transaction before suit; or

(c) The price at which the time share has been disposed of after suit in a bona fide market transaction but before judgment,

↳ or to rescission of the contract of sale and the refund of any consideration paid by the purchaser.

4. If a suit authorized under subsection 1 or 2 is brought by the Administrator, the Administrator may seek a declaration of the court that any person entitled to sue the developer or his or her agent under this section is entitled to the right of rescission and the refund of any consideration paid by him or her.

5. Every person who becomes liable to make any payment under this section may recover contribution as in cases of contract from any person who, if sued separately, would have been liable to make the same payment.

6. Reasonable attorney's fees may be awarded to the prevailing party in any action brought under this section. Any action to rescind a contract of sale under this section must be brought within 1 year after the date of purchase or within 1 year after the date of the discovery of the misrepresentation giving rise to the action for rescission.

7. The provisions of this section are in addition to and not a substitute for any other right of a person to bring an action in any court for any act involved in the offering or sale of time shares or the right of the state to punish any person for any violation of any law.

~~{8. For the purposes of this section, "statement of record" means the information submitted to the Administrator by the developer in its application for a permit to offer to sell or sell time shares.}~~

**Sec. 41.** NRS 119A.4771 is hereby amended to read as follows:

119A.4771 1. A person who, on behalf of an owner other than a developer ~~{wishes}~~ **and for compensation, undertakes** to list, advertise, **transfer, assist in transferring** or promote for resale, or solicit prospective purchasers of, **more than 12** ~~{or more}~~ time shares **in any 12-month period** that were previously sold must:

(a) Be licensed as a real estate broker pursuant to the provisions of chapter 645 of NRS; ~~{and}~~

(b) Register as a time-share resale broker with the Division by completing a form for registration provided by the Division ~~††~~; **and**

**(c) Pay any applicable fees.**

2. A time-share resale broker shall renew his or her registration with the Division annually on a form provided by the Division ~~††~~ **and pay any applicable fees.**

3. Unless the method of resales of time shares is made to evade the provisions of this chapter, a person is not required to register **pursuant to this section or to be licensed under chapter 645 of NRS** as a time-share resale broker if the person:

(a) ~~††Has acquired fewer than 12 time shares and††~~ **Is a purchaser who acquires time shares for his or her own use and occupancy and who** ~~††resells or††~~ offers to resell ~~††one or more††~~ **12 or less** of those time shares ~~††or††~~ **in any one calendar year;**

(b) Is a project broker who resells or offers to resell a time share in a project as an agent for a developer who holds a permit for the project ~~††~~; **or**

**(c) Is an owner, operator or publisher of a newspaper, periodical or Internet website, unless the owner, operator or publisher, alone or in combination with its affiliate, parent, subsidiary or agent, derives more than 10 percent of its gross revenue from providing advance fee listings. For the purposes of this paragraph, the calculation of gross revenue derived from providing advance fee listings includes the revenue of any affiliate, parent, agent and subsidiary of the owner, operator or publisher of the newspaper, periodical or Internet website. As used in this paragraph, “advance fee listings” has the meaning ascribed to it in NRS 645.004.**

Sec. 42. NRS 119A.4775 is hereby amended to read as follows:

119A.4775 1. ~~††Before††~~ **If the purchaser of a previously sold time share purchases the time share through a time-share resale broker, the contract of sale must provide, in not less than 12-point boldface type, that the purchaser may cancel, by written notice, the contract of sale until midnight of the fifth calendar day after the date of execution of the contract.**

2. **Regardless of whether a time-share resale broker charges or collects an advance fee, before** a purchaser signs any contract to purchase a time share that is offered for resale ~~††~~ **through a time-share resale broker,** the ~~††person who is reselling the time share,††~~ **time-share resale broker,** other than a developer, shall disclose ~~††by a written document separate from††~~ **in** the contract to purchase ~~††a††~~ **the** time share:

(a) The period during which the purchaser may use the time share;

(b) A legal description of the interest in the time share;

(c) The earliest date that the prospective purchaser may use the time share;

(d) The name, address and telephone number of the agent managing the time-share plan and the project;

(e) The place where the documents of formation of the association and documents governing the time-share plan and the project may be obtained;

(f) The amount of the annual assessment of the association of the time share for the current fiscal year, if any;

(g) Whether all assessments against the time share are paid in full, and the consequences of failure to pay any assessment;

(h) Whether participation in any program for the exchange of occupancy rights among owners or with the owners of time shares in other time-share plans is mandatory; ~~and~~

(i) Any other information required to be disclosed pursuant to the regulations adopted by the Administrator pursuant to subsection ~~2-~~

~~2-~~ 4; and

(j) *The right to cancel the contract in subsection 1.*

**3. If the time-share plan includes more than one component site, the purchaser must be provided, in either paper or electronic form, copies of the time-share instrument governing the time-share plan.**

4. The Administrator shall adopt regulations prescribing the form and contents of the ~~disclosure statement~~ **disclosures** described in this section.

**Sec. 43.** NRS 119A.4777 is hereby amended to read as follows:

119A.4777 1. An agreement for ~~a time share~~ **the resale of a time share** entered into by an owner **of that time share** and a ~~person~~ **time-share resale broker** who ~~resells a~~ **lists or offers to resell that** time share must:

(a) Be in writing; ~~and~~

(b) **Contain a provision in not less than 12-point boldface type that the owner may cancel, by written notice, the agreement with the time-share resale broker until midnight of the fifth calendar day after the date of execution of the agreement; and**

(c) Contain a **written** disclosure that sets forth:

(1) Whether any person other than the purchaser may use the time share during the period before the time share is resold;

(2) Whether any person other than the purchaser may rent the use of the time share during the period before the time share is resold;

(3) The name of any person who will receive any rents or profits generated from the use of the time share during the period before the time share is resold; ~~and~~

(4) A detailed description of any relationship between the person who resells the time share and any other person who receives any benefit from the use of the time share ~~;~~ **and**

(5) **The right to cancel the agreement provided pursuant to paragraph (b).**

2. ~~{A person}~~ *The time-share resale broker* who resells a time share shall provide a fully executed copy of the written agreement described in subsection 1 to the owner on the date that the owner signs the agreement.

3. ~~{A person}~~ *The time-share resale broker* who resells a time share shall make the disclosures required pursuant to paragraph ~~{(b)}~~ (c) of subsection 1 before accepting anything of value from the owner.

**Sec. 44.** NRS 119A.4779 is hereby amended to read as follows:

119A.4779 *1.* In addition to the provisions of NRS 645.322, 645.323 and 645.324, a time-share resale broker who charges or collects an advance fee shall place 80 percent of that fee into his or her trust account. If the time-share resale broker closes escrow on the time-share resale, the time-share resale broker shall be deemed to have earned the advance fee. If the listing of the time share expires before the time-share resale broker closes escrow on the time-share resale, the time-share resale broker must return the money held in the trust account to the owner of the time share within 10 days after the date of the expiration of the listing.

*2. The contract for an advance fee listing must include the following disclosures to the owner of any previously sold time share:*

*(a) A description of any fees or costs related to the services that the owner or any other person is required to pay to the time-share resale broker or to any third party;*

*(b) A description of when any fees or costs are due; and*

*(c) The disclosures required by NRS 119A.4777.*

*3. A time-share resale broker who charges or collects an advance fee shall not:*

*(a) State or imply to an owner that the time-share resale broker has identified a person interested in buying or renting the time share without providing the name, address and telephone number of such person;*

*(b) State or imply to an owner that the time share has a specific resale value;*

*(c) Fail to honor any cancellation notice sent by the owner by midnight of the fifth day after the date of execution of the contract; or*

*(d) Fail to provide a full refund of all money paid by an owner within 20 days after receipt of a notice of cancellation.*

*4. If a time-share resale broker executes a contract that fails to comply with the provisions of subsection 2, such contract is voidable at the option of the owner for a period of 1 year after the date of execution.*

*5. Notwithstanding the obligations placed upon any other person by this section, the time-share resale broker shall supervise, manage and control all aspects of the resale offering. Any violation of the provisions of this section that occurs during such offering shall be deemed a violation by*

*the time-share resale broker and by the person who actually committed the violation.*

*6. The use of any unfair or deceptive act or practice by any person in connection with the offering of a time share for resale is a violation of this section.*

*7. A violation of this section is an unfair or deceptive act or practice pursuant to NRS 207.170, 207.171, 598.0915 to 598.0925, inclusive, and chapters 598A and 599A of NRS.*

*8. Notwithstanding any other penalty provided for in this chapter or chapter 645 of NRS, a person who violates any provision of NRS 119A.4771 to 119A.4779, inclusive, is subject to a civil penalty of not more than \$1,000 for each violation.*

**Sec. 45.** NRS 119A.480 is hereby amended to read as follows:

119A.480 1. If the interest of the developer is a leasehold interest, the lease, unless otherwise determined by the ~~{Division,}~~ **Administrator**, must provide that:

(a) The lessee must give notice of termination of the lease for any default by the lessor to the association.

(b) The lessor, upon any default of the lessee including bankruptcy of the lessee, shall enter into a new lease with the association upon the same terms and conditions as the lease with the developer.

2. The ~~{Division,}~~ **Administrator** may require the developer to execute a bond or other type of security for the payment of the rental obligation.

**Sec. 46.** NRS 119A.530 is hereby amended to read as follows:

119A.530 1. ~~{A}~~ **During any period in which the developer holds a valid permit and the developer or an affiliate of the developer is the manager, the** developer or an affiliate of the developer shall provide for the management of the time-share plan and the project, by a written agreement with the association or, if there is no association, with the owners. The initial term of the agreement must expire upon the first annual meeting of the members of the association or at the end of 5 years, whichever comes first. All succeeding terms of the agreement must be renewed annually unless the manager refuses to renew the agreement or a majority of the members of the association who are entitled to vote, excluding the developer, notifies the manager of its refusal to renew the agreement.

2. The agreement must provide that:

(a) The manager or a majority of the owners may terminate the agreement for cause.

(b) The resignation of the manager will not be accepted until 90 days after receipt by the association, or if there is no association, by the owners, of the written resignation.

(c) A fidelity bond must be delivered by the manager to the association.

3. An agreement entered into or renewed on or after October 1, 2001, must contain a detailed, itemized schedule of all fees, compensation or other property that the manager is entitled to receive for services rendered to the association or any member of the association or otherwise derived from the manager's affiliation with the time-share plan or the project, or both, unless the manager is the developer or an affiliate of the developer. Upon the request of the association, the manager shall disclose to the association annual revenue received by the manager from the manager's affiliation with the time-share plan or the project, or both.

4. Except as otherwise provided in this subsection, if the developer retains a property interest in the project, the parties to such an agreement must include the developer, the manager and the association. In addition to the provisions required in subsections 1 and 2, the agreement must provide:

(a) That the project will be maintained in good condition. Except as otherwise provided in this paragraph, any defect which is not cured within 10 days after notification by the developer may be cured by the developer. In an emergency situation, notice is not required. The association must repay the developer for any cost of the repairs plus the legal rate of interest. Each owner must be assessed for his or her share of the cost of repairs.

(b) That, if any dispute arises between the developer and the manager or association, either party may request from the American Arbitration Association or the Nevada Arbitration Association a list of seven potential fact finders from which one must be chosen to settle the dispute. The agreement must provide for the method of selecting one fact finder from this list.

(c) For the collection of assessments from the owners to pay obligations which may be due to the developer for breach of the covenant to maintain the premises in good condition and repair.

➔ If the developer is not made a party to this agreement, the developer shall be considered to be a third-party beneficiary of such an agreement.

**5. *The provisions of this section do not apply to the management of a project located outside of this State.***

**Sec. 47.** NRS 119A.532 is hereby amended to read as follows:

119A.532 1. A person who wishes to engage in the business of, act in the capacity of, advertise or assume to act as a manager ***of a project located in this State*** shall register with the Division on a form prescribed by the Division.

2. The form for registration must include, without limitation:

(a) The registered name of ~~the~~ ***each*** time-share plan or ~~the~~ project, or both, that the manager will manage;

(b) The address and telephone number of the manager's principal place of business;

- (c) The social security number of the manager; and
- (d) The name of the manager's responsible managing employee.

3. The form for registration must be accompanied by:

(a) Satisfactory evidence, acceptable to the Division, that the manager and his or her employees have obtained fidelity bonds in accordance with regulations adopted by the Division; and

(b) The statement required pursuant to NRS 119A.263.

4. The Division shall collect the fee specified in NRS 119A.360 upon registering the manager and annually thereafter to maintain the registration.

5. As used in this section, "responsible managing employee" means the person designated by the manager to:

(a) Make technical and administrative decisions in connection with the manager's business; and

(b) Hire, superintend, promote, transfer, lay off, discipline or discharge other employees or recommend such action on behalf of the manager.

**Sec. 48.** NRS 119A.540 is hereby amended to read as follows:

119A.540 1. The association or, if there is no association, the developer shall adopt an annual budget for revenues, expenditures and reserves and collect assessments for the expenses of the time-share plan and the project from the owners. The annual budgets of ~~the~~ **an** association ***governing a project within this State*** must be submitted to ~~and approved by~~ the Division until such time as the association is controlled by members other than the developer.

2. ~~The Administrator may require that the association or, if there is no association, the developer provide, at the association's or the developer's expense, an opinion from an independent professional consultant as to the sufficiency of the budget to sustain the time-share plan offered by the association or the developer.~~ The association or the developer shall place any money collected for assessments and any other revenues received by or on behalf of the association in an account established by the association.

3. The developer shall pay assessments for any time shares which are unsold or enter into an agreement with the association, in a form approved by the Division, to pay the difference between the actual expenses incurred by the association and the sum of the amounts payable to the association as assessments by owners, other than the developer, and other revenues received by the association. The Division may require the developer to provide a surety bond or other form of security which is satisfactory to the Division, to guarantee payment of the developer's obligation.

**Sec. 49.** NRS 119A.670 is hereby amended to read as follows:

119A.670 The Real Estate Commission may take action pursuant to NRS 645.630 against any project broker ***or time-share resale broker*** who fails to adequately supervise the conduct of any sales agent or representative,

*as applicable*, with whom the project broker *or time-share resale broker* is associated.

**Sec. 50.** NRS 119A.680 is hereby amended to read as follows:

119A.680 1. It is unlawful for any person to engage in the business of, act in the capacity of, advertise or assume to act as a:

(a) Project broker or ~~sales agent~~ *time-share resale broker* within the State of Nevada without first obtaining a license from the Division pursuant to chapter 645 of NRS. ~~for NRS 119A.210.~~

(b) *Sales agent within this State without first obtaining a license from the Division pursuant to NRS 119A.210, unless he or she is licensed as a real estate salesperson pursuant to chapter 645 of NRS.*

(c) Representative, manager or time-share resale broker within the State of Nevada without first registering with the Division.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

**Sec. 51.** (Deleted by amendment.)

**Sec. 52.** NRS 119A.370, 119A.4773 and 119A.490 are hereby repealed.

#### **TEXT OF REPEALED SECTIONS**

##### **119A.370 Filing of advertisement or offering.**

1. A time share must not be advertised or offered for sale within this state until the advertisement or offering is filed with the Division.

2. Each such filing must:

(a) Include the form and content of advertising to be used;

(b) Include the nature of the offer of gifts or other free benefits to be extended;

(c) Include the nature of promotional meetings involving any person or act described in NRS 119A.300; and

(d) Be accompanied by a filing fee of not more than \$200, to be established by the Division.

##### **119A.4773 Filing of advertisement or offering required.**

1. A time share must not be advertised or offered for resale within this state until the advertisement or offering is filed with the Division.

2. Each such filing must include:

(a) The form and content of advertising to be used;

(b) The nature of the offer of gifts or other free benefits to be extended; and

(c) The nature of promotional meetings involving any person or act described in NRS 119A.300.

##### **119A.490 Filing of amendment of time-share instrument required.**

1. Any proposed amendment by the developer of the provisions of a time-share instrument must be filed with the Division.



2. Unless the Division notifies the developer of its disapproval within 15 days, the amendments shall be deemed to be approved by the Division.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

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

Assembly in recess at 7:34 p.m.

#### ASSEMBLY IN SESSION

At 7:37 p.m.

Madam Speaker presiding.

Quorum present.

#### UNFINISHED BUSINESS

##### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 8.

The following Senate amendment was read:

Amendment No. 634.

AN ACT relating to public welfare; revising provisions governing the duties of the Division of Health Care Financing and Policy and the Division of Welfare and Supportive Services of the Department of Health and Human Services; repealing certain programs relating to Medicaid and public assistance; abolishing the State Board of Welfare and Supportive Services; and providing other matters properly relating thereto.

#### **Legislative Counsel's Digest:**

**Sections 1, 2, 4-11, 15, 16 and 30** of this bill make various changes to remove some of the overlap between the chapters governing the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Division of Welfare and Supportive Services of the Department to reflect more clearly the duties of each division. (Chapters 422 and 422A of NRS) With these changes, chapter 422 of NRS, which concerns health care financing and policy, concentrates on the duties of the Division of Health Care Financing and Policy with respect to Medicaid and the Children's Health Insurance Program, and chapter 422A of NRS, which concerns welfare and supportive services, concentrates on the duties of the Division of Welfare and Supportive Services with respect to all programs that provide public assistance.

**Section 30** ~~of this bill~~ repeals various provisions of existing law relating to Medicaid, the Children’s Health Insurance Program and other programs which provide public assistance to accomplish that separation. **Sections 1, ~~and~~ 15 and 16.5** of this bill reenact some of those repealed provisions in the appropriate chapter based upon which Division is responsible. (NRS 232.354, 422.29308, ~~and~~ **422.3045**) In addition, **sections 4-9 and 11** ~~of this bill~~ limit certain provisions which are within the duties of the Division of Health Care Financing and Policy so that they apply only to Medicaid and the Children’s Health Insurance Program. **Section 16** ~~of this bill~~ adds a section to the chapter concerning welfare and supportive services that duplicates a similar provision which, as amended in **section 11**, applies only to Medicaid and the Children’s Health Insurance Program to continue to allow the Division of Welfare and Supportive Services to recover from recipients of public assistance or their estates certain amounts which were incorrectly paid to the recipients. (NRS 422.29304)

**Sections 3, 20 and 24** of this bill replace the term “alien” with “person who is not a citizen or national of the United States” in provisions concerning the eligibility of persons who are not citizens or nationals of the United States for Medicaid and welfare programs. (NRS 422.065, 422A.085, 422A.265)

**Sections 18, 19 and 23** of this bill replace references to the federal Food Stamp Program with references to the Supplemental Nutrition Assistance Program for consistency with current federal law. (7 U.S.C. §§ 2011 et seq.)

**Section 21** of this bill removes the requirement that the Administrator of the Division of Welfare and Support Services be a college graduate with a degree in a field of social science, public administration, business administration or a related field and instead requires the Director to give preference to a person who has such a degree when appointing the Administrator. (NRS 422A.155)

**Section 30** ~~of this bill~~ abolishes the State Board of Welfare and Supportive Services, which, under existing law, makes recommendations concerning the administration of public assistance. (NRS 422A.010, 422A.110-422A.135, 422A.165) **Section 30** also repeals provisions of chapter 422A of NRS concerning certain family planning and prenatal care programs that are duplicated in chapter 422 of NRS. (NRS 422A.310, 422A.315)

**Section 29** of this bill makes permanent the authorization in existing law for the Department to contract with certain motor carriers to transport recipients of services pursuant to the Children’s Health Insurance Program who travel to and from providers of services. (NRS 422.2705; Section 2 of Chapter 392, Statutes of Nevada 2011, at p. 2470)

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

**Section 1.** Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. *The Department, with respect to the State Plan for Medicaid and the Children's Health Insurance Program, shall report every rate of reimbursement for physicians which is provided on a fee-for-service basis and which is lower than the rate provided on the current Medicare fee schedule for care and services provided by physicians.***

**2. *The Director shall post on an Internet website maintained by the Department a schedule of such rates of reimbursement.***

**3. *The Director shall, on or before February 1 of each year, submit a report concerning the schedule of such rates of reimbursement to the Director of the Legislative Counsel Bureau for transmittal to the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.***

**Sec. 2.** NRS 422.050 is hereby amended to read as follows:

422.050 ~~+-~~ "Public assistance" ~~includes:~~

~~(a) State Supplementary Assistance;~~

~~(b) Temporary Assistance for Needy Families;~~

~~(c) Medicaid;~~

~~(d) Food Stamp Assistance;~~

~~(e) Low Income Home Energy Assistance;~~

~~(f) The Program for Child Care and Development; and~~

~~(g) Benefits provided pursuant to any other public welfare program administered by the Division pursuant to such additional federal legislation as is not inconsistent with the purposes of this chapter.~~

~~2. The term does not include the Children's Health Insurance Program.~~  
**has the meaning ascribed to it in NRS 422A.065.**

**Sec. 3.** NRS 422.065 is hereby amended to read as follows:

422.065 1. Notwithstanding any other provision of state or local law, a person or governmental entity that provides a state or local public benefit:

(a) Shall comply with the provisions of 8 U.S.C. § 1621 regarding the eligibility of ~~an alien~~ **a person who is not a citizen or national of the United States** for such a benefit.

(b) Is not required to pay any costs or other expenses relating to the provision of such a benefit after July 1, 1997, to ~~an alien~~ **a person who is not a citizen or national of the United States** who, pursuant to 8 U.S.C. § 1621, is not eligible for the benefit.

2. Compliance with the provisions of 8 U.S.C. § 1621 must not be construed to constitute any form of discrimination, distinction or restriction made, or any other action taken, on the basis of national origin.

3. As used in this section, “state or local public benefit” has the meaning ascribed to it in 8 U.S.C. § 1621.

**Sec. 4.** NRS 422.240 is hereby amended to read as follows:

422.240 1. Money to carry out the provisions of this chapter, including, without limitation, any federal money allotted to the State of Nevada pursuant to the ~~{program to provide Temporary Assistance for Needy Families and the Program for Child Care and Development,}~~ **State Plan for Medicaid, the Children’s Health Insurance Program or any other program for which the Division is responsible** must, except as otherwise provided in NRS 422.3755 to 422.379, inclusive, and 439.630, be provided by appropriation by the Legislature from the State General Fund.

2. Disbursements for the purposes of this chapter must, except as otherwise provided in NRS 422.3755 to 422.379, inclusive, and 439.630, be made upon claims duly filed and allowed in the same manner as other money in the State Treasury is disbursed.

**Sec. 5.** NRS 422.265 is hereby amended to read as follows:

422.265 If Congress passes any law increasing the participation of the Federal Government in ~~{a Nevada program for public assistance,}~~ **any program for which the Division is responsible**, whether relating to eligibility for assistance or otherwise:

1. The Director may accept, with the approval of the Governor, the increased benefits of such congressional legislation; and

2. The Administrator may adopt any regulations required by the Federal Government as a condition of acceptance.

**Sec. 6.** NRS 422.270 is hereby amended to read as follows:

422.270 The Department shall:

1. Administer ~~{all public welfare programs of this State, including:~~

~~(a) State Supplementary Assistance;~~

~~(b) Temporary Assistance for Needy Families;~~

~~(c) Medicaid;~~

~~(d) Food Stamp Assistance;~~

~~(e) Low Income Home Energy Assistance;~~

~~(f) The Program for Child Care and Development;~~

~~(g) The Program for the Enforcement of Child Support;~~

~~(h) The Children’s Health Insurance Program; and~~

~~(i) Other welfare activities and services provided for by the laws of this State.}~~ **Medicaid and the Children’s Health Insurance Program.**

2. Act as the single state agency of the State of Nevada and its political subdivisions in the administration of any federal money granted to the State

of Nevada to aid in the furtherance of ~~any of the services and activities set forth in subsection 1.~~ **Medicaid and the Children's Health Insurance Program.**

3. Cooperate with the Federal Government in adopting state plans, in all matters of mutual concern, including adoption of methods of administration found by the Federal Government to be necessary for the efficient operation of ~~welfare programs,~~ **Medicaid and the Children's Health Insurance Program** and in increasing the efficiency of ~~welfare programs~~ **Medicaid and the Children's Health Insurance Program** by prompt and judicious use of new federal grants which will assist the Department in carrying out the provisions of this chapter.

4. Observe and study the changing nature and extent of ~~welfare~~ needs **for Medicaid and the Children's Health Insurance Program** and develop through tests and demonstrations effective ways of meeting those needs and employ or contract for personnel and services supported by legislative appropriations from the State General Fund or money from federal or other sources.

5. Enter into reciprocal agreements with other states relative to ~~public assistance, welfare services,~~ **Medicaid** and institutional care, when deemed necessary or convenient by the Director.

~~6. Make such agreements with the Federal Government as may be necessary to carry out the Supplemental Security Income Program.~~

~~7. As used in this section, "Program for the Enforcement of Child Support" means the program established to locate absent parents, establish paternity and obtain child support pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq., and any other provisions of that act relating to the enforcement of child support.~~

**Sec. 7.** NRS 422.276 is hereby amended to read as follows:

422.276 1. Subject to the provisions of subsection 2, if an application for ~~public assistance,~~ **Medicaid or the Children's Health Insurance Program** or a claim for ~~services,~~ **benefits from either program** is not acted upon by the ~~Department,~~ **Division** within a reasonable time after the filing of the application or claim for ~~services,~~ **benefits**, or is denied in whole or in part, or if any ~~grant of public assistance or~~ claim for ~~services,~~ **benefits** is reduced, suspended or terminated, the applicant ~~for~~ or recipient ~~of public assistance or services,~~ may appeal to the ~~Department,~~ **Division** and may be represented in the appeal by counsel or other representative chosen by the applicant or recipient.

2. Upon the initial decision to deny, reduce, suspend or terminate ~~public assistance or services,~~ **benefits**, the ~~Department,~~ **Division** shall notify that applicant or recipient of its decision, the regulations involved and the right to request a hearing within a certain period. If a request for a hearing is received

within that period, the ~~{Department}~~ **Division** shall notify that person of the time, place and nature of the hearing. The ~~{Department}~~ **Division** shall provide an opportunity for a hearing of that appeal and shall review the case regarding all matters alleged in that appeal.

3. The ~~{Department}~~ **Division** is not required to grant a hearing pursuant to this section if the request for the hearing is based solely upon the provisions of a federal law or a law of this State that requires an automatic adjustment to the ~~{amount of public assistance or services}~~ **benefits** that may be received by an applicant or recipient.

**Sec. 8.** NRS 422.277 is hereby amended to read as follows:

422.277 1. At any hearing held pursuant to the provisions of subsection 2 of NRS 422.276, opportunity must be afforded all parties to respond and present evidence and argument on all issues involved.

2. Unless precluded by law, informal disposition may be made of any hearing by stipulation, agreed settlement, consent order or default.

3. The record of a hearing must include:

- (a) All pleadings, motions and intermediate rulings.
- (b) Evidence received or considered.
- (c) Questions and offers of proof and objections, and rulings thereon.
- (d) Any decision, opinion or report by the hearing officer presiding at the hearing.

4. Oral proceedings, or any part thereof, must be transcribed on request of any party seeking judicial review of the decision.

5. Findings of fact must be based exclusively on substantial evidence.

6. Any employee or other representative of the ~~{Department}~~ **Division** who investigated or made the initial decision to deny, modify or cancel ~~{a grant of public assistance or services}~~ **benefits provided pursuant to Medicaid or the Children's Health Insurance Program** shall not participate in the making of any decision made pursuant to the hearing.

**Sec. 9.** NRS 422.2785 is hereby amended to read as follows:

422.2785 1. A decision or order issued by a hearing officer must be in writing. A final decision must include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory or regulatory language, must be accompanied by a concise and explicit statement of the underlying facts supporting the findings. A copy of the decision or order must be delivered by certified mail to each party and to the attorney or other representative of each party.

2. The ~~{Department}~~ **Division** or an applicant for or recipient of ~~{public assistance or services}~~ **benefits provided pursuant to Medicaid or the Children's Health Insurance Program** may, at any time within 90 days after the date on which the written notice of the decision is mailed, petition the district court of the judicial district in which the applicant for or recipient of

~~{public assistance or services}~~ **benefits provided pursuant to Medicaid or the Children's Health Insurance Program** resides to review the decision. The district court shall review the decision on the record of the case before the hearing officer. The decision and record must be certified as correct and filed with the clerk of the court by the ~~{Department}~~ **Division**.

**Sec. 10.** NRS 422.29301 is hereby amended to read as follows:

422.29301 The Director:

1. Shall administer the provisions of NRS 422.29302 ~~{to 422.29308, inclusive}~~, **422.29304 and 422.29306;**

2. May adopt such regulations as are necessary for the administration of those provisions; and

3. May invoke any legal, equitable or special procedures for the enforcement of those provisions.

**Sec. 11.** NRS 422.29304 is hereby amended to read as follows:

422.29304 1. Except as otherwise provided in this section, the Department shall, to the extent that it is not prohibited by federal law, recover from a recipient of ~~{public assistance, the estate of the recipient}~~ **Medicaid** the undivided estate of a recipient of Medicaid or a person who signed the application for ~~{public assistance}~~ **Medicaid** or **for** admission to a nursing facility on behalf of the recipient an amount not to exceed the amount ~~{of public assistance}~~ incorrectly paid ~~{to}~~ **on behalf of** the recipient, if the person who signed the application:

(a) Failed to report any required information to the Department or the nursing facility that the person knew at the time the person signed the application;

(b) Refused to provide financial information regarding the recipient's income and assets, including, without limitation, information regarding any transfers or assignments of income or assets;

(c) Concealed information regarding the existence, transfer or disposition of the recipient's income and assets with the intent of enabling a recipient to meet any eligibility requirement for ~~{public assistance}~~ **Medicaid;**

(d) Made any false representation regarding the recipient's income and assets, including, without limitation, any information regarding any transfers or assignments of income or assets; or

(e) Failed to report to the Department or the nursing facility within the period allowed by the Department any required information that the person obtained after the person filed the application.

2. Except as otherwise provided in this section, a recipient of ~~{incorrectly paid public assistance}~~ **Medicaid**, the undivided estate of a recipient of Medicaid or a person who signed the application for ~~{public benefits}~~ **Medicaid** or **for** admission to a nursing facility on behalf of the recipient

shall reimburse the Department or appropriate state agency for the value of the **amount** incorrectly paid ~~public assistance,~~ **on behalf of the recipient.**

3. The Director or a person designated by the Director may, to the extent that it is not prohibited by federal law, determine the amount of, and settle, adjust, compromise or deny a claim against a recipient of ~~public assistance,~~ **Medicaid**, the undivided estate of a recipient of Medicaid or a person who signed the application for ~~public assistance,~~ **Medicaid** or **for** admission to a nursing facility on behalf of the recipient.

4. The Director may, to the extent that it is not prohibited by federal law, waive the repayment of ~~public assistance,~~ **amounts** incorrectly paid ~~to a recipient,~~ **on behalf of a recipient of Medicaid** if the incorrect payment was not the result of an intentional misrepresentation or omission by the recipient and if repayment would cause an undue hardship to the recipient. The Director shall, by regulation, establish the terms and conditions of such a waiver, including, without limitation, the circumstances that constitute undue hardship.

**Sec. 12.** NRS 422.410 is hereby amended to read as follows:

422.410 1. Unless a different penalty is provided pursuant to NRS 422.361 to 422.369, inclusive, or 422.450 to 422.590, inclusive, a person who knowingly and designedly, by any false pretense, false or misleading statement, impersonation, misrepresentation, or concealment, transfer, disposal or assignment of money or property obtains or attempts to obtain monetary or any other public assistance, or money, property, medical or remedial care or any other service provided pursuant to the Children's Health Insurance Program, having a value of \$100 or more, whether by one act or a series of acts, with the intent to cheat, defraud or defeat the purposes of this chapter or to enable a person to meet or appear to meet any requirements of eligibility prescribed by state law or by rule or regulation adopted by the Department for a grant or an increase in a grant of any type of public assistance is guilty of a category E felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. For the purposes of subsection 1, whenever a recipient of Temporary Assistance for Needy Families pursuant to the provisions of ~~this chapter~~ **and** chapter 422A of NRS receives an overpayment of benefits for the third time and the overpayments have resulted from a false statement or representation by the recipient or from the failure of the recipient to notify the Division of Welfare and Supportive Services of the Department of a change in circumstances which would affect the amount of assistance the recipient receives, a rebuttable presumption arises that the payment was fraudulently received.

3. For the purposes of ~~subsection 1,~~ **public,** **this section:**



(a) "Public assistance" includes any money, property, medical or remedial care or any other service provided pursuant to a state plan.

(b) "Temporary Assistance for Needy Families" has the meaning ascribed to it in NRS 422A.080.

Sec. 13. Chapter 422A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~14, 15 and 16~~ **to 16.5, inclusive**, of this act.

Sec. 14. "Health Division" means the Health Division of the Department of Health and Human Services.

Sec. 15. Each application for Medicaid must include a statement that:

1. Any assistance paid on behalf of a recipient may be recovered in an action filed against the estate of the recipient or the spouse of the recipient; and

2. Any person who signs an application for Medicaid and fails to report to the Department:

(a) Any required information which the recipient knew at the time the recipient signed the application; or

(b) Within the period allowed by the Department, any required information which the recipient obtained after the recipient filed the application,

↪ may be personally liable for any money incorrectly paid to the recipient.

Sec. 16. 1. Except as otherwise provided in this section, the Department shall, to the extent that it is not prohibited by federal law, recover from a recipient of public assistance, the estate of the recipient or a person who signed the application for public assistance on behalf of the recipient an amount not to exceed the amount of public assistance incorrectly paid to the recipient, if the person who signed the application:

(a) Failed to report any required information to the Department that the person knew at the time the person signed the application;

(b) Refused to provide financial information regarding the recipient's income and assets, including, without limitation, information regarding any transfers or assignments of income or assets;

(c) Concealed information regarding the existence, transfer or disposition of the recipient's income and assets with the intent of enabling a recipient to meet any eligibility requirement for public assistance;

(d) Made any false representation regarding the recipient's income and assets, including, without limitation, any information regarding any transfers or assignments of income or assets; or

(e) Failed to report to the Department or the nursing facility within the period allowed by the Department any required information that the person obtained after the person filed the application.

2. Except as otherwise provided in this section, a recipient of incorrectly paid public assistance or a person who signed the application

for public benefits on behalf of the recipient shall reimburse the Department or appropriate state agency for the value of the incorrectly paid public assistance.

3. The Director or a person designated by the Director may, to the extent that it is not prohibited by federal law, determine the amount of, and settle, adjust, compromise or deny a claim against a recipient of public assistance, the estate of the recipient or a person who signed the application for public assistance on behalf of the recipient.

4. The Director may, to the extent that it is not prohibited by federal law, waive the repayment of public assistance incorrectly paid to a recipient if the incorrect payment was not the result of an intentional misrepresentation or omission by the recipient and if repayment would cause an undue hardship to the recipient. The Director shall, by regulation, establish the terms and conditions of such a waiver, including, without limitation, the circumstances that constitute undue hardship.

5. As used in this section, “public assistance” does not include Medicaid.

Sec. 16.5. 1. If the Division denies an application for the Children’s Health Insurance Program, the Division shall provide written notice of the decision to the applicant. An applicant who disagrees with the denial of the application may request a review of the case and a hearing before an impartial hearing officer by filing a written request within 30 days after the date of the notice of the decision at the address specified in the notice.

2. The Division shall adopt regulations regarding the review and hearing before an impartial hearing officer. The decision of the hearing officer must be in writing.

3. The applicant may, at any time within 30 days after the date on which the written decision is mailed, petition the district court of the judicial district in which the applicant resides to review the decision. The district court shall review the decision on the record. The decision and record must be certified as correct and filed with the court by the Administrator.

4. The review by the court must be in accordance with NRS 422.279.

Sec. 17. NRS 422A.001 is hereby amended to read as follows:

422A.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 422A.005 to 422A.080, inclusive, *and section 14 of this act* have the meanings ascribed to them in those sections.

Sec. 18. NRS 422A.040 is hereby amended to read as follows:

422A.040 ~~Food Stamp~~ **“Supplemental Nutrition Assistance”** means the program established to provide persons of low income with an opportunity to ~~obtain~~ **purchase** a more nutritious diet ~~through the issuance~~

~~of coupons~~ pursuant to the Food Stamp Act of 1977, 7 U.S.C. §§ 2011 et seq., as amended.

**Sec. 19.** NRS 422A.065 is hereby amended to read as follows:

422A.065 1. "Public assistance" includes:

- (a) State ~~Supplemental~~ **Supplementary** Assistance;
- (b) Temporary Assistance for Needy Families;
- (c) Medicaid;
- (d) ~~Food Stamp Assistance;~~ **Supplemental Nutrition Assistance;**
- (e) Low-Income Home Energy Assistance;
- (f) The Program for Child Care and Development;
- (g) Benefits provided pursuant to any other public welfare program administered by the Division pursuant to such additional federal legislation as is not inconsistent with the purposes of this chapter; and
- (h) Benefits provided pursuant to any other public welfare program administered by the Division of Health Care Financing and Policy pursuant to chapter 422 of NRS.

2. The term does not include the Children's Health Insurance Program.

**Sec. 20.** NRS 422A.085 is hereby amended to read as follows:

422A.085 1. Notwithstanding any other provision of state or local law, a person or governmental entity that provides a state or local public benefit:

(a) Shall comply with the provisions of 8 U.S.C. § 1621 regarding the eligibility of ~~an alien~~ **a person who is not a citizen or national of the United States** for such a benefit.

(b) Is not required to pay any costs or other expenses relating to the provision of such a benefit after July 1, 1997, to ~~an alien~~ **a person who is not a citizen or national of the United States** who, pursuant to 8 U.S.C. § 1621, is not eligible for the benefit.

2. Compliance with the provisions of 8 U.S.C. § 1621 must not be construed to constitute any form of discrimination, distinction or restriction made, or any other action taken, on the basis of national origin.

3. As used in this section, "state or local public benefit" has the meaning ascribed to it in 8 U.S.C. § 1621.

**Sec. 21.** NRS 422A.155 is hereby amended to read as follows:

422A.155 1. The Administrator must:

~~1-~~ (a) Be selected on the basis of his or her training, experience, capacity and interest in public welfare services.

~~2-~~ Be a graduate from an accredited college or university. In appointing the Administrator, the Director shall, to the extent practicable, give preference to a person who has a degree in a field of social science, public administration, business administration or a related field.

~~3-~~ (b) Have not less than 3 years of demonstrated successful experience in the administration of a public agency, with responsibility for general

direction of programs of the public agency and determination of policies for the implementation of programs of the public agency, or any equivalent combination of training and experience.

~~4-~~ (c) Possess qualities of leadership.

**2. In appointing the Administrator, the Director shall, to the extent practicable, give preference to a person who has a degree in a field of social science, public administration, business administration or a related field.**

**Sec. 22.** NRS 422A.165 is hereby amended to read as follows:

422A.165 The Administrator shall make:

1. Such reports, subject to approval by the Director, as will comply with the requirements of federal legislation and this chapter.

2. ~~Reports to the Board.~~

~~3-~~ A biennial report to the Director on the condition, operation and functioning of the Division.

**Sec. 23.** NRS 422A.255 is hereby amended to read as follows:

422A.255 The Department shall:

1. Administer all public welfare programs of this State, including:

(a) State Supplementary Assistance;

(b) Temporary Assistance for Needy Families;

(c) Medicaid;

(d) ~~Food Stamp~~ **Supplemental Nutrition** Assistance;

(e) Low-Income Home Energy Assistance;

(f) The Program for Child Care and Development;

(g) The Program for the Enforcement of Child Support;

(h) The Children's Health Insurance Program; and

(i) Other welfare activities and services provided for by the laws of this State.

2. Act as the single state agency of the State of Nevada and its political subdivisions in the administration of any federal money granted to the State of Nevada to aid in the furtherance of any of the services and activities set forth in subsection 1.

3. Cooperate with the Federal Government in adopting state plans, in all matters of mutual concern, including adoption of methods of administration found by the Federal Government to be necessary for the efficient operation of welfare programs, and in increasing the efficiency of welfare programs by prompt and judicious use of new federal grants which will assist the Department in carrying out the provisions of this chapter.

4. Observe and study the changing nature and extent of welfare needs and develop through tests and demonstrations effective ways of meeting those needs and employ or contract for personnel and services supported by

legislative appropriations from the State General Fund or money from federal or other sources.

5. Enter into reciprocal agreements with other states relative to public assistance, welfare services and institutional care, when deemed necessary or convenient by the Director.

6. Make such agreements with the Federal Government as may be necessary to carry out the Supplemental Security Income Program.

7. ***As used in this section, “Program for the Enforcement of Child Support” means the program established to locate absent parents, establish paternity and obtain child support pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq., and any other provisions of that act relating to the enforcement of child support.***

**Sec. 24.** NRS 422A.265 is hereby amended to read as follows:

422A.265 1. The Department shall provide public assistance pursuant to:

(a) The program established to provide Temporary Assistance for Needy Families;

(b) Medicaid; or

(c) Any program for which a grant has been provided to this State pursuant to 42 U.S.C. §§ 1397 et seq.,

→ to a qualified ~~alien~~ ***person who is not a citizen or national of the United States*** who complies with the requirements established by the Department pursuant to federal law and this chapter for the receipt of benefits pursuant to that program.

2. ~~As used in this section, “qualified alien” has the meaning ascribed to it in~~ ***A person who is not a citizen or national of the United States is considered “qualified” for the purposes of subsection 1 if the person meets the requirements of 8 U.S.C. § 1641(b).***

**Sec. 24.5.** NRS 422A.360 is hereby amended to read as follows:

422A.360 1. ~~As a condition to the receipt of public assistance, a~~ ***A*** recipient who has control or charge of a child who is not less than 7 years of age, but is less than 12 years of age, must comply with the provisions of NRS 392.040 with respect to that child.

2. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less than 7 years of age, but is less than 12 years of age, the head of the household shall take every reasonable action to ensure that the child is not at risk of failing to advance to the next grade level in school.

3. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or

charge of a child who is not less than 7 years of age, but is less than 12 years of age and:

(a) The head of the household does not comply with the provisions of NRS 392.040 with respect to that child; or

(b) That child is at risk of failing to advance to the next grade level in school,

↳ the Division shall require the head of the household to review with the Division the personal responsibility plan signed by the head of household pursuant to NRS 422A.535 and revise the plan as necessary to assist the head of the household in complying with the provisions of NRS 392.040 and helping the child to improve his or her academic performance.

**Sec. 25.** (Deleted by amendment.)

**Sec. 26.** NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed \$5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed \$12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed \$4,500 in value, belonging to the judgment debtor to be selected by the judgment debtor.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of the judgment debtor and his or her family not to exceed \$10,000 in value.

(e) The cabin or dwelling of a miner or prospector, the miner's or prospector's cars, implements and appliances necessary for carrying on any mining operations and the mining claim actually worked by the miner or prospector, not exceeding \$4,500 in total value.

(f) Except as otherwise provided in paragraph (p), one vehicle if the judgment debtor's equity does not exceed \$15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (o), (s) and

(t), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself or herself and family, where the amount of equity held by the judgment debtor in the home does not exceed \$550,000 in value and the dwelling is situated upon lands not owned by the judgment debtor.

(n) All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his or her primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

(o) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(p) Any vehicle owned by the judgment debtor for use by the judgment debtor or the judgment debtor's dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(q) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(r) Money, not to exceed \$500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(t) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(u) Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person



upon whom the judgment debtor is dependent at the time the payment is received.

(v) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(x) Payments received as restitution for a criminal act.

(y) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

(z) Any personal property not otherwise exempt from execution pursuant to this subsection belonging to the judgment debtor, including, without limitation, the judgment debtor's equity in any property, money, stocks, bonds or other funds on deposit with a financial institution, not to exceed \$1,000 in total value, to be selected by the judgment debtor.

(aa) Any tax refund received by the judgment debtor that is derived from the earned income credit described in section 32 of the Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided pursuant to a state law.

(bb) Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

(cc) Regardless of whether a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in NRS 163.4155 that is a contingent interest, if the contingency has not been satisfied or removed;

(2) A distribution interest in the trust as defined in NRS 163.4155 that is a discretionary interest as described in NRS 163.4185, if the interest has not been distributed;

(3) A power of appointment in the trust as defined in NRS 163.4157 regardless of whether the power has been exercised;

(4) A power listed in NRS 163.5553 that is held by a trust protector as defined in NRS 163.5547 or any other person regardless of whether the power has been exercised; and

(5) A reserved power in the trust as defined in NRS 163.4165 regardless of whether the power has been exercised.

(dd) If a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in NRS 163.4155 that is a mandatory interest as described in NRS 163.4185, if the interest has not been distributed; and

(2) Notwithstanding a beneficiary's right to enforce a support interest, a distribution interest in the trust as defined in NRS 163.4155 that is a support interest as described in NRS 163.4185, if the interest has not been distributed.

(ee) Proceeds received from a private disability insurance plan.

(ff) Money in a trust fund for funeral or burial services pursuant to NRS 689.700.

(gg) Compensation that was payable or paid pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS as provided in NRS 616C.205.

(hh) Unemployment compensation benefits received pursuant to NRS 612.710.

(ii) Benefits or refunds payable or paid from the Public Employees' Retirement System pursuant to NRS 286.670.

(jj) Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270.

(kk) Public assistance provided through the Department of Health and Human Services pursuant to NRS ~~422.291~~ ~~+~~ ~~and~~ ~~422A.325~~.

(ll) Child welfare assistance provided pursuant to NRS 432.036.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

**Sec. 27.** NRS 115.090 is hereby amended to read as follows:

115.090 Nothing in this chapter exempts any real or personal property from any statute of this State that authorizes the recovery of money owed to the Department of Health and Human Services as a result of the payment of benefits from Medicaid through the imposition or foreclosure of a lien against the property of a recipient of Medicaid in the manner set forth in NRS 422.29302 ~~to 422.29308, inclusive,~~ **422.29304 and 422.29306.**

**Sec. 28.** NRS 217.180 is hereby amended to read as follows:

217.180 1. Except as otherwise provided in subsection 2, in determining whether to make an order for compensation, the compensation officer shall consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim, the prior case or social history, if any, of the victim, the need of the victim or the dependents of the victim for financial aid and other relevant matters.

2. If the case involves a victim of domestic violence or sexual assault, the compensation officer shall not consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim.

3. If the applicant has received or is likely to receive an amount on account of the applicant's injury or the death of another from:

- (a) The person who committed the crime that caused the victim's injury or from anyone paying on behalf of the offender;
- (b) Insurance;
- (c) The employer of the victim; or
- (d) Another private or public source or program of assistance,

↳ the applicant shall report the amount received or that the applicant is likely to receive to the compensation officer. Any of those sources that are obligated to pay an amount after the award of compensation shall pay the Board the amount of compensation that has been paid to the applicant and pay the remainder of the amount due to the applicant. The compensation officer shall deduct the amounts that the applicant has received or is likely to receive from those sources from the applicant's total expenses.

4. An order for compensation may be made whether or not a person is prosecuted or convicted of an offense arising from the act on which the claim for compensation is based.

5. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) "Public source or program of assistance" means:

(1) Public assistance, as defined in NRS ~~422.050 and~~ 422A.065;

(2) Social services provided by a social service agency, as defined in NRS 430A.080; or

(3) Other assistance provided by a public entity.

(c) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

**Sec. 29.** Section 2 of chapter 392, Statutes of Nevada 2011, at page 2470, is hereby amended to read as follows:

Sec. 2. This act becomes effective upon passage and approval . ~~and expires by limitation on June 30, 2013.~~

**Sec. 30.** NRS 232.354, 422.042, 422.045, 422.048, 422.0525, 422.053, 422.0535, 422.245, 422.2716, ~~422.291,~~ 422.29308, 422.3045, 422A.010, 422A.110, 422A.115, 422A.120, 422A.125, 422A.130, 422A.135, 422A.310 and 422A.315 are hereby repealed.

**Sec. 31.** This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

**232.354 State Plan for Medicaid and Children’s Health Insurance Program: Department to report certain rates of reimbursement for physicians; duties of Director.**

**422.042 “Food Stamp Assistance” defined.**

**422.045 “Low-Income Home Energy Assistance” defined.**

**422.048 “Program for Child Care and Development” defined.**

**422.0525 “State Supplementary Assistance” defined.**

**422.053 “Supplemental Security Income Program” defined.**

**422.0535 “Temporary Assistance for Needy Families” defined.**

**422.245 Deposit of money received for certain programs in appropriate accounts of Division in State General Fund.**

**422.2716 Provision of public assistance to qualified aliens.**

~~**422.291 Assistance not assignable or subject to process or bankruptcy law.**~~

**422.29308 Application for Medicaid: Statements regarding action for recovery and civil liability of recipient.**

**422.3045 Denial of application for Children’s Health Insurance Program: Notice; review of case and hearing; regulations; review by court.**

**422A.010 “Board” defined.**

**422A.110 Creation; appointment of members.**

**422A.115 Qualifications and removal of members.**

**422A.120 Meetings; quorum; notice of meetings; minutes; audio recordings or transcripts.**

**422A.125 Officers.**

**422A.130 Compensation of members and employees.**

**422A.135 Powers and duties.**

**422A.310 Family planning service; birth control.**

**422A.315 Provision of prenatal care to pregnant women who are indigent; provision of information concerning availability of prenatal care; regulations.**

Assemblywoman Dondero Loop moved that the Assembly concur in the Senate amendment No. 634 to Assembly Bill No. 8.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Thank you, Madam Speaker. Amendment No. 634 to Assembly Bill 8 reenacts the provision for the Children’s Health Insurance Program regarding the timeline for notifying an applicant that their application was denied and the process for appealing the decision.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 147.

The following Senate amendment was read:

Amendment No. 868.

SUMMARY—Requires the notification of patients regarding breast density ~~and supplementary mammographic screening tests.~~ (BDR 40-172)

AN ACT relating to mammography; requiring a **statement of the density of the patient's breasts and a notice prescribed by the State Board of Health** regarding breast density to be included in a report provided to a patient; authorizing an administrative fine for failure to ~~provide~~ **comply with such ~~notice~~ requirements**; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under federal law, a facility that performs a mammogram must provide directly to each patient a summary report describing the results of the mammogram written in terms that are easily understood by a lay person. (42 U.S.C. § 263b) Existing state law imposes certain requirements on the operation of a machine used to perform mammography and further provides for the imposition of an administrative fine for operation in violation of those requirements. (NRS 457.182-457.187) This bill requires the owner, lessee or other person responsible for the radiation machine for mammography that was used to perform a mammogram to ensure that the summary report required by federal law includes a statement of the density of the patient's breasts and a notice ~~encouraging the patient to discuss the notice with his or her physician or other provider of health care.~~ **prescribed by the State Board of Health that includes certain information relating to breast density, breast cancer and the impact of breast density on the effectiveness of mammography.** In addition, this bill authorizes the Health Division of the Department of Health and Human Services to impose an administrative fine for failure to provide such notice. (NRS 457.187)

~~WHEREAS, Forty percent of women have dense breast tissue; and~~

~~WHEREAS, Breast density is one of the strongest predictors of the failure of mammography to detect cancer; and~~

~~WHEREAS, Breast density is a greater risk factor for breast cancer than having two first degree relatives with breast cancer; and~~

~~WHEREAS, The vast majority of women are unaware of the density of their breasts; and~~

~~WHEREAS, Less than 1 in 10 women with dense breast tissue learn about their dense breast tissue from their doctors; and~~

~~WHEREAS, Several states, including Connecticut, Texas, Virginia, New York and California, have enacted legislation relating to notification of breast density; now, therefore,~~

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

**Section 1.** Chapter 457 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. *If a patient undergoes mammography, the owner, lessee or other person responsible for the radiation machine for mammography that was used to perform the mammography must ensure that each report provided to the patient pursuant to 42 U.S.C. § 263b(f)(1)(G)(ii)(IV) includes, without limitation, a statement of the category of the patient's breast density which is determined based on the Breast Imaging Reporting and Database System or ~~subsequent~~ such other guidelines ~~established by the American College of Radiology, or its successor organization,~~ as required by the State Board of Health by regulation, and ~~the following~~ the notice ~~of~~***

~~The information about the results of your mammography report in relation to the density of your breast tissue is provided to you to raise your awareness. Dense breast tissue is common and not abnormal. As breast density increases, the ability of a mammogram to identify cancer or suspicious abnormalities decreases, which may increase the risk of breast cancer not being detected until a later stage. Density may change over time and generally diminishes with age, but varies by person. Many factors affect a person's risk of developing breast cancer, including family history, personal medical history, smoking and, according to some studies, increased breast density. Use this letter when you speak with your physician or other provider of health care about your own individual risk factors for breast cancer. At that time, ask your physician or other provider of health care if further testing might be useful.~~

~~of~~ **prescribed by the State Board of Health pursuant to subsection 2.**

**2. *The State Board of Health shall prescribe by regulation the notice to be included in a report pursuant to subsection 1. The notice must include:***

**(a) A statement regarding the benefits, risks and limitations of mammograms;**

**(b) A description of factors that may affect the accuracy of a mammogram, including, without limitation, the density of breast tissue or the presence of breast implants;**

**(c) A statement that encourages the patient to discuss with his or her provider of health care the patient's specific risk factors for developing breast cancer; and**

**(d) A statement that encourages the patient to discuss with his or her provider of health care whether the patient should adjust his or her schedule for mammograms or consider other appropriate screening options as a result of the patient's breast density.**

3. The notice prescribed by regulation pursuant to subsection 2 may include, without limitation:

(a) A statement regarding the prevalence of dense breast tissue, the relationship between breast density and breast cancer and the manner in which breast density may change over time; and

(b) A description of the factors that affect the risk of developing breast cancer.

4. Nothing in this section shall be construed to:

(a) Create a duty of care or other legal obligation beyond the duty to provide the notice as set forth in this section.

(b) Require a notice to be provided to a patient that is inconsistent with the notice required by the provisions of 42 U.S.C. § 263b or any regulations promulgated pursuant thereto.

**Sec. 2.** NRS 457.182 is hereby amended to read as follows:

457.182 As used in NRS 457.182 to 457.187, inclusive, **and section 1 of this act**, unless the context otherwise requires:

1. "Mammography" means radiography of the breast to enable a physician to determine the presence, size, location and extent of cancerous or potentially cancerous tissue in the breast.

2. "Radiation" means radiant energy which exceeds normal background levels and which is used in radiography.

3. "Radiography" means the making of a film or other record of an internal structure of the body by passing X rays or gamma rays through the body to act on film or other receptor of images.

**Sec. 3.** NRS 457.187 is hereby amended to read as follows:

457.187 1. The Health Division may impose an administrative fine, not to exceed \$5,000, against the owner, lessee or other person responsible for a radiation machine for mammography for a violation of the provisions of NRS 457.182 to 457.186, inclusive, **and section 1 of this act**, or for a violation of a regulation adopted pursuant thereto.

2. Any money collected as a result of an administrative fine imposed pursuant to subsection 1 must be deposited in the State General Fund.

**Sec. 4. On or before January 1, 2014, the State Board of Health shall adopt the regulations required by section 1 of this act.**

**Sec. 5. This act becomes effective upon passage and approval for the purpose of adopting regulations and any other preparatory administrative tasks and on January 1, 2014, for all other purposes.**

Assemblywoman Dondero Loop moved that the Assembly concur in the Senate Amendment No. 868 to Assembly Bill No. 147.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Thank you, Madam Speaker. The amendment to Assembly Bill 147 puts the notification back in regulation.

Motion carried by a constitutional majority.  
Bill ordered to enrollment.

Assembly Bill No. 374.

The following Senate amendment was read:

Amendment No. 872.

SUMMARY—Revises provisions relating to ~~the authority of a board of county commissioners to regulate certain assemblies, events or activities.~~ **counties.** (BDR 20-520)

AN ACT relating to counties; ~~prohibiting, with certain exceptions,~~ **authorizing** a board of county commissioners ~~from regulating or licensing, or requiring a permit or fee relating to,~~ **to enter into agreements exempting certain persons, organizations and assemblies** ~~, events or activities~~ occurring on federal lands ~~;~~ ~~providing, under certain circumstances, that~~ **from** certain requirements and prohibitions relating to assemblies ~~do not apply to assemblies that occur on federal lands;~~ **; requiring such agreements to include certain provisions; prohibiting certain actions regarding such agreements and the application of certain requirements and prohibitions relating to certain assemblies occurring on federal lands;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires each board of county commissioners to adopt an ordinance regulating and licensing outdoor assemblies, requires certain persons to obtain a license for an assembly and prohibits certain conduct and activities relating to certain assemblies. (NRS 244.354, 244.3542, 244.3548)

~~Sections 1 and 2~~ **Section 1** ~~and 2~~ of this bill ~~prohibit, with certain exceptions,~~ **authorizes** a board of county commissioners ~~from regulating, licensing, or requiring any type of permit or fee for organizing, managing or attending, any assembly, event or activity occurring on certain federal land if a federal agency has issued a license or permit, or otherwise authorized, the assembly, event or activity.~~

~~Sections 3 and 4 of this bill provide, under certain circumstances, that the licensing requirement for certain assemblies and the prohibition on certain conduct and activities relating to assemblies do not apply to any assembly, event or activity occurring on federal land if a federal agency has issued a license or permit, or otherwise authorized, the assembly, event or activity.~~ **to enter into an agreement with a person or organization that organizes an outdoor assembly occurring on federal land for which a federal agency issues a license or permit or otherwise authorizes the assembly. The**



agreement may exempt the assembly, and the person or organization that organizes the assembly, from the provisions of the ordinance adopted by the board regulating and licensing outdoor assemblies and also from the statutory provisions regulating outdoor assemblies. The agreement may be rescinded only by mutual agreement of the parties. For the duration of the agreement, a future board of county commissioners may not require the application of the statutory provisions regulating outdoor assemblies or make any changes to the terms of the agreement. The agreement must contain certain provisions relating to the services of a coroner if a death occurs at the assembly. Also, the parties may enter into a separate agreement for the county to provide reasonable and necessary services for the assembly and to receive compensation for those services.

Existing law prohibits a board of county commissioners from entering into certain contracts and other transactions beyond the term of office of any member of the board unless the board appropriates money to pay for the duration of the contract. Sections 1 and 1.5 of this bill provide that any agreement entered into pursuant to section 1 is not subject to such limitations.

Section 1 provides that the provisions thereof shall not be construed to prohibit, prevent or limit the power of the Legislature.

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. ~~Except as otherwise provided in subsection 2, a~~ A board of county commissioners ~~shall not regulate or license, or require any type of permit or fee for organizing, managing or attending, any~~ may enter into an agreement with any person or organization described in paragraph (b) to exempt from the provisions of any ordinance adopted by that board of county commissioners pursuant to NRS 244.354 and the provisions of NRS 244.354 to 244.3548, inclusive:

(a) Any assembly ~~event or activity~~ occurring on federal land ~~for which a federal agency has issued~~ issues a license or permit ~~for the assembly, event or activity~~ or ~~has~~ otherwise authorized authorizes the assembly ~~event or activity~~.

2. ~~A board of county commissioners may:~~

~~(a) Enter into an agreement with a person or organization which has been issued a license or permit by a federal agency for an assembly, event or activity occurring on federal land, for~~ ; and

(b) The person or organization that permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages or sells or gives away tickets to any such assembly.

2. In determining whether to enter into an agreement pursuant to subsection 1, a board of county commissioners may consider, without limitation, whether a person or organization described in paragraph (b) of subsection 1 has demonstrated to the satisfaction of the board that:

(a) The federal agency that issues a license or permit for or otherwise authorizes an assembly described in paragraph (a) of subsection 1 has ensured that conditions which otherwise may be imposed by the board pursuant to NRS 244.3545 are addressed during the process of issuing the license or permit for or otherwise authorizing the assembly; and

(b) The assembly will not present an unreasonable danger to the health or safety of any resident of the county.

3. Except as otherwise provided in subsection 6, an agreement entered into pursuant to subsection 1 may be rescinded only by mutual agreement of the parties to the agreement. For the duration of the agreement, no future board of county commissioners of that county may adopt an ordinance requiring, or in any other way require:

(a) The application of the provisions of NRS 244.354 to 244.3548, inclusive, to the assembly that is the subject of the agreement, the person or organization with whom the board enters into the agreement, or any other person who permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages or sells or gives away tickets to the assembly; or

(b) Any changes to the terms of the agreement.

4. If a board of county commissioners enters into an agreement pursuant to subsection 1:

(a) The agreement must require the person or organization described in paragraph (b) of subsection 1 to call upon the services of the office of the county coroner if a death of a person occurs at the assembly;

(b) The agreement must provide for the office of the county coroner to receive compensation for such services, including, without limitation, compensation:

(1) For the expenses of any travel and subsistence incurred in the provisions of such services;

(2) For the expenses relating to an autopsy and the transportation and storage of the body of the deceased; and

(3) For any other reasonable expenses relating to the provision of such services; and

(c) The board of county commissioners or any board of county commissioners that takes office after the effective date of the agreement

may enter into a separate agreement with the person or organization described in paragraph (b) of subsection 1 which provides for the county to provide reasonable and necessary ~~law enforcement~~ services for the assembly ~~[, event or activity]~~ and to receive compensation for the provision of such services . ~~f, and~~

~~(b) Regulate or license, or require any type of permit or fee for organizing, managing or attending, any assembly, event or activity occurring on federal land that is the subject of a:~~

~~(1) Lease between the Federal Government and the county; or~~

~~(2) License for recreational or other public purposes from the Federal Government to the county.]~~

5. Notwithstanding the provisions of NRS 244.320, any agreement entered into pursuant to this section may extend beyond the terms of the county commissioners in office and voting on the agreement regardless of whether the board appropriates money for the agreement beyond the terms of office.

6. Nothing contained in this section shall be construed to prohibit, prevent or limit the power of the Legislature.

Sec. 1.5. NRS 244.320 is hereby amended to read as follows:

244.320 1. A board of county commissioners may enter into any agreement, contract, lease, franchise, exchange of property or other transaction which extends beyond the terms of the county commissioners then in office and voting on the matter, but except as otherwise provided by law, the agreement, contract, lease, franchise, exchange or other transaction is binding beyond those terms of office only to the extent that money is appropriated therefor, or for a like item or service.

2. This section does not affect any agreement, contract, lease, franchise, exchange of property or other transaction which does not extend beyond the term of office of any member of the board who is part of the quorum voting thereon.

Sec. 2. [NRS 244.354 is hereby amended to read as follows:

244.354 ~~[The] Except as otherwise provided in section 1 of this act, the~~ board of county commissioners of each county shall adopt an ordinance regulating and licensing outdoor assemblies. The minimum requirements set forth in NRS 244.354 to 244.3548, inclusive, ~~and section 1 of this act~~ may be incorporated in such ordinance. **(Deleted by amendment.)**

Sec. 3. NRS 244.3542 is hereby amended to read as follows:

244.3542 ~~[Every]~~

~~f ~~1~~~~ Except as otherwise provided in ~~subsection 2~~ section 1 of this act, every person who permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to an actual or reasonably anticipated assembly of 1,000 or more individuals shall

obtain a license from the board of county commissioners of the county in which such assembly is proposed, in accordance with the provisions of NRS 244.354 to 244.3548, inclusive ~~and section 1 of this act.~~

~~2. The provisions of this section do not apply to a person who permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to an actual or reasonably anticipated assembly that is held on federal land if:~~

~~(a) A federal agency has issued a license or permit for the assembly or has otherwise authorized the assembly; and~~

~~(b) The federal land is not the subject of a:~~

~~(1) Lease for recreational or other public purposes between the Federal Government and the county; or~~

~~(2) License for recreational or other public purposes from the Federal Government to the county.~~

Sec. 4. NRS 244.3548 is hereby amended to read as follows:

244.3548 ~~HH~~

~~f 1f~~ Except as otherwise provided in ~~subsection 2~~ section 1 of this act, it is unlawful for any licensee or any employee, agent or associate of a licensee to:

1. ~~f(a)~~ Hold an actual or reasonably anticipated assembly of 1,000 or more persons without first procuring a license to do so.

2. ~~f(b)~~ Sell tickets to such an assembly without a license first having been obtained.

3. ~~f(c)~~ Hold such an assembly in such a manner as to create a public or private nuisance.

4. ~~f(d)~~ Exhibit, show or conduct within the place of such an assembly any obscene, indecent, vulgar or lewd exhibition, show, play, entertainment or exhibit, no matter by what name designated.

5. ~~f(e)~~ Allow any person on the premises of the licensed assembly to cause or create a disturbance in, around or near any place of the assembly, by offensive or disorderly conduct.

6. ~~f(f)~~ Knowingly allow any person to consume, sell or be in possession of intoxicating liquor while in such assembly except where the consumption or possession is expressly authorized by the board and under the laws of the State of Nevada.

7. ~~f(g)~~ Knowingly allow any person at the licensed assembly to use, sell or be in possession of any controlled substance while in, around or near a place of the assembly.

~~f 2. The provisions of this section do not apply to an assembly, or conduct or activity at or during an assembly, that is held on federal land if:~~

~~(a) A federal agency has issued a license or permit for the assembly or has otherwise authorized the assembly; and~~

~~(b) The federal land is not the subject of a:~~

~~(1) Lease for recreational or other public purposes between the Federal Government and the county; or~~

~~(2) License for recreational or other public purposes from the Federal Government to the county.]~~

**Sec. 5.** This act becomes effective on July 1, 2013.

Assemblywoman Benitez-Thompson moved that the Assembly concur in the Senate Amendment No. 872 to Assembly Bill No. 374.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Thank you, Madam Speaker. After much conversation and much work, this language represents agreements by representatives from Pershing County, Blackrock LLC, and others to allow our festivals to move forward. It authorizes a board of county commissioners to enter into agreements, and exempting certain persons and organizations from requirements. Great language.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 83.

The following Senate amendment was read:

Amendment No. 594.

AN ACT relating to escrow accounts; revising provisions governing certain disbursements of money from escrow accounts; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law prohibits an escrow agent, title insurer, title agent or escrow officer from disbursing money from an escrow account on the same business day as the money is deposited unless the deposit is made in certain forms of payment which allow for the conversion of the deposit to cash on the same day as the deposit is made, including a certified check which is payable in this State and which is drawn from a financial institution located in this State. (NRS 645A.171, 692A.255) This bill instead requires that, to be eligible for same-day disbursement, deposits made by certified check must be drawn from a financial institution authorized to do business in this State.

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

**Section 1.** NRS 645A.171 is hereby amended to read as follows:

645A.171 1. An escrow agent shall not disburse money from an escrow account unless deposits which are at least equal in value to the proposed disbursements and which relate directly to the transaction for which the money is to be disbursed have been received.

2. An escrow agent shall not disburse money from an escrow account on the same business day as the money is deposited unless the deposit is made in one of the following forms:

(a) Cash;

(b) Interbank electronic transfer such that the money deposited is available for immediate withdrawal without condition and payable in United States currency;

(c) Negotiable order of withdrawal, money order, cashier's check or certified check ~~which is payable in this State and~~ which is drawn from a financial institution ~~located~~ **authorized to do business** in this State;

(d) Any depository check, including any cashier's check or teller's check, that is governed by the Expedited Funds Availability Act, 12 U.S.C. §§ 4001 et seq.; or

(e) Any other form that permits conversion of the deposit to cash on the same day as the deposit is made.

3. An escrow agent who disburses money from an escrow account pursuant to this section on the next business day after the day on which the money is deposited shall comply with all applicable federal laws or regulations with respect to the disbursement of money accorded next-day availability that is deposited in an escrow account.

**Sec. 2.** NRS 692A.255 is hereby amended to read as follows:

692A.255 1. A title insurer, title agent or escrow officer shall not disburse money from an escrow account unless deposits which are at least equal in value to the proposed disbursements and which relate directly to the transaction for which the money is to be disbursed have been received.

2. A title insurer, title agent or escrow officer shall not disburse money from an escrow account on the same business day as the money is deposited unless the deposit is made in one of the following forms:

(a) Cash;

(b) Interbank electronic transfer such that the money deposited is available for immediate withdrawal without condition and payable in United States currency;

(c) Negotiable order of withdrawal, money order, cashier's check or certified check ~~which is payable in this State and~~ which is drawn from a financial institution ~~located~~ **authorized to do business** in this State;

(d) Any depository check, including any cashier's check or teller's check, that is governed by the Expedited Funds Availability Act, 12 U.S.C. §§ 4001 et seq.; or

(e) Any other form that permits conversion of the deposit to cash on the same day as the deposit is made.

3. A title insurer, title agent or escrow officer who disburses money from an escrow account pursuant to this section on the next business day after the

day on which the money is deposited shall comply with all applicable federal laws or regulations with respect to the disbursement of money accorded next-day availability that is deposited in an escrow account.

**Sec. 3. This act becomes effective on July 1, 2013.**

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 594 to Assembly Bill No. 83.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Thank you, Madam Speaker. This fixes the effective date, moves it up to July.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 86.

The following Senate amendment was read:

Amendment No. 650.

SUMMARY—Requires the State Contractors' Board to suspend or revoke the license of a contractor for failure to **satisfy certain judgments concerning unemployment compensation or to** comply with certain provisions governing ~~unemployment compensation,~~ industrial insurance and insurance for occupational diseases. (BDR 54-276)

AN ACT relating to contractors; requiring the State Contractors' Board to notify a licensed contractor **against whom a judgment has been obtained for failure to pay contributions to the Unemployment Compensation Fund or** who is not in compliance with certain provisions governing ~~unemployment compensation,~~ industrial insurance and insurance for occupational diseases; requiring the Board to suspend or revoke the license of a contractor who fails to demonstrate **that such a judgment has been satisfied or that he or she is in** compliance with such provisions; restricting the actions of a contractor whose license has been suspended for failure to **satisfy such a judgment or to** demonstrate compliance with such provisions; requiring the Board to further suspend or revoke the license of a contractor who engages in prohibited activity; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

With certain exceptions, each employer, including each contractor, is required to contribute to the Unemployment Compensation Fund. (NRS 612.535) Each contractor who has employees, is a subcontractor for a principal contractor, or submits a bid on a job for a principal contractor or subcontractor is also required to: (1) maintain industrial insurance and insurance for occupational diseases; (2) obtain a certificate of qualification as a self-insured employer from the Commissioner of Insurance; or (3) maintain membership in an association of self-insured employers. (Chapters 616A-617

of NRS, NRS 624.256) Existing law requires: (1) the Administrator of the Division of Industrial Relations of the Department of Business and Industry to provide timely notice to the State Contractors' Board if a contractor's industrial insurance coverage has lapsed; and (2) the Commissioner of Insurance to provide timely notice to both the Administrator and the Board if a contractor's certificate of qualification as a self-insured employer is cancelled or withdrawn, or the contractor is no longer a member of an association of self-insured public or private employers. (NRS 616B.630)

**Section 8** of this bill requires the Board, if applicable, to notify each licensed contractor against whom a judgment has been obtained for failure to pay contributions to the Unemployment Compensation Fund or who fails to meet the requirements to ~~contribute to the Unemployment Compensation Fund and to~~ provide and maintain industrial insurance and insurance for occupational diseases that the contractor's license will be suspended if the contractor fails to furnish proof by a certain date that he or she is in compliance with these requirements. **Section 8** also requires that the Board suspend the license of any contractor who fails to furnish proof by a certain date that the contractor has satisfied a judgment for failure to pay contributions to the Unemployment Compensation Fund or that the contractor is in compliance with ~~these~~ the requirements to provide and maintain industrial insurance and insurance for occupational diseases until the contractor whose license has been suspended satisfies the judgment or demonstrates compliance with those requirements. **Section 8** further provides that if a contractor's license is suspended for failure to satisfy a judgment for failure to pay contributions to the Unemployment Compensation Fund or to meet ~~these~~ the requirements ~~to~~ to provide and maintain industrial insurance and insurance for occupational diseases: (1) the contractor is required to submit to the Board a list of all the projects for which a contract was entered into before the date of the notice of the suspension; (2) the contractor is prohibited from submitting any bids for any new work or beginning work on a project not described on the list; and (3) the contractor's name is removed from certain lists of contractors eligible to bid on public works projects until the suspension is lifted. **Section 8** provides for the extended suspension or revocation of the license of a contractor who fails to submit a complete list of projects, submits an unauthorized bid or begins work on an unauthorized project. Finally, **section 8** provides for the suspension and revocation of the license of a contractor who fails to ~~meet the requirements~~ satisfy a judgment for failure to contribute to the Unemployment Compensation Fund ~~and~~ or to provide and maintain industrial insurance and insurance for occupational diseases twice within a 5-year period.



**Section 8.5** of this bill requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation ~~to provide quarterly~~ to **notify** the Board ~~to list~~ of ~~contractors who have failed to make the required contribution~~ **any contractor against whom a duly filed judgment has been obtained for failure to pay contributions** to the Unemployment Compensation Fund.

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

**Section 1.** (Deleted by amendment.)

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

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

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

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

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

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

**Sec. 8.** NRS 624.256 is hereby amended to read as follows:

624.256 1. Before granting an original or renewal of a contractor's license to any applicant, the Board shall require that the applicant submit to the Board:

(a) Proof of industrial insurance and insurance for occupational diseases which covers the applicant's employees;

(b) A copy of the applicant's certificate of qualification as a self-insured employer which was issued by the Commissioner of Insurance;

(c) If the applicant is a member of an association of self-insured public or private employers, a copy of the certificate issued to the association by the Commissioner of Insurance; or

(d) An affidavit signed by the applicant affirming that he or she is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS because the applicant:

(1) Has no employees;

(2) Is not or does not intend to be a subcontractor for a principal contractor; and

(3) Has not or does not intend to submit a bid on a job for a principal contractor or subcontractor.

2. The Board shall notify the Fraud Control Unit for Industrial Insurance established pursuant to NRS 228.420 whenever the Board learns that an applicant or holder of a contractor's license has engaged in business as or acted in the capacity of a contractor within this State without having obtained **or maintained** industrial insurance or insurance for occupational diseases in violation of the provisions of chapters 616A to 617, inclusive, of NRS.

3. Failure by an applicant or holder of a contractor's license to file or maintain in full force the required industrial insurance and insurance for occupational diseases constitutes cause for the Board to deny, revoke, suspend, refuse to renew or otherwise discipline the person, unless the person has complied with the provisions set forth in paragraph (d) of subsection 1.

4. ~~Within 30~~ As soon as practicable, but not more than 3 business days after receiving notice from the Department of Employment, Training and Rehabilitation pursuant to section 8.5 of this act that a judgment has been obtained against a contractor for failure to pay contributions to the Unemployment Compensation Fund or from the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 616B.630 that a contractor is not in full compliance with the requirements of chapters ~~612 and~~ 616A to 617, inclusive, of NRS, the Board shall ~~immediately~~ notify the contractor by mail at the last known address of the contractor, as it appears in the records of the Board, that the Board will suspend the license of the contractor if the contractor does not furnish proof, within 30 days after the date of the notice sent by the Board, that the contractor has satisfied the judgment reported to the Board pursuant to section 8.5 of this act or is in full compliance with the requirements of chapters ~~612 and~~ 616A to 617, inclusive, of NRS.

5. If the contractor fails to furnish proof, within 30 days after the date of the notice sent by the Board pursuant to subsection 4, that the contractor has satisfied the judgment reported to the Board pursuant to section 8.5 of this act or is in full compliance with the requirements of chapters ~~612 and~~ 616A to 617, inclusive, of NRS, the Board shall, as soon as practicable, but not more than 3 business days after the expiration of the 30-day period, for a first offense:

(a) ~~Immediately summarily~~ Summarily suspend the license of the contractor without further notice pursuant to subsection 4 of NRS 624.291; and

(b) ~~Immediately require~~ Require the contractor to submit to the Board a list of all projects for which the contractor has unfulfilled contractual obligations where the contract was entered into on or before the date of the notice sent by the Board pursuant to subsection 4.

6. If a contractor's license is suspended pursuant to paragraph (a) of subsection 5:

(a) The suspension must continue until the contractor furnishes proof that the contractor has satisfied the judgment reported to the Board pursuant to section 8.5 of this act or is in full compliance with the requirements of chapters ~~612 and~~ 616A to 617, inclusive, of NRS;

(b) During the term of the suspension, the contractor shall not submit any bids for any new work or begin work on any project not described in

the list submitted to the Board pursuant to paragraph (b) of subsection 5; and

(c) The Board shall notify:

(1) The Office of the Labor Commissioner, which shall, ~~immediately upon~~ as soon as practicable, but not more than 3 business days after receipt of the notice, add the name of the contractor to the list of contractors who are disqualified to bid on public works; and

(2) The State Public Works Board, which shall, ~~immediately upon~~ as soon as practicable, but not more than 3 business days after receipt of the notice, add the name of the contractor to the list of contractors who are not prequalified to bid on public works.

7. If the name of a contractor is added to a list pursuant to paragraph (c) of subsection 6, the Office of the Labor Commissioner or the State Public Works Board, as applicable, shall remove the name from the list when notified by the Board that the suspension has been lifted pursuant to paragraph (a) of subsection 6.

8. If the Board finds that a contractor has failed to provide a complete list of projects in accordance with paragraph (b) of subsection 5 or has violated paragraph (b) of subsection 6, the Board shall:

(a) For a first offense, suspend the contractor's license for an additional 12 months after the contractor furnishes the proof described in paragraph (a) of subsection 6; and

(b) For a second or subsequent offense, conduct a hearing pursuant to NRS 624.291, and, if it is determined at the hearing that a second or subsequent offense has been committed, revoke the contractor's license.

9. If a contractor for whom the suspension of a contractor's license has been lifted after providing the proof required pursuant to paragraph (a) of subsection 6 receives notice from the Board pursuant to subsection 4 within 5 years after the date of reinstatement and the contractor fails to furnish proof, within 30 days after the date of the notice sent by the Board, that the contractor has satisfied the judgment reported to the Board pursuant to section 8.5 of this act or is in full compliance with the requirements of chapters ~~612 and~~ 616A to 617, inclusive, of NRS, the Board shall conduct a hearing pursuant to NRS 624.291 and, if it is determined at the hearing that a second or subsequent offense has been committed within a 5-year period, revoke the contractor's license.

Sec. 8.5. Chapter 612 of NRS is hereby amended by adding thereto a new section to read as follows:

~~The Administrator shall f, at least once each calendar quarter, provide to the State Contractors' Board a list setting forth each contractor who is not in compliance with the provisions of this chapter regarding contributions or payments in lieu of contributions to the Fund. The list must include, to the~~

~~extent available, the name, address, telephone number, resident agent, principal owner and contractor's license number of the contractor.] notify the State Contractors' Board of any licensed contractor against whom a judgment is obtained for failure to pay contributions to the Unemployment Compensation Fund pursuant to this chapter.~~

**Sec. 8.6.** NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115, **and section 8.5 of this act**, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

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

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

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

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

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

(d) The Department of Taxation; and

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

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

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as

otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

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

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

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed

pursuant to chapters 363A and 363B of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

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

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

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

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

**Sec. 9.** This act becomes effective:

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks; and

2. On January 1, 2014, for all other purposes.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 650 to Assembly Bill No. 86.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Thank you, Madam Speaker. This amendment requires the State Contractor's Board to notify a contractor who fails to meet certain requirements as soon as practicable, requires a contractor to provide proof within 30 days after the date of notice sent by the board that the contractor has satisfied the judgment reported to the board, and requires the Office of the Labor Commissioner and the State Public Works Board to add the name of a contractor on the list of contractors who are disqualified or not prequalified to bid on public works as soon as practicable, but not more than three business days. Finally, it requires the Administrator of the Employment Security Division to notify the board of any contractor against whom a duly, viable judgment has been obtained for failure to pay contributions to the Unemployment Compensation Fund.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 95.

The following Senate amendment was read:

Amendment No. 766.

AN ACT relating to pharmacy; ~~requiring, with limited exceptions,~~ **revising provisions authorizing** a pharmacist or practitioner to indicate on a prescription label if a generic drug has been substituted for a drug prescribed by brand name; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes a pharmacist or practitioner to indicate on the label of a prescription that a generic drug has been substituted for a drug prescribed by brand name unless the indication is prohibited by the practitioner who prescribed the drug. (NRS 639.2587) This bill requires such an indication ~~in every circumstance where a~~ **the first time that the** generic drug is substituted for a drug prescribed by brand name unless the person for whom the drug is dispensed elects not to have such an indication written or typed on the label.

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

**Section 1.** NRS 639.2587 is hereby amended to read as follows:

639.2587 If a generic drug is substituted for a drug prescribed by brand name, the pharmacist or practitioner ~~;~~

~~1. Shall note~~ **shall:**

**1. Note** the name of the manufacturer, packer or distributor of the drug actually dispensed on the prescription; and

**2. ~~Unless prohibited by the practitioner, may indicate~~ Indicate** the substitution by writing or typing on the label the words "substituted for ~~it~~," **or substantially similar language**, following the generic name and preceding the brand name of the drug ~~;~~ **unless the person for whom the drug is**

*dispensed elects not to have such an indication written or typed on the label. The provisions of this subsection apply only to the initial substitution of the generic drug for a drug prescribed by brand name.*

**Sec. 2.** This act becomes effective on July 1, 2013.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 766 to Assembly Bill No. 95.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Thank you, Madam Speaker. This one provides that a pharmacist or practitioner must indicate that a generic drug is being substituted for a drug prescribed by brand name, only for the initial filing of the prescription.

Motion carried.

The following Senate amendment was read:

Amendment No. 819.

AN ACT relating to pharmacy; revising provisions authorizing a pharmacist or practitioner to indicate on a prescription label if a generic drug has been substituted for a drug prescribed by brand name; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes a pharmacist or practitioner to indicate on the label of a prescription that a generic drug has been substituted for a drug prescribed by brand name unless the indication is prohibited by the practitioner who prescribed the drug. (NRS 639.2587) This bill requires a pharmacist or practitioner to make such an indication ~~{the first time that the generic drug is substituted for a drug prescribed by brand name}~~ unless at the time the initial substitution of the generic drug is made, the person for whom the drug is dispensed elects not to have such an indication written or typed on the label. This bill further provides that an election by the person to indicate or not indicate a substitution on the label applies both to the fill and each refill of the same prescription.

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

**Section 1.** NRS 639.2587 is hereby amended to read as follows:

639.2587 If a generic drug is substituted for a drug prescribed by brand name, the pharmacist or practitioner ~~{~~

~~1. Shall note}~~ **shall:**

**1. Note** the name of the manufacturer, packer or distributor of the drug actually dispensed on the prescription; and

**2. ~~{Unless prohibited by the practitioner, may indicate}~~ Indicate** the substitution by writing or typing on the label the words "substituted for ~~{~~,



*or substantially similar language*, following the generic name and preceding the brand name of the drug ~~{}~~ ***unless , at the time the initial substitution of the generic drug for a drug prescribed by brand name is made, the person for whom the drug is dispensed elects not to have such an indication written or typed on the label.*** ~~*[The provisions of this subsection apply only to the initial substitution of the generic drug for a drug prescribed by brand name.]*~~ ***An election to indicate or not to indicate a substitution on the label pursuant to this subsection applies to both the fill and each refill of the same prescription.***

**Sec. 2.** This act becomes effective on July 1, 2013.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 819 to Assembly Bill No. 95.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Thank you, Madam Speaker. This one provides that an election by the person to indicate or not indicate a substitution on the label applies both to the fill and refill of the same prescription.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 170.

The following Senate amendment was read:

Amendment No. 838.

AN ACT relating to the advanced practice of nursing; replacing the term “advanced practitioner of nursing” with “advanced practice registered nurse”; making various other changes to provisions relating to the advanced practice of nursing; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes the State Board of Nursing to grant certain registered nurses a certificate of recognition as an advanced practitioner of nursing and sets forth the requirements for obtaining such certification. (NRS 632.237) This bill instead authorizes the Board to issue a license as an advanced practice registered nurse to certain registered nurses.

**Section 1.5** of this bill authorizes the Board to require an advanced practice registered nurse to maintain a policy of professional liability insurance in accordance with regulations adopted by the Board.

**Existing law authorizes, under certain circumstances, an advanced practice registered nurse to prescribe controlled substances. (NRS 632.237, 639.235) Sections 6, 7 and 13 of this bill prohibit an advanced practice registered nurse from prescribing a controlled substance listed in schedule II unless: (1) the nurse has at least 2 years or 2,000 hours of clinical experience; or (2) the controlled substance is**

**prescribed pursuant to a protocol approved by a collaborating physician.**

**Section 39** of this bill provides that a registered nurse who possesses a valid certificate of recognition as an advanced practitioner of nursing on the effective date of this bill shall be deemed to possess a license as an advanced practice registered nurse.

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

**Section 1.** NRS 630.021 is hereby amended to read as follows:

630.021 "Practice of respiratory care" includes:

1. Therapeutic and diagnostic use of medical gases, humidity and aerosols and the maintenance of associated apparatus;
2. The administration of drugs and medications to the cardiopulmonary system;
3. The provision of ventilatory assistance and control;
4. Postural drainage and percussion, breathing exercises and other respiratory rehabilitation procedures;
5. Cardiopulmonary resuscitation and maintenance of natural airways and the insertion and maintenance of artificial airways;
6. Carrying out the written orders of a physician, physician assistant, certified registered nurse anesthetist or an advanced ~~practitioner of nursing~~ **practice registered nurse** relating to respiratory care;
7. Techniques for testing to assist in diagnosis, monitoring, treatment and research related to respiratory care, including the measurement of ventilatory volumes, pressures and flows, collection of blood and other specimens, testing of pulmonary functions and hemodynamic and other related physiological monitoring of the cardiopulmonary system; and
8. Training relating to the practice of respiratory care.

**Sec. 1.5.** Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

***The Board may require an advanced practice registered nurse to maintain a policy of professional liability insurance in accordance with regulations adopted by the Board.***

**Sec. 2.** NRS 632.012 is hereby amended to read as follows:

632.012 "Advanced ~~practitioner of nursing~~ **practice registered nurse**" means a registered nurse who:

1. Has specialized skills, knowledge and experience; and
2. Is ~~authorized~~ **licensed** by the Board to provide services in addition to those that other registered nurses are authorized to provide.

**Sec. 3.** NRS 632.017 is hereby amended to read as follows:

632.017 "Practice of practical nursing" means the performance of selected acts in the care of the ill, injured or infirm under the direction of a registered professional nurse, an advanced ~~practitioner of nursing,~~ **practice registered nurse**, a licensed physician, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a licensed dentist or a licensed podiatric physician, not requiring the substantial specialized skill, judgment and knowledge required in professional nursing.

**Sec. 4.** NRS 632.018 is hereby amended to read as follows:

632.018 "Practice of professional nursing" means the performance of any act in the observation, care and counsel of the ill, injured or infirm, in the maintenance of health or prevention of illness of others, in the supervision and teaching of other personnel, in the administration of medications and treatments as prescribed by an advanced ~~practitioner of nursing,~~ **practice registered nurse**, a licensed physician, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a licensed dentist or a licensed podiatric physician, requiring substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical and social science, but does not include acts of medical diagnosis or prescription of therapeutic or corrective measures.

**Sec. 5.** NRS 632.030 is hereby amended to read as follows:

632.030 1. The Governor shall appoint:

(a) Three registered nurses who are graduates of an accredited school of nursing, are licensed as professional nurses in the State of Nevada and have been actively engaged in nursing for at least 5 years preceding the appointment.

(b) One practical nurse who is a graduate of an accredited school of practical nursing, is licensed as a practical nurse in this State and has been actively engaged in nursing for at least 5 years preceding the appointment.

(c) One nursing assistant who is certified pursuant to the provisions of this chapter.

(d) One member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

(e) One member who is a representative of the general public. This member must not be:

(1) A licensed practical nurse, a registered nurse, a nursing assistant or an advanced ~~practitioner of nursing,~~ **practice registered nurse**; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed practical nurse, a registered nurse, a nursing assistant or an advanced ~~practitioner of nursing,~~ **practice registered nurse**.

2. Each member of the Board must be:

- (a) A citizen of the United States; and
- (b) A resident of the State of Nevada who has resided in this State for not less than 2 years.

3. A representative of the general public may not:

- (a) Have a fiduciary obligation to a hospital or other health agency;
- (b) Have a material financial interest in the rendering of health services; or
- (c) Be employed in the administration of health activities or the performance of health services.

4. The members appointed to the Board pursuant to paragraphs (a) and (b) of subsection 1 must be selected to provide the broadest representation of the various activities, responsibilities and types of service within the practice of nursing and related areas, which may include, without limitation, experience:

- (a) In administration.
- (b) In education.
- (c) As an advanced ~~practitioner of nursing~~ **practice registered nurse**.
- (d) In an agency or clinic whose primary purpose is to provide medical assistance to persons of low and moderate incomes.
- (e) In a licensed medical facility.

5. Each member of the Board 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 chapter to replace that member for the remainder of the unexpired term.

6. No member of the Board may serve more than two consecutive terms. For the purposes of this subsection, service of 2 or more years in filling an unexpired term constitutes a term.

**Sec. 6.** NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may ~~grant a certificate of recognition~~ **issue a license to practice** as an advanced ~~practitioner of nursing~~ **practice registered nurse** to a registered nurse who has completed an educational program designed to prepare a registered nurse to:

- (a) Perform designated acts of medical diagnosis;
  - (b) Prescribe therapeutic or corrective measures; and
  - (c) Prescribe controlled substances, poisons, dangerous drugs and devices,
- ↪ and who meets the other requirements established by the Board for such ~~certification~~ **licensure**.

2. An advanced ~~practitioner of nursing~~ **practice registered nurse** may:

- (a) Engage in selected medical diagnosis and treatment; and
- (b) If authorized pursuant to NRS 639.2351 ~~and~~ **and subject to the limitations set forth in subsection 3**, prescribe controlled substances, poisons, dangerous drugs and devices. ~~and~~

~~↔ pursuant to a protocol approved by a collaborating physician. A protocol must not include and an advanced practitioner of nursing shall not engage in any diagnosis, treatment or other conduct which the advanced practitioner of nursing is not qualified to perform.~~

3. **An advanced practice registered nurse who is authorized to prescribe controlled substances, poisons, dangerous drugs and devices pursuant to NRS 639.2351 shall not prescribe a controlled substance listed in schedule II unless:**

**(a) The advanced practice registered nurse has at least 2 years or 2,000 hours of clinical experience; or**

**(b) The controlled substance is prescribed pursuant to a protocol approved by a collaborating physician.**

4. The Board shall adopt regulations:

(a) Specifying the training, education and experience necessary for ~~{certification}~~ **licensure** as an advanced ~~{practitioner of nursing}~~ **practice registered nurse**.

(b) Delineating the authorized scope of practice of an advanced ~~{practitioner of nursing}~~ **practice registered nurse**.

(c) Establishing the procedure for application for ~~{certification}~~ **licensure** as an advanced ~~{practitioner of nursing}~~ **practice registered nurse**.

Sec. 7. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may ~~{grant a certificate of recognition}~~ **issue a license to practice** as an advanced ~~{practitioner of nursing}~~ **practice registered nurse** to a registered nurse who:

(a) Has completed an educational program designed to prepare a registered nurse to:

(1) Perform designated acts of medical diagnosis;

(2) Prescribe therapeutic or corrective measures; and

(3) Prescribe controlled substances, poisons, dangerous drugs and devices;

(b) Except as otherwise provided in subsection ~~4.1.5~~, **5**, submits proof that he or she is certified as an advanced ~~{practitioner of nursing}~~ **practice registered nurse** by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor organizations, or any other nationally recognized certification agency approved by the Board; and

(c) Meets any other requirements established by the Board for such ~~{certification}~~ **licensure**.

2. An advanced ~~{practitioner of nursing}~~ **practice registered nurse** may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351 ~~††~~ and subject to the limitations set forth in subsection 3, prescribe controlled substances, poisons, dangerous drugs and devices. ~~††~~

↪ ~~pursuant to a protocol approved by a collaborating physician. A protocol must not include and an~~ *An advanced ~~practitioner of nursing~~ practice registered nurse* shall not engage in any diagnosis, treatment or other conduct which the advanced ~~practitioner of nursing~~ *practice registered nurse* is not qualified to perform.

3. *An advanced practice registered nurse who is authorized to prescribe controlled substances, poisons, dangerous drugs and devices pursuant to NRS 639.2351 shall not prescribe a controlled substance listed in schedule II unless:*

*(a) The advanced practice registered nurse has at least 2 years or 2,000 hours of clinical experience; or*

*(b) The controlled substance is prescribed pursuant to a protocol approved by a collaborating physician.*

4. The Board shall adopt regulations:

(a) Specifying any additional training, education and experience necessary for ~~certification~~ *licensure* as an advanced ~~practitioner of nursing~~ *practice registered nurse*.

(b) Delineating the authorized scope of practice of an advanced ~~practitioner of nursing~~ *practice registered nurse*.

(c) Establishing the procedure for application for ~~certification~~ *licensure* as an advanced ~~practitioner of nursing~~ *practice registered nurse*.

~~††~~ 5. The provisions of paragraph (b) of subsection 1 do not apply to an advanced ~~practitioner of nursing~~ *practice registered nurse* who obtains a ~~certificate of recognition~~ *license* before July 1, 2014.

Sec. 8. NRS 632.294 is hereby amended to read as follows:

632.294 1. A medication aide - certified may only administer authorized medications and perform related tasks at a designated facility under the supervision of an advanced ~~practitioner of nursing~~ *practice registered nurse* or a registered nurse and in accordance with standard protocols developed by the Board.

2. Except as otherwise provided by subsection 4, a medication aide - certified may only administer authorized medications by the following methods:

- (a) Orally;
- (b) Topically;
- (c) By the use of drops in the eye, ear or nose;
- (d) Vaginally;
- (e) Rectally;
- (f) Transdermally; and

(g) By the use of an oral inhaler.

3. Except as otherwise provided by subsection 4, a medication aide - certified shall not:

- (a) Receive, have access to or administer any controlled substance;
- (b) Administer parenteral or enteral medications;
- (c) Administer any substances by nasogastric or gastronomy tubes;
- (d) Calculate drug dosages;
- (e) Destroy medication;
- (f) Receive orders, either in writing or verbally, for new or changed medication;
- (g) Transcribe orders from medical records;
- (h) Order or administer initial medications;
- (i) Evaluate reports of medication errors;
- (j) Perform treatments;
- (k) Conduct patient assessments or evaluations;
- (l) Engage in teaching activities for patients; or
- (m) Engage in any activity prohibited pursuant to subsection 4.

4. The Board may adopt regulations authorizing or prohibiting any additional activities of a medication aide - certified.

5. As used in this section, “supervision” means active oversight of the patient care services provided by a medication aide - certified while on the premises of a designated facility.

**Sec. 9.** NRS 632.345 is hereby amended to read as follows:

632.345 1. The Board shall establish and may amend a schedule of fees and charges for the following items and within the following ranges:

	Not less than	Not more than
Application for license to practice professional nursing (registered nurse).....	\$45	\$100
Application for license to practice practical nursing.....	30	90
Application for temporary license to practice professional nursing or practical nursing pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular license, if the applicant applies for a license.....	15	50
Application for a certificate to practice as a nursing assistant or medication aide – certified.....	15	50
Application for a temporary certificate to practice as a nursing assistant pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular certificate, if the applicant applies for a		

certificate.....	5	40
Biennial fee for renewal of a license.....	40	100
Biennial fee for renewal of a certificate.....	20	50
Fee for reinstatement of a license.....	10	100
Application for <del>recognition</del> <b>a license to practice</b> as an advanced <del>practitioner of nursing</del> <b>practice</b> <b>registered nurse</b> .....	50	200
Application for recognition as a certified registered nurse anesthetist.....	50	200
Biennial fee for renewal of <del>recognition</del> <b>a license to</b> <b>practice</b> as an advanced <del>practitioner of nursing</del> <b>practice registered nurse</b> or certified registered nurse anesthetist.....	50	200
Examination fee for license to practice professional nursing.....	20	100
Examination fee for license to practice practical nursing.....	10	90
Rewriting examination for license to practice professional nursing.....	20	100
Rewriting examination for license to practice practical nursing.....	10	90
Duplicate license.....	5	30
Duplicate certificate.....	5	30
Proctoring examination for candidate from another state.....	25	150
Fee for approving one course of continuing education.....	10	50
Fee for reviewing one course of continuing education which has been changed since approval.....	5	30
Annual fee for approval of all courses of continuing education offered.....	100	500
Annual fee for review of training program.....	60	100
Certification examination.....	10	90
Approval of instructors of training programs.....	50	100
Approval of proctors for certification examinations.....	20	50
Approval of training programs.....	50	250
Validation of licensure or certification.....	5	25

2. The Board may collect the fees and charges established pursuant to this section, and those fees or charges must not be refunded.

**Sec. 10.** NRS 637A.243 is hereby amended to read as follows:



637A.243 1. A hearing aid specialist licensed pursuant to this chapter may sell hearing aids by catalog or mail if:

(a) The hearing aid specialist has received a written statement signed by a physician licensed pursuant to chapter 630 or 633 of NRS, an advanced ~~practitioner of nursing~~ **practice registered nurse** licensed pursuant to ~~chapter 632 of NRS,~~ **NRS 632.237**, an audiologist licensed pursuant to chapter 637B of NRS or a hearing aid specialist licensed pursuant to this chapter which verifies that he or she has performed an otoscopic examination of that person and that the results of the examination indicate that the person may benefit from the use of a hearing aid;

(b) The hearing aid specialist has received a written statement signed by a physician licensed pursuant to chapter 630 or 633 of NRS, audiologist licensed pursuant to chapter 637B of NRS or a hearing aid specialist licensed pursuant to this chapter which verifies that he or she has performed an audiometric examination of that person in compliance with regulations adopted by the Board and that the results of the examination indicate that the person may benefit from the use of a hearing aid;

(c) The hearing aid specialist has received a written statement signed by a hearing aid specialist licensed pursuant to this chapter which verifies that an ear impression has been taken; and

(d) The person has signed a statement acknowledging that the licensee is selling him or her the hearing aid by catalog or mail based upon the information submitted by the person in accordance with this section.

2. A hearing aid specialist who sells hearing aids by catalog or mail shall maintain a record of each sale of a hearing aid made pursuant to this section for not less than 5 years.

3. The Board may adopt regulations to carry out the provisions of this section, including, without limitation, the information which must be included in each record required to be maintained pursuant to subsection 2.

**Sec. 11.** NRS 639.0015 is hereby amended to read as follows:

639.0015 "Advanced ~~practitioner of nursing~~ **practice registered nurse**" means a registered nurse who holds a valid ~~certificate of recognition~~ **license** as an advanced ~~practitioner of nursing~~ **practice registered nurse** issued by the State Board of Nursing ~~+~~ **pursuant to NRS 632.237.**

**Sec. 12.** NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced ~~practitioner of nursing~~ **practice registered nurse** who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers therapeutic pharmaceutical agents within the scope of his or her certification.

**Sec. 13.** NRS 639.1375 is hereby amended to read as follows:

639.1375 1. ~~As~~ **Subject to the limitations set forth in NRS 632.237,** ~~an advanced practitioner of nursing~~ **practice registered nurse** may dispense controlled substances, poisons, dangerous drugs and devices if the advanced ~~practitioner of nursing~~ **practice registered nurse:**

(a) Passes an examination administered by the State Board of Nursing on Nevada law relating to pharmacy and submits to the State Board of Pharmacy evidence of passing that examination;

(b) Is authorized to do so by the State Board of Nursing in a ~~certificate~~ **license** issued by that Board; and

(c) Applies for and obtains a certificate of registration from the State Board of Pharmacy and pays the fee set by a regulation adopted by the Board. The Board may set a single fee for the collective certification of advanced ~~practitioners of nursing~~ **practice registered nurses** in the employ of a public or nonprofit agency and a different fee for the individual certification of other advanced ~~practitioners of nursing~~ **practice registered nurses.**

2. The State Board of Pharmacy shall consider each application from an advanced ~~practitioner of nursing~~ **practice registered nurse** separately, and may:

(a) Issue a certificate of registration limiting:

(1) The authority of the advanced ~~practitioner of nursing~~ **practice registered nurse** to dispense controlled substances, poisons, dangerous drugs and devices;

(2) The area in which the advanced ~~practitioner of nursing~~ **practice registered nurse** may dispense;

(3) The kind and amount of controlled substances, poisons, dangerous drugs and devices which the certificate permits the advanced ~~practitioner of nursing~~ **practice registered nurse** to dispense; and

(4) The practice of the advanced ~~practitioner of nursing~~ **practice registered nurse** which involves controlled substances, poisons, dangerous drugs and devices in any manner which the Board finds necessary to protect the health, safety and welfare of the public;

(b) Issue a certificate of registration without any limitation not contained in the ~~certificate~~ **license** issued by the State Board of Nursing; or

(c) Refuse to issue a certificate of registration, regardless of the provisions of the ~~certificate~~ **license** issued by the State Board of Nursing.

3. If a certificate of registration issued pursuant to this section is suspended or revoked, the Board may also suspend or revoke the registration of the physician for and with whom the advanced ~~practitioner of nursing~~ **practice registered nurse** is in practice to dispense controlled substances.

4. The Board shall adopt regulations setting forth the maximum amounts of any controlled substance, poison, dangerous drug and devices which an advanced ~~practitioner of nursing~~ **practice registered nurse** who holds a certificate from the Board may dispense, the conditions under which they must be stored, transported and safeguarded, and the records which each such nurse shall keep. In adopting its regulations, the Board shall consider:

(a) The areas in which an advanced ~~practitioner of nursing~~ **practice registered nurse** who holds a certificate from the Board can be expected to practice and the populations of those areas;

(b) The experience and training of the **advanced practice registered** nurse;

(c) Distances between areas of practice and the nearest hospitals and physicians;

(d) **Whether the advanced practice registered nurse is authorized to prescribe a controlled substance listed in schedule II pursuant to a protocol approved by a collaborating physician;**

(e) Effects on the health, safety and welfare of the public; and

~~(e)~~ (f) Other factors which the Board considers important to the regulation of the practice of advanced ~~practitioners of nursing~~ **practice registered nurses** who hold certificates from the Board.

**Sec. 14.** NRS 639.2351 is hereby amended to read as follows:

639.2351 1. An advanced ~~practitioner of nursing~~ **practice registered nurse** may prescribe, in accordance with NRS 454.695 and 632.237,

controlled substances, poisons, dangerous drugs and devices if the advanced ~~practitioner of nursing~~ **practice registered nurse**:

(a) Is authorized to do so by the State Board of Nursing in a ~~certificate~~ **license** issued by that Board; and

(b) Applies for and obtains a certificate of registration from the State Board of Pharmacy and pays the fee set by a regulation adopted by the Board.

2. The State Board of Pharmacy shall consider each application from an advanced ~~practitioner of nursing~~ **practice registered nurse** separately, and may:

(a) Issue a certificate of registration; or

(b) Refuse to issue a certificate of registration, regardless of the provisions of the ~~certificate~~ **license** issued by the State Board of Nursing.

**Sec. 15.** NRS 639.2589 is hereby amended to read as follows:

639.2589 1. The form used for any prescription which is issued or intended to be filled in this state must contain a line for the signature of the practitioner.

2. Substitutions may be made in filling prescriptions contained in the orders of a physician, or of an advanced ~~practitioner of nursing~~ **practice registered nurse** who is a practitioner, in a facility for skilled nursing or facility for intermediate care.

3. Substitutions may be made in filling prescriptions ordered on a patient's chart in a hospital if the hospital's medical staff has approved a formulary for specific generic substitutions.

**Sec. 16.** NRS 640E.260 is hereby amended to read as follows:

640E.260 1. A licensed dietitian shall provide nutrition services to assist a person in achieving and maintaining proper nourishment and care of his or her body, including, without limitation:

(a) Assessing the nutritional needs of a person and determining resources for and constraints in meeting those needs by obtaining, verifying and interpreting data;

(b) Determining the metabolism of a person and identifying the food, nutrients and supplements necessary for growth, development, maintenance or attainment of proper nourishment of the person;

(c) Considering the cultural background and socioeconomic needs of a person in achieving or maintaining proper nourishment;

(d) Identifying and labeling nutritional problems of a person;

(e) Recommending the appropriate method of obtaining proper nourishment, including, without limitation, orally, intravenously or through a feeding tube;

(f) Providing counseling, advice and assistance concerning health and disease with respect to the nutritional intake of a person;

(g) Establishing priorities, goals and objectives that meet the nutritional needs of a person and are consistent with the resources of the person, including, without limitation, providing instruction on meal preparation;

(h) Treating nutritional problems of a person and identifying patient outcomes to determine the progress made by the person;

(i) Planning activities to change the behavior, risk factors, environmental conditions or other aspects of the health and nutrition of a person, a group of persons or the community at large;

(j) Developing, implementing and managing systems to provide care related to nutrition;

(k) Evaluating and maintaining appropriate standards of quality in the services provided;

(l) Accepting and transmitting verbal and electronic orders from a physician consistent with an established protocol to implement medical nutrition therapy; and

(m) Ordering medical laboratory tests relating to the therapeutic treatment concerning the nutritional needs of a patient when authorized to do so by a written protocol prepared or approved by a physician.

2. A licensed dietitian may use medical nutrition therapy to manage, treat or rehabilitate a disease, illness, injury or medical condition of a patient, including, without limitation:

(a) Interpreting data and recommending the nutritional needs of the patient through methods such as diet, feeding tube, intravenous solutions or specialized oral feedings;

(b) Determining the interaction between food and drugs prescribed to the patient; and

(c) Developing and managing operations to provide food, care and treatment programs prescribed by a physician, physician assistant, dentist, advanced ~~practitioner of nursing~~ **practice registered nurse** or podiatric physician that monitor or alter the food and nutrient levels of the patient.

3. A licensed dietitian shall not provide medical diagnosis of the health of a person.

**Sec. 17.** NRS 433A.165 is hereby amended to read as follows:

433A.165 1. Before a person alleged to be a person with mental illness may be admitted to a public or private mental health facility pursuant to NRS 433A.160, the person must:

(a) First be examined by a licensed physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS or an advanced ~~practitioner of nursing~~ **practice registered nurse licensed pursuant to NRS 632.237** at any location where such a physician, physician assistant or advanced ~~practitioner of nursing~~ **practice registered nurse** is authorized to conduct

such an examination to determine whether the person has a medical problem, other than a psychiatric problem, which requires immediate treatment; and

(b) If such treatment is required, be admitted for the appropriate medical care:

(1) To a hospital if the person is in need of emergency services or care; or

(2) To another appropriate medical facility if the person is not in need of emergency services or care.

2. If a person with a mental illness has a medical problem in addition to a psychiatric problem which requires medical treatment that requires more than 72 hours to complete, the licensed physician, ~~for~~ physician assistant ~~licensed pursuant to chapter 630 or 633 of NRS or an~~ *or* advanced ~~practitioner of nursing~~ *practice registered nurse* who examined the person must:

(a) On the first business day after determining that such medical treatment is necessary file with the clerk of the district court a written petition to admit the person to a public or private mental health facility pursuant to NRS 433A.160 after the medical treatment has been completed. The petition must:

(1) Include, without limitation, the medical condition of the person and the purpose for continuing the medical treatment of the person; and

(2) Be accompanied by a copy of the application for the emergency admission of the person required pursuant to NRS 433A.160 and the certificate required pursuant to NRS 433A.170.

(b) Seven days after filing a petition pursuant to paragraph (a) and every 7 days thereafter, file with the clerk of the district court an update on the medical condition and treatment of the person.

3. The examination and any transfer of the person from a facility when the person has an emergency medical condition and has not been stabilized must be conducted in compliance with:

(a) The requirements of 42 U.S.C. § 1395dd and any regulations adopted pursuant thereto, and must involve a person authorized pursuant to federal law to conduct such an examination or certify such a transfer; and

(b) The provisions of NRS 439B.410.

4. The cost of the examination must be paid by the county in which the person alleged to be a person with mental illness resides if services are provided at a county hospital located in that county or a hospital or other medical facility designated by that county, unless the cost is voluntarily paid by the person alleged to be a person with mental illness or, on the person's behalf, by his or her insurer or by a state or federal program of medical assistance.

5. The county may recover all or any part of the expenses paid by it, in a civil action against:

- (a) The person whose expenses were paid;
- (b) The estate of that person; or
- (c) A responsible relative as prescribed in NRS 433A.610, to the extent that financial ability is found to exist.

6. The cost of treatment, including hospitalization, for a person who is indigent must be paid pursuant to NRS 428.010 by the county in which the person alleged to be a person with mental illness resides.

7. The provisions of this section do not require the Division to provide examinations required pursuant to subsection 1 at a Division facility if the Division does not have the:

(a) Appropriate staffing levels of physicians, physician assistants, advanced ~~practitioners of nursing~~ *practice registered nurses* or other appropriate staff available at the facility as the Division determines is necessary to provide such examinations; or

(b) Appropriate medical laboratories as the Division determines is necessary to provide such examinations.

8. The Division shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that:

(a) Define “emergency services or care” as that term is used in this section; and

(b) Prescribe the type of medical facility that a person may be admitted to pursuant to subparagraph (2) of paragraph (b) of subsection 1.

9. As used in this section, “medical facility” has the meaning ascribed to it in NRS 449.0151.

**Sec. 18.** NRS 442.119 is hereby amended to read as follows:

442.119 As used in NRS 442.119 to 442.1198, inclusive, unless the context otherwise requires:

1. “Health officer” includes a local health officer, a city health officer, a county health officer and a district health officer.

2. “Medicaid” has the meaning ascribed to it in NRS 439B.120.

3. “Medicare” has the meaning ascribed to it in NRS 439B.130.

4. “Provider of prenatal care” means:

(a) A physician who is licensed in this State and certified in obstetrics and gynecology, family practice, general practice or general surgery.

(b) A certified nurse midwife who is licensed by the State Board of Nursing.

(c) An advanced ~~practitioner of nursing~~ *practice registered nurse who is licensed by the State Board of Nursing pursuant to NRS 632.237 and* who has specialized skills and training in obstetrics or family nursing.

(d) A physician assistant licensed pursuant to chapter 630 or 633 of NRS who has specialized skills and training in obstetrics or family practice.

**Sec. 19.** NRS 449.0175 is hereby amended to read as follows:

449.0175 "Rural clinic" means a facility located in an area that is not designated as an urban area by the Bureau of the Census, where medical services are provided by a physician assistant licensed pursuant to chapter 630 or 633 of NRS or an advanced ~~practitioner of nursing~~ **practice registered nurse licensed pursuant to NRS 632.237** who is under the supervision of a licensed physician.

**Sec. 20.** NRS 453.023 is hereby amended to read as follows:

453.023 "Advanced ~~practitioner of nursing~~" **practice registered nurse** means a registered nurse who holds a valid ~~certificate of recognition~~ **license** as an advanced ~~practitioner of nursing~~ **practice registered nurse** issued by the State Board of Nursing ~~+~~ **pursuant to NRS 632.237.**

**Sec. 21.** NRS 453.038 is hereby amended to read as follows:

453.038 "Chart order" means an order entered on the chart of a patient:

1. In a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the Health Division of the Department; or

2. Under emergency treatment in a hospital by a physician, advanced ~~practitioner of nursing~~ **practice registered nurse**, dentist or podiatric physician, or on the written or oral order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, advanced ~~practitioner of nursing~~ **practice registered nurse**, dentist or podiatric physician authorizing the administration of a drug to the patient.

**Sec. 22.** NRS 453.091 is hereby amended to read as follows:

453.091 1. "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

2. "Manufacture" does not include the preparation, compounding, packaging or labeling of a substance by a pharmacist, physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, advanced ~~practitioner of nursing~~ **practice registered nurse** or veterinarian:

(a) As an incident to the administering or dispensing of a substance in the course of his or her professional practice; or

(b) By an authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.



**Sec. 23.** NRS 453.126 is hereby amended to read as follows:

453.126 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State and is registered pursuant to this chapter.

2. An advanced ~~practitioner of nursing~~ **practice registered nurse** who holds ~~a certificate from the State Board of Nursing and~~ a certificate from the State Board of Pharmacy authorizing him or her to dispense or to prescribe and dispense controlled substances.

3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he or she possesses or administers sodium pentobarbital pursuant to his or her license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. A physician assistant who:

(a) Holds a license from the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers therapeutic pharmaceutical agents within the scope of his or her certification.

**Sec. 24.** NRS 453.128 is hereby amended to read as follows:

453.128 1. "Prescription" means:

(a) An order given individually for the person for whom prescribed, directly from a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced ~~practitioner of nursing~~ **practice registered nurse** or veterinarian, or his or her agent, to a pharmacist or indirectly by means of an order signed by the practitioner or an electronic transmission from the practitioner to a pharmacist; or

(b) A chart order written for an inpatient specifying drugs which he or she is to take home upon his or her discharge.

2. The term does not include a chart order written for an inpatient for use while he or she is an inpatient.

**Sec. 25.** NRS 453.226 is hereby amended to read as follows:

453.226 1. Every practitioner or other person who dispenses any controlled substance within this State or who proposes to engage in the dispensing of any controlled substance within this State shall obtain biennially a registration issued by the Board in accordance with its regulations.

2. A person registered by the Board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, to dispense or conduct research with controlled substances may possess, dispense or conduct research with those substances to the extent authorized by the registration and in conformity with the other provisions of those sections.

3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive:

(a) An agent or employee of a registered dispenser of a controlled substance if he or she is acting in the usual course of his or her business or employment;

(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced ~~practitioner of nursing,~~ *practice registered nurse*, podiatric physician or veterinarian or in lawful possession of a schedule V substance; or

(d) A physician who:

(1) Holds a locum tenens license issued by the Board of Medical Examiners or a temporary license issued by the State Board of Osteopathic Medicine; and

(2) Is registered with the Drug Enforcement Administration at a location outside this State.

4. The Board may waive the requirement for registration of certain dispensers if it finds it consistent with the public health and safety.

5. A separate registration is required at each principal place of business or professional practice where the applicant dispenses controlled substances.

6. The Board may inspect the establishment of a registrant or applicant for registration in accordance with the Board's regulations.

**Sec. 26.** NRS 453.336 is hereby amended to read as follows:

453.336 1. A person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced ~~practitioner of nursing~~ **practice registered nurse** or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$600; or

(2) Examined by an approved facility for the treatment of abuse of drugs to determine whether the person is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that the person is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. As used in this section, “controlled substance” includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

**Sec. 27.** NRS 453.371 is hereby amended to read as follows:

453.371 As used in NRS 453.371 to 453.552, inclusive:

~~1. “Advanced practitioner of nursing” means a person who holds a certificate of recognition granted pursuant to NRS 632.237 and is registered with the Board.~~

~~2.1~~ “Medical intern” means a medical graduate acting as an assistant in a hospital for the purpose of clinical training.

~~3.1~~ **2.** “Pharmacist” means a person who holds a certificate of registration issued pursuant to NRS 639.127 and is registered with the Board.

~~4.1~~ **3.** “Physician,” “dentist,” “podiatric physician,” “veterinarian” and “euthanasia technician” mean persons authorized by a license to practice their respective professions in this State who are registered with the Board.

~~5.1~~ **4.** “Physician assistant” means a person who is registered with the Board and:

(a) Holds a license issued pursuant to NRS 630.273; or

(b) Holds a license issued pursuant to NRS 633.433.

**Sec. 28.** NRS 453.375 is hereby amended to read as follows:

453.375 A controlled substance may be possessed and administered by the following persons:

1. A practitioner.

2. A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, physician assistant, dentist, podiatric physician or advanced ~~practitioner of nursing,~~ **practice registered nurse**, or pursuant to a chart order, for administration to a patient at another location.

3. An advanced emergency medical technician:

(a) As authorized by regulation of:

(1) The State Board of Health in a county whose population is less than 100,000; or

(2) A county or district board of health in a county whose population is 100,000 or more; and

(b) In accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

4. A respiratory therapist, at the direction of a physician or physician assistant.

5. A medical student, student in training to become a physician assistant or student nurse in the course of his or her studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician or physician assistant and:

(a) In the presence of a physician, physician assistant or a registered nurse; or

(b) Under the supervision of a physician, physician assistant or a registered nurse if the student is authorized by the college or school to administer the substance outside the presence of a physician, physician assistant or nurse.

↪ A medical student or student nurse may administer a controlled substance in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

6. An ultimate user or any person whom the ultimate user designates pursuant to a written agreement.

7. Any person designated by the head of a correctional institution.

8. A veterinary technician at the direction of his or her supervising veterinarian.

9. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

10. In accordance with applicable regulations of the State Board of Pharmacy, an animal control officer, a wildlife biologist or an employee designated by a federal, state or local governmental agency whose duties include the control of domestic, wild and predatory animals.

11. A person who is enrolled in a training program to become an advanced emergency medical technician, respiratory therapist or veterinary technician if the person possesses and administers the controlled substance in the same manner and under the same conditions that apply, respectively, to an advanced emergency medical technician, respiratory therapist or veterinary technician who may possess and administer the controlled substance, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

**Sec. 29.** NRS 453.381 is hereby amended to read as follows:

453.381 1. In addition to the limitations imposed by NRS 453.256 and 453.3611 to 453.3648, inclusive, a physician, physician assistant, dentist, advanced ~~practitioner of nursing,~~ **practice registered nurse** or podiatric physician may prescribe or administer controlled substances only for a legitimate medical purpose and in the usual course of his or her professional practice, and he or she shall not prescribe, administer or dispense a controlled substance listed in schedule II for himself or herself, his or her spouse or his or her children except in cases of emergency.

2. A veterinarian, in the course of his or her professional practice only, and not for use by a human being, may prescribe, possess and administer controlled substances, and the veterinarian may cause them to be administered by a veterinary technician under the direction and supervision of the veterinarian.

3. A euthanasia technician, within the scope of his or her license, and not for use by a human being, may possess and administer sodium pentobarbital.

4. A pharmacist shall not fill an order which purports to be a prescription if the pharmacist has reason to believe that it was not issued in the usual course of the professional practice of a physician, physician assistant, dentist, advanced ~~practitioner of nursing,~~ **practice registered nurse**, podiatric physician or veterinarian.

5. Any person who has obtained from a physician, physician assistant, dentist, advanced ~~practitioner of nursing,~~ **practice registered nurse**, podiatric physician or veterinarian any controlled substance for administration to a patient during the absence of the physician, physician assistant, dentist, advanced ~~practitioner of nursing,~~ **practice registered nurse**, podiatric physician or veterinarian shall return to him or her any unused portion of the substance when it is no longer required by the patient.

6. A manufacturer, wholesale supplier or other person legally able to furnish or sell any controlled substance listed in schedule II shall not provide samples of such a controlled substance to registrants.

7. A salesperson of any manufacturer or wholesaler of pharmaceuticals shall not possess, transport or furnish any controlled substance listed in schedule II.

8. A person shall not dispense a controlled substance in violation of a regulation adopted by the Board.

**Sec. 30.** NRS 453.391 is hereby amended to read as follows:

453.391 A person shall not:

1. Unlawfully take, obtain or attempt to take or obtain a controlled substance or a prescription for a controlled substance from a manufacturer, wholesaler, pharmacist, physician, physician assistant, dentist, advanced

~~practitioner of nursing,~~ **practice registered nurse**, veterinarian or any other person authorized to administer, dispense or possess controlled substances.

2. While undergoing treatment and being supplied with any controlled substance or a prescription for any controlled substance from one practitioner, knowingly obtain any controlled substance or a prescription for a controlled substance from another practitioner without disclosing this fact to the second practitioner.

**Sec. 31.** NRS 454.0015 is hereby amended to read as follows:

454.0015 "Advanced ~~practitioner of nursing~~" **practice registered nurse**" means a registered nurse who holds a valid ~~certificate of recognition~~ **license** as an advanced ~~practitioner of nursing~~ **practice registered nurse** issued by the State Board of Nursing ~~+~~ **pursuant to NRS 632.237.**

**Sec. 32.** NRS 454.00958 is hereby amended to read as follows:

454.00958 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced ~~practitioner of nursing~~ **practice registered nurse** who holds ~~+~~ **a certificate from the State Board of Nursing and** a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer dangerous drugs pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

**Sec. 33.** NRS 454.213 is hereby amended to read as follows:

454.213 A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

1. A practitioner.

2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

3. Except as otherwise provided in subsection 4, a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced

~~practitioner of nursing,~~ **practice registered nurse**, or pursuant to a chart order, for administration to a patient at another location.

4. In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(a) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(b) Acting under the direction of the medical director of that agency or facility who works in this State.

5. A medication aide - certified at a designated facility under the supervision of an advanced ~~practitioner of nursing,~~ **practice registered nurse** or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this subsection, “designated facility” has the meaning ascribed to it in NRS 632.0145.

6. Except as otherwise provided in subsection 7, an intermediate emergency medical technician or an advanced emergency medical technician, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(a) The State Board of Health in a county whose population is less than 100,000;

(b) A county board of health in a county whose population is 100,000 or more; or

(c) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

7. An intermediate emergency medical technician or an advanced emergency medical technician who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

8. A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

9. A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

10. A medical student or student nurse in the course of his or her studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse; or

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.



↪ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

11. Any person designated by the head of a correctional institution.

12. An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

13. A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

14. A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

15. A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

16. A physical therapist, but only if the drug or medicine is a topical drug which is:

(a) Used for cooling and stretching external tissue during therapeutic treatments; and

(b) Prescribed by a licensed physician for:

(1) Iontophoresis; or

(2) The transmission of drugs through the skin using ultrasound.

17. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

18. A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

19. In accordance with applicable regulations of the Board, a registered pharmacist who:

(a) Is trained in and certified to carry out standards and practices for immunization programs;

(b) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(c) Administers immunizations in compliance with the “Standards for Immunization Practices” recommended and approved by the Advisory Committee on Immunization Practices.

20. A registered pharmacist pursuant to written guidelines and protocols developed and approved pursuant to NRS 639.2809.

21. A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear

medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

22. A medical assistant, in accordance with applicable regulations of the:

(a) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(b) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

**Sec. 34.** NRS 454.215 is hereby amended to read as follows:

454.215 A dangerous drug may be dispensed by:

1. A registered pharmacist upon the legal prescription from a practitioner or to a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge;

2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer;

3. A practitioner, or a physician assistant licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;

4. A registered nurse, when the nurse is engaged in the performance of any public health program approved by the Board;

5. A medical intern in the course of his or her internship;

6. An advanced ~~practitioner of nursing~~ **practice registered nurse** who holds ~~a certificate from the State Board of Nursing and~~ a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;

7. A registered nurse employed at an institution of the Department of Corrections to an offender in that institution;

8. A registered pharmacist from an institutional pharmacy pursuant to regulations adopted by the Board; or

9. A registered nurse to a patient at a rural clinic that is designated as such pursuant to NRS 433.233 and that is operated by the Division of Mental Health and Developmental Services of the Department of Health and Human Services if the nurse is providing mental health services at the rural clinic,

↪ except that no person may dispense a dangerous drug in violation of a regulation adopted by the Board.

**Sec. 35.** NRS 454.221 is hereby amended to read as follows:

454.221 1. A person who furnishes any dangerous drug except upon the prescription of a practitioner is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless the dangerous drug was obtained originally by a legal prescription.

2. The provisions of this section do not apply to the furnishing of any dangerous drug by:

(a) A practitioner to his or her patients;

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;

(c) A registered nurse while participating in a public health program approved by the Board, or an advanced ~~practitioner of nursing~~ **practice registered nurse** who holds ~~a certificate from the State Board of Nursing and~~ a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;

(d) A manufacturer or wholesaler or pharmacy to each other or to a practitioner or to a laboratory under records of sales and purchases that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity;

(e) A hospital pharmacy or a pharmacy so designated by a county health officer in a county whose population is 100,000 or more, or by a district health officer in any county within its jurisdiction or, in the absence of either, by the State Health Officer or the State Health Officer's designated Medical Director of Emergency Medical Services, to a person or agency described in subsection 3 of NRS 639.268 to stock ambulances or other authorized vehicles or replenish the stock; or

(f) A pharmacy in a correctional institution to a person designated by the Director of the Department of Corrections to administer a lethal injection to a person who has been sentenced to death.

**Sec. 36.** NRS 454.480 is hereby amended to read as follows:

454.480 1. Hypodermic devices which are not restricted by federal law to sale by or on the order of a physician may be sold by a pharmacist, or by a person in a pharmacy under the direction of a pharmacist, on the prescription of a physician, dentist or veterinarian, or of an advanced ~~practitioner of nursing~~ **practice registered nurse** who is a practitioner. Those prescriptions must be filed as required by NRS 639.236, and may be refilled as authorized by the prescriber. Records of refilling must be maintained as required by NRS 639.2393 to 639.2397, inclusive.

2. Hypodermic devices which are not restricted by federal law to sale by or on the order of a physician may be sold without prescription for the following purposes:

- (a) For use in the treatment of persons having asthma or diabetes.
- (b) For use in injecting intramuscular or subcutaneous medications prescribed by a practitioner for the treatment of human beings.
- (c) For use in an ambulance or by a fire-fighting agency for which a permit is held pursuant to NRS 450B.200 or 450B.210.
- (d) For the injection of drugs in animals or poultry.
- (e) For commercial or industrial use or use by jewelers or other merchants having need for those devices in the conduct of their business, or by hobbyists if the seller is satisfied that the device will be used for legitimate purposes.
- (f) For use by funeral directors and embalmers, licensed medical technicians or technologists, or research laboratories.

**Sec. 37.** NRS 454.695 is hereby amended to read as follows:

454.695 ~~1-1~~ An advanced ~~practitioner of nursing~~ **practice registered nurse** may prescribe poisons, dangerous drugs and devices for legitimate medical purposes in accordance with ~~1-~~

- ~~(a) The certificates~~ **the certificate** he or she holds from the Board and the **license issued by the** State Board of Nursing. ~~1- and~~
- ~~(b) The protocol which is approved by the State Board of Nursing.~~

~~2. For the purposes of this section, "protocol" means the written agreement between a physician and an advanced practitioner of nursing which sets forth matters including the:~~

- ~~(a) Patients which the advanced practitioner of nursing may serve;~~
- ~~(b) Specific poisons, dangerous drugs and devices which the advanced practitioner of nursing may prescribe; and~~
- ~~(c) Conditions under which the advanced practitioner of nursing must directly refer the patient to the physician.]~~

**Sec. 38.** NRS 616C.115 is hereby amended to read as follows:

616C.115 1. Except as otherwise provided in subsection 2, a physician or advanced ~~practitioner of nursing~~ **practice registered nurse** shall prescribe for an injured employee a generic drug in lieu of a drug with a brand name if the generic drug is biologically equivalent and has the same active ingredient or ingredients of the same strength, quantity and form of dosage as the drug with a brand name.

2. A physician or advanced ~~practitioner of nursing~~ **practice registered nurse** is not required to comply with the provisions of subsection 1 if:

- (a) The physician or advanced ~~practitioner of nursing~~ **practice registered nurse** determines that the generic drug would not be beneficial to the health of the injured employee; or

(b) The generic drug is higher in cost than the drug with a brand name.

**Sec. 39.** A person who, on July 1, 2013, possesses a valid certificate of recognition as an advanced practitioner of nursing that was granted on or before June 30, 2013, by the State Board of Nursing pursuant to NRS 632.237 shall be deemed to hold a license as an advanced practice registered nurse issued by the Board pursuant to NRS 632.237, as amended by section 6 of this act.

**Sec. 39.5.** The provisions of this act are not intended to expand the scope of practice of an advanced practice registered nurse beyond the scope of practice delineated by the State Board of Nursing in regulations adopted pursuant to NRS 632.237 or otherwise authorized by specific statute.

**Sec. 40.** In preparing supplements to the Nevada Administrative Code, the Legislative Counsel shall make such changes as necessary so that references to “advanced practitioner of nursing” are replaced with “advanced practice registered nurse.”

**Sec. 41.** 1. This section and sections 1 to 6, inclusive, and 8 to 40, inclusive, of this act become effective on July 1, 2013.

2. Section 7 of this act becomes effective on July 1, 2014.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 838 to Assembly Bill No. 170.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Thank you, Madam Speaker. This amendment prohibits an advanced practice registered nurse from prescribing a controlled substance listed in Schedule 2 unless the nurse has at least two years or 2,000 hours of clinical experience with a controlled substance as prescribed pursuant to a protocol approved by a collaborating physician.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 181.

The following Senate amendment was read:

Amendment No. 651.

AN ACT relating to employment; prohibiting employers from conditioning employment on access to an employee’s social media account; prohibiting a person from requesting or considering a consumer report for purposes relating to employment except under certain circumstances; revising provisions relating to the release of a consumer report that is subject to a security freeze; providing civil remedies; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law establishes various unlawful employment practices. (Chapter 613 of NRS) This bill prohibits an employer from conditioning the

employment of an employee or prospective employee on his or her disclosure of the user name, password or any other information that provides access to the employee's or prospective employee's personal social media account. This bill also prohibits an employer from taking certain employment actions based on the refusal of an employee or prospective employee to disclose such information. This bill further provides, however, that it is not unlawful for an employer to require an employee to disclose his or her user name, password or any other information to an account or a service, other than a personal social media account, for the purpose of accessing the employer's own internal computer or information system.

Under existing law, a person who complies with the requirements of the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq., and chapter 598C of NRS is allowed to obtain a consumer report for purposes relating to the employment of the consumer. **Sections 3 and 4** of this bill prohibit a person from requesting or considering a consumer report for purposes of evaluating a consumer for employment, promotion, reassignment or retention as an employee unless: (1) the use of the report is required or authorized by state or federal law; (2) the person reasonably believes that the consumer has engaged in specific activity which may constitute a violation of state or federal law and is likely to be reflected in the report; or (3) the information in the report is reasonably related to the position for which the consumer is being evaluated.

Existing law provides that if a consumer places a security freeze on his or her file maintained by a credit reporting agency, the agency is not allowed to release the consumer report without the consumer's consent except for certain purposes, which include certain purposes relating to employment of the consumer. (NRS 598C.350, 598C.380) **Section 5** of this bill revises the scope of that exception to conform with **section 4**.

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

**Section 1.** Chapter 613 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2. 1. *It is unlawful for any employer in this State to:***

*(a) Directly or indirectly, require, request, suggest or cause any employee or prospective employee to disclose the user name, password or any other information that provides access to his or her personal social media account.*

*(b) Discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against any employee or prospective employee who refuses, declines or fails to*

*disclose the user name, password or any other information that provides access to his or her personal social media account.*

*2. It is not unlawful for an employer in this State to require an employee to disclose the user name, password or any other information to an account or a service, other than a personal social media account, for the purpose of accessing the employer's own internal computer or information system.*

*3. Nothing in this section shall be construed to prevent an employer from complying with any state or federal law or regulation or with any rule of a self-regulatory organization, as defined in NRS 90.300.*

*4. As used in this section, "social media account" means any electronic service or account or electronic content, including, without limitation, videos, photographs, blogs, video blogs, podcasts, instant and text messages, electronic mail programs or services, online services or Internet website profiles.*

*Sec. 3. 1. Except as otherwise provided in section 4 of this act, a person shall not request or consider a consumer report for the purpose of evaluating any other person for employment, promotion, reassignment or retention as an employee.*

*2. As used in this section, "consumer report" has the meaning ascribed to it in NRS 598C.060.*

*Sec. 4. Chapter 598C of NRS is hereby amended by adding thereto a new section to read as follows:*

*A person may request or consider a consumer report for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee if:*

*1. The person is required or authorized, pursuant to state or federal law, to use a consumer report for that purpose;*

*2. The person reasonably believes that the consumer has engaged in specific activity which may constitute a violation of state or federal law; or*

*3. The information contained in the consumer report is reasonably related to the position for which the consumer is being evaluated for employment, promotion, reassignment or retention as an employee. The information in the consumer report shall be deemed to be reasonably related to such an evaluation if the duties of the position involve:*

*(a) The care, custody and handling of or responsibility for money, financial accounts, corporate credit or debit cards, or other assets;*

*(b) Access to trade secrets or other proprietary or confidential information;*

*(c) Managerial or supervisory responsibility;*

*(d) The direct exercise of law enforcement authority as an employee of a state or local law enforcement agency;*

*(e) The care, custody and handling of or responsibility for the personal information, as defined in NRS 603A.040, of another person;*

*(f) Access to the personal financial information of another person;*

*(g) Employment with a financial institution that is chartered under federal or state law; or*

*(h) Employment with a licensed gaming establishment, as defined in NRS 463.0169.*

**Sec. 5.** NRS 598C.380 is hereby amended to read as follows:

598C.380 Notwithstanding that a security freeze has been placed in the file of a consumer, a reporting agency may release the consumer report of the consumer to:

1. A person with whom the consumer has an existing business relationship, or the subsidiary, affiliate or agent of that person, for any purpose relating to that business relationship.

2. A licensed collection agency to which an account of the consumer has been assigned for the purposes of collection.

3. A person with whom the consumer has an account or contract or to whom the consumer has issued a negotiable instrument, or the subsidiary, affiliate, agent, assignee or prospective assignee of that person, for purposes relating to that account, contract or negotiable instrument.

4. A person seeking to use information in the file of the consumer for the purposes of prescreening pursuant to the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq.

5. A subsidiary, affiliate, agent, assignee or prospective assignee of a person to whom access has been granted pursuant to NRS 598C.350 for the purposes of facilitating the extension of credit.

6. A person seeking to provide the consumer with a copy of the consumer report or the credit score of the consumer upon the request of the consumer.

7. A person administering a credit file monitoring subscription service to which the consumer has subscribed.

8. A person requesting the consumer report pursuant to a court order, warrant or subpoena.

9. A federal, state or local governmental entity, agency or instrumentality that is acting within the scope of its authority, including, without limitation, an agency which is seeking to collect child support payments pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq.

10. A person holding a license issued by the Nevada Gaming Commission pursuant to title 41 of NRS, or the subsidiary, affiliate, agent, assignee or prospective assignee of that person, for purposes relating to any activities conducted pursuant to the license.



11. ~~Am~~ *If authorized pursuant to section 4 of this act, an* employer, or the subsidiary, affiliate, agent, assignee or prospective assignee of that employer, for purposes of:

- (a) Preemployment screenings relating to the consumer; or
- (b) Decisions or investigations relating to the consumer's current or former employment with the employer.

Assemblyman Bobzien moved that the Assembly do not concur in the Senate Amendment No. 651 to Assembly Bill No. 181.

Remarks by Assemblyman Bobzien.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 284.

The following Senate amendment was read:

Amendment No. 768.

AN ACT relating to residential leasing; providing for the early termination of certain rental agreements by victims of domestic violence under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

This bill provides, under certain circumstances, for the early termination of a rental agreement if a tenant, cotenant or household member is a victim of domestic violence. **Section ~~1.1~~ 1.3** of this bill: (1) establishes provisions concerning notice requirements for such an early termination; (2) establishes provisions concerning liability of unpaid amounts relating to the termination of a rental agreement; ~~and~~ (3) requires a landlord to install a new lock onto the dwelling of certain persons who are victims of domestic violence ~~1.1~~; **and (4) establishes certain limitations concerning the disclosure to a prospective landlord of an early termination pursuant to this bill.**

**Section 1.7 of this bill establishes the form in which an affidavit submitted by a tenant or cotenant in support of a notice to terminate a rental agreement pursuant to this bill must be made.**

Existing law prohibits a landlord from taking certain retaliatory actions against a tenant. (NRS 118A.510) **Section 2** of this bill prohibits a landlord from taking certain retaliatory actions against a tenant, cotenant or household member who is a victim of domestic violence or who terminates a rental agreement because he or she is a victim of domestic violence.

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

**Section 1.** Chapter 118A of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ **the provisions set forth as sections 1.3 and 1.7 of this act.**

*Sec. 1.3. 1. Notwithstanding any provision in a rental agreement to the contrary, if a tenant, cotenant or household member is the victim of domestic violence, the tenant or any cotenant may terminate the rental agreement by giving the landlord written notice of termination effective at the end of the current rental period or 30 days after the notice is provided to the landlord, whichever occurs sooner.*

*2. The written notice provided to a landlord pursuant to subsection 1 must describe the reason for the termination of the rental agreement and be accompanied by:*

*(a) A copy of an order for protection against domestic violence issued to the tenant, cotenant or household member who is the victim of domestic violence;*

*(b) A copy of a written report from a law enforcement agency indicating that the tenant, cotenant or household member notified the law enforcement agency of the domestic violence; or*

*(c) A copy of a written affidavit in the form prescribed pursuant to section 1.7 of this act and signed by a qualified third party acting in his or her official capacity stating that the tenant, cotenant or household member is a victim of domestic violence ~~and~~ and identifying the adverse party.*

*3. A tenant or cotenant may terminate a rental agreement pursuant to this section only if the actions, events or circumstances that resulted in the tenant, cotenant or household member becoming a victim of domestic violence occurred within the 90 days immediately preceding the written notice of termination to the landlord.*

*4. A tenant or cotenant who terminates a rental agreement pursuant to this section is only liable, if solely or jointly liable for purposes of the rental agreement, for any rent owed or required to be paid through the date of termination and any other outstanding obligations. If the tenant or cotenant has prepaid rent that would apply for the rental period in which the rental agreement is terminated, the landlord may retain the prepaid rent and no refund is due to the tenant or cotenant unless the amount of the prepaid rent exceeds what is owed for that rental period. Except as otherwise provided in NRS 118A.242, if the tenant or cotenant has paid a security deposit, the deposit must not be withheld for the early termination of the rental agreement if the rental agreement is terminated pursuant to this section.*

*5. A person who is named as the adverse party may be civilly liable for all economic losses incurred by a landlord for the early termination of a rental agreement pursuant to this section, including, without limitation, unpaid rent, fees relating to early termination, costs for the repair of any damages to the dwelling and any reductions in or waivers of rent*

previously extended to the tenant or cotenant who terminates the rental agreement pursuant to this section.

6. A landlord shall not provide to an adverse party any information concerning the whereabouts of a tenant, cotenant or household member if the tenant or cotenant provided notice pursuant to subsection 1.

7. If a tenant or cotenant provided notice pursuant to subsection 1, the tenant, cotenant or a household member may require the landlord to install a new lock onto the dwelling if the tenant, cotenant or household member pays the cost of installing the new lock. A landlord complies with the requirements of this subsection by:

- (a) Rekeying the lock if the lock is in good working condition; or
- (b) Replacing the entire locking mechanism with a new locking mechanism of equal or superior quality.

8. A landlord who installs a new lock pursuant to subsection 7 may retain a copy of the new key. Notwithstanding any provision in a rental agreement to the contrary, the landlord shall:

(a) Refuse to provide a key which unlocks the new lock to an adverse party.

(b) Refuse to provide to an adverse party, whether or not that party is a tenant, cotenant or household member, access to the dwelling to reclaim property unless a law enforcement officer is present.

9. This section shall not be construed to limit a landlord's right to terminate a rental agreement for reasons unrelated to domestic violence.

10. Notwithstanding any other provision of law, the termination of a rental agreement pursuant to this section:

(a) Must not be disclosed, described or characterized as an early termination by a current landlord to a prospective landlord; and

(b) Is not required to be disclosed as an early termination by a tenant or cotenant to a prospective landlord.

11. As used in this section:

(a) "Adverse party" means a person who is named in an order for protection against domestic violence, a written report from a law enforcement agency or a written statement from a qualified third party and who is alleged to be the cause of the early termination of a rental agreement pursuant to this section.

(b) "Cotenant" means a tenant who, pursuant to a rental agreement, is entitled to occupy a dwelling that another tenant is also entitled to occupy pursuant to the same rental agreement.

(c) "Domestic violence" means the commission of any act described in NRS 33.018.

(d) "Household member" means any person who is related by blood or marriage and is actually residing with a tenant or cotenant.

(e) "Qualified third party" means:

(1) A physician licensed to practice in this State.

(2) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc. or the American Osteopathic Board of Neurology and Psychiatry of the American Osteopathic Association;

~~+(2)+~~ (3) A psychologist licensed to practice in this State;

~~+(3)+~~ (4) A social worker licensed to practice in this State;

~~+(4)+~~ (5) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;

~~+(5)+~~ (6) A marriage and family therapist or clinical professional counselor licensed to practice in this State pursuant to chapter 641A of NRS;

~~+(6)+~~ (7) Any person employed by an agency or service which advises persons regarding domestic violence or refers them to persons or agencies where their request and needs can be met and who is licensed to provide health care pursuant to the provisions of title 54 of NRS, or is a member of the board of directors or serves as the executive director of an agency or service which advises persons regarding domestic violence or refers them to persons or agencies where their request and needs can be met;

~~+ (7) A person who serves as a volunteer on the board of directors, or as a volunteer executive director, of an agency or service which is staffed, directed and managed entirely by volunteers and which has no paid employees and who advises persons regarding domestic violence or refers them to persons or agencies where their request and needs can be met,} or~~

(8) Any member of the clergy ~~++~~ of a church or religious society or denomination that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501 (c)(3), who has been chosen, elected or appointed in conformity with the constitution, canons, rites, regulations or discipline of the church or religious society or denomination.

Sec. 1.7. An affidavit submitted by a tenant or cotenant pursuant to section 1.3 of this act must be in substantially the following form:

(Name of the qualified third party, as defined in section 1.3 of this act, including, if applicable, the name of the organization with which the qualified third party is affiliated)

I (and/or).....  
(name of cotenant or household member)  
am a victim of domestic violence as defined in section 1.3 of this act.

Brief description of incident(s) constituting domestic violence:

.....  
.....  
.....

The incident(s) that I described above occurred on the following date(s) and time(s), and in the following locations:

.....  
.....  
.....

The incident(s) that I described above were committed by the following person(s):

.....  
.....  
.....

I state under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this ..... day of ....., 20....., at ..... (city), Nevada,

.....  
.....  
.....  
(Signature of tenant, cotenant or household member)

I verify that the person whose signature appears above was a victim of domestic violence and that the person informed me of the name of the adverse party as defined in section 1.3 of this act.

Dated this ..... day of ....., 20....., at ..... (city), Nevada,

.....  
.....  
.....  
(Signature of qualified third party)

Sec. 2. NRS 118A.510 is hereby amended to read as follows:

118A.510 1. Except as otherwise provided in subsection 3, the landlord may not, in retaliation, terminate a tenancy, refuse to renew a tenancy, increase rent or decrease essential items or services required by the rental agreement or this chapter, or bring or threaten to bring an action for possession if:

(a) The tenant has complained in good faith of a violation of a building, housing or health code applicable to the premises and affecting health or safety to a governmental agency charged with the responsibility for the enforcement of that code;

(b) The tenant has complained in good faith to the landlord or a law enforcement agency of a violation of this chapter or of a specific statute that imposes a criminal penalty;

(c) The tenant has organized or become a member of a tenant's union or similar organization;

(d) A citation has been issued resulting from a complaint described in paragraph (a);

(e) The tenant has instituted or defended against a judicial or administrative proceeding or arbitration in which the tenant raised an issue of compliance with the requirements of this chapter respecting the habitability of dwelling units;

(f) The tenant has failed or refused to give written consent to a regulation adopted by the landlord, after the tenant enters into the rental agreement, which requires the landlord to wait until the appropriate time has elapsed before it is enforceable against the tenant; ~~for~~

(g) The tenant has complained in good faith to the landlord, a government agency, an attorney, a fair housing agency or any other appropriate body of a violation of NRS 118.010 to 118.120, inclusive, or the Fair Housing Act of 1968, 42 U.S.C. §§ 3601 et seq., or has otherwise exercised rights which are guaranteed or protected under those laws ~~for~~; *or*

***(h) The tenant or, if applicable, a cotenant or household member, is a victim of domestic violence or terminates a rental agreement pursuant to section ~~44~~ 1.3 of this act.***

2. If the landlord violates any provision of subsection 1, the tenant is entitled to the remedies provided in NRS 118A.390 and has a defense in any retaliatory action by the landlord for possession.

3. A landlord who acts under the circumstances described in subsection 1 does not violate that subsection if:

(a) The violation of the applicable building, housing or health code of which the tenant complained was caused primarily by the lack of reasonable care by the tenant, a member of his or her household or other person on the premises with his or her consent;

(b) The tenancy is terminated with cause;

(c) A citation has been issued and compliance with the applicable building, housing or health code requires alteration, remodeling or demolition and cannot be accomplished unless the tenant's dwelling unit is vacant; or

(d) The increase in rent applies in a uniform manner to all tenants.

↪ The maintenance of an action under this subsection does not prevent the tenant from seeking damages or injunctive relief for the landlord's failure to comply with the rental agreement or maintain the dwelling unit in a habitable condition as required by this chapter.

*4. As used in this section:*

*(a) "Cotenant" has the meaning ascribed to it in section ~~##~~ 1.3 of this act.*

*(b) "Domestic violence" has the meaning ascribed to it in section ~~##~~ 1.3 of this act.*

*(c) "Household member" has the meaning ascribed to it in section ~~##~~ 1.3 of this act.*

**Sec. 3.** This act becomes effective on July 1, 2013.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 768 to Assembly Bill No. 284.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Thank you, Madam Speaker. This amendment does the following six things: It includes identifying the adverse party in an affidavit signed by the qualified third party; it adds physicians and clinical professional counselors to the list of a qualified third party; it expands the term "clergy" as used under the list of a qualified third party; it deletes from the list of a qualified third party a volunteer who advises persons regarding domestic violence or refers them to persons or agencies where their request and needs can be met; it prohibits a landlord from characterizing the termination of a rental agreement pursuant to the act as an early termination and provides that the tenant or co-tenant is not required to disclose the termination to a prospective landlord and finally; it requires that an affidavit be made in specific form.

Motion carried by a constitutional majority.  
Bill ordered to enrollment.

Assembly Bill No. 306.

The following Senate amendment was read:

Amendment No. 652.

AN ACT relating to certain regulated professions; revising the definition of "private investigator"; exempting certain activities from the applicability of provisions of existing law governing private investigators and related professions; revising provisions governing employees of certain licensees; requiring certain licensees to maintain a principal place of business in this State; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 1** of this bill revises the definition of the term "private investigator" to include certain activities relating to investigations into computerized data not available to the public and certain crimes and torts.

**Section 2** of this bill revises the applicability of provisions governing private investigators and related professions to exempt from the requirements for licensure certain persons who perform maintenance or repair of computers under certain circumstances.

**Section 6** of this bill requires a person licensed to engage in the business of a private investigator, private patrol officer, process server, reposessor, dog handler, security consultant, or polygraphic examiner or intern to maintain a principal place of business in this State. **Section 5** of this bill requires that a licensee post his or her license in a conspicuous place in the licensee's principal place of business in this State. **Section 4** of this bill requires a licensee to: (1) ensure that every registered person employed in this State by the licensee is supervised by a licensee who is physically located in this State; and (2) maintain at a location in this State records relating to employment, compensation, licensure and registration of employees.

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

**Section 1.** NRS 648.012 is hereby amended to read as follows:

648.012 "Private investigator" means any person who for any consideration engages in business or accepts employment to furnish, or agrees to make or makes any investigation for the purpose of obtaining, ***including, without limitation, through the review, analysis and investigation of computerized data not available to the public,*** information with reference to:

1. The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person;

2. The location, disposition or recovery of lost or stolen property;

3. The cause or responsibility for fires, libels, losses, accidents or damage or injury to persons or to property;

4. ***A crime or tort that has been committed, attempted, threatened or suspected ~~for~~, except an expert witness or a consultant who is retained for litigation or a trial, or in anticipation of litigation or a trial, and who performs duties and tasks within his or her field of expertise that are necessary to form his or her opinion;***

5. Securing evidence to be used before any court, board, officer or investigating committee; or

~~§~~ 6. The prevention, detection and removal of surreptitiously installed devices for eavesdropping or observation.

**Sec. 2.** NRS 648.018 is hereby amended to read as follows:

648.018 Except as to polygraphic examiners and interns, this chapter does not apply:

1. To any detective or officer belonging to the law enforcement agencies of the State of Nevada or the United States, or of any county or city of the



State of Nevada, while the detective or officer is engaged in the performance of his or her official duties.

2. To special police officers appointed by the police department of any city, county, or city and county within the State of Nevada while the officer is engaged in the performance of his or her official duties.

3. To insurance adjusters and their associate adjusters licensed pursuant to the Nevada Insurance Adjusters Law who are not otherwise engaged in the business of private investigators.

4. To any private investigator, private patrol officer, process server, dog handler or security consultant employed by an employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

5. To a reposessor employed exclusively by one employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

6. To a person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

7. To a charitable philanthropic society or association incorporated under the laws of this State which is organized and maintained for the public good and not for private profit.

8. To an attorney at law in performing his or her duties as such.

9. To a collection agency unless engaged in business as a reposessor, licensed by the Commissioner of Financial Institutions, or an employee thereof while acting within the scope of his or her employment while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his or her assets and of property which the client has an interest in or lien upon.

10. To admitted insurers and agents and insurance brokers licensed by the State, performing duties in connection with insurance transacted by them.

11. To any bank organized pursuant to the laws of this State or to any national bank engaged in banking in this State.

12. To any person employed to administer a program of supervision for persons who are serving terms of residential confinement.

13. To any commercial registered agent, as defined in NRS 77.040, who obtains copies of, examines or extracts information from public records maintained by any foreign, federal, state or local government, or any agency or political subdivision of any foreign, federal, state or local government.

14. To any holder of a certificate of certified public accountant issued by the Nevada State Board of Accountancy pursuant to chapter 628 of NRS while performing his or her duties pursuant to the certificate.

**15. To a person performing the repair or maintenance of a computer who performs a review or analysis of data contained on a computer solely for the purposes of diagnosing a computer hardware or software problem and who is not otherwise engaged in the business of a private investigator.**

**Sec. 3.** NRS 648.080 is hereby amended to read as follows:

648.080 Every application for a license must contain:

1. A detailed statement of the applicant's personal history on the form specified by the Board. If the applicant is a corporation, the application must include such a statement concerning each officer and director.

2. A statement of the applicant's financial condition on the form specified by the Board. If the applicant is a corporation, the application must include such a statement concerning each officer and director.

3. ~~{A specific description of the location}~~ **The complete address** of the principal place of business of the applicant ~~{, the}~~ **in this State and of each branch office or other place of business of the applicant in this State.**

4. **The business or businesses** in which the applicant intends to engage and the category **or categories** of license he or she desires.

~~{4.}~~ 5. A complete set of fingerprints which the Board may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~{5.}~~ 6. A recent photograph of the applicant or, if the applicant is a corporation, of each officer and director.

~~{6.}~~ 7. Evidence supporting the qualifications of the applicant in meeting the requirements for the license for which he or she is applying.

~~{7.}~~ 8. If the applicant is not a natural person, the full name and residence address of each of its partners, officers, directors and manager, and a certificate of filing of a fictitious name.

~~{8.}~~ 9. Such other facts as may be required by the Board to show the good character, competency and integrity of each signatory.

**Sec. 4.** NRS 648.140 is hereby amended to read as follows:

648.140 1. Any license obtained pursuant to the provisions of this chapter gives the licensee or any bona fide employee of the licensee authority to engage in the type of business for which he or she is licensed in any county or city in the State of Nevada. A county or city shall not enact ordinances regulating persons licensed pursuant to this chapter, except general business regulations designed to raise revenue or assure compliance with building codes and ordinances or regulations concerning zoning and safety from fire.

2. Except for polygraphic examiners and interns, a licensee may employ, in connection with his or her business, as many persons registered pursuant to this chapter as may be necessary, but at all times every licensee ~~is~~ :

*(a) Shall ensure that each registered person employed in this State by the licensee is supervised by a licensee who is physically present in this State; and*

*(b) Is* accountable for the good conduct of every person employed by the licensee in connection with his or her business.

3. Each licensee shall ~~furnish~~ :

*(a) Maintain at a location within this State records relating to the employment, compensation, licensure and registration of employees;*

*(b) Furnish* the Board with the information requested by it concerning all employees registered pursuant to this chapter, except clerical personnel ; ~~†~~ and ~~shall notify~~

*(c) Notify* the Board within 3 days after such employees begin their employment.

**Sec. 5.** NRS 648.142 is hereby amended to read as follows:

648.142 1. The license, when issued, shall be in such form as may be determined by the Board and shall include:

(a) The name of the licensee.

(b) The name under which the licensee is to operate.

(c) The number and date of the license.

(d) The expiration date of the license.

(e) If the licensee is a corporation, the name of the person or persons affiliated with the corporation on the basis of whose qualifications such license is issued.

(f) The classification or classifications of work which the license authorizes.

2. The license shall at all times be posted in a conspicuous place in the *licensee's* principal place of business ~~of the licensee~~ *in this State.*

3. Upon the issuance of a license, a pocket card of such size, design and content as may be determined by the Board shall be issued without charge to each licensee, if an individual, or if the licensee is a person other than an individual, to its manager and to each of its officers, directors and partners, which card shall be evidence that the licensee is duly licensed pursuant to this chapter. When any person to whom a card is issued terminates his or her position, office or association with the licensee, the card shall be surrendered to the licensee and within 5 days thereafter shall be mailed or delivered by the licensee to the Board for cancellation.

4. A licensee shall, within 30 days after such change, notify the Board of any and all changes of his or her address, of the name under which the licensee does business, and of any change in its officers, directors or partners.

5. A license issued under this chapter is not assignable.

**Sec. 6.** NRS 648.148 is hereby amended to read as follows:

648.148 1. Each licensee shall ~~file~~ :

*(a) Maintain a principal place of business in this State; and*

*(b) File* with the Board the complete address of his or her principal place of business *in this State*, including the name and number of the street, or, if the street where the business is located is not numbered, the number of the post office box. The Board may require the filing of other information for the purpose of identifying such principal place of business.

2. Every advertisement by a licensee soliciting or advertising business shall contain the licensee's name and ~~address~~ *the number of the licensee's license* as they appear in the records of the Board.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 652 to Assembly Bill No. 306.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Thank you, Madam Speaker. This amendment clarifies that an expert witness or consultant retained by an attorney for litigation or a trial, or in anticipation of litigation or a trial, is not required to be licensed as a private investigator when performing duties and tasks within his or her field of expertise that are necessary to form his or her opinion.

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. 21, 60, 73, 129, 165, 198, 210, 263, 305, 321, 326, 327, 333, 334, 337, 341, 352, 354, 358, 366, 381, 382, 383, 389, 393, 417, 418, 421, 432, 434, 437; Assembly Concurrent Resolution No. 8; Senate Bills Nos. 4, 22, 25, 39, 54, 66, 80, 82, 100, 135, 141, 152, 169, 199, 213, 273, 284, 285, 286, 287, 288, 304, 305, 309, 310, 317, 318, 325, 335, 338, 342, 343, 344, 345, 350, 351, 356, 365, 371, 382, 388, 393, 402, 404, 409, 420, 432, 433, 434, 437, 438, 459, 460, 476, 488, 489; Senate Joint Resolutions Nos. 1, 12, 13; Senate Joint Resolution No. 15 of the 76th Session.

#### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Elaine Fuentes.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Cory Hernandez and Julissa Ruiz.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Stephen Franzen.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Mariscal.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Tina Cordes and Cady Cordes.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to John Scire.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Elvira Diaz and Marvin Otzoy.

Assemblyman Horne moved that the Assembly adjourn until Tuesday, May 28, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 8:02 p.m.

Approved:

MARILYN K. KIRKPATRICK  
*Speaker of the Assembly*

Attest: SUSAN FURLONG  
*Chief Clerk of the Assembly*

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