

THE ONE HUNDRED AND FOURTEENTH DAY

CARSON CITY (Tuesday), May 28, 2013

Assembly called to order at 12:36 p.m.

Madam Speaker presiding.

Roll called.

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

Prayer by the Chaplain, Pastor Bruce Henderson.

Heavenly Father,

Yesterday we celebrated and honored the memories of those who have given their lives for our country. As we approach the final days of this legislative session, I pray that You give these elected officials the wisdom to be making decisions that will stand as worthwhile, positive, and lasting memorials. Lord, defeat us in what is wrong and uphold us in that which is right.

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 Health and Human Services, to which was referred Senate Bill No. 362, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 92, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 416, 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. 501, 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 was rereferred Assembly Bill No. 338, 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. 224, 260, 294, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 138, 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*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 501; Senate Bills Nos. 92, 362, 416, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 138, just reported out of committee, be placed on the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 501.

Bill read second time and ordered to third reading.

Senate Bill No. 92.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 898.

AN ACT relating to public health; requiring that infants born in certain institutions be examined for critical congenital heart disease; providing an exception for written parental objection; requiring certain hospitals to submit certain information to the Health Division of the Department of Health and Human Services; authorizing the Division to provide this information to an entity to conduct a study of the effectiveness of pulse oximetry screening; requiring the Division to submit a report under certain circumstances to the Director of the Legislative Counsel Bureau for submittal to the Legislative Committee on Health Care and the Legislative Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Any~~ **Under existing law, a** physician, midwife, nurse, obstetric center or hospital attending or assisting any infant, or the mother of any infant, at childbirth is required to examine and test the infant for certain preventable and inheritable disorders. If the tests reveal such a disorder, the physician, midwife, nurse, obstetric center or hospital is required to: (1) report the condition to the State Health Officer, the local health officer of the county or city within which the infant or the mother of the infant resides, and the local

health officer of the county or city in which the child is born; and (2) discuss the condition and treatment of the condition with the parents or other persons responsible for the care of the infant. (NRS 442.008) **Section 1** of this bill requires any physician, midwife or nurse attending or assisting any infant at childbirth at an obstetric center or a hospital which regularly offers obstetric services in the normal course of business to examine the infant for critical congenital heart disease, including conducting pulse oximetry screening, and to report any results indicating the infant may suffer from critical congenital heart disease to the attending physician of the infant. **Section 1** also requires the attending physician of an infant whose test results have indicated that the infant may suffer from critical congenital heart disease to conduct an examination to determine if the infant does suffer from critical congenital heart disease. If the attending physician determines that the infant suffers from critical congenital heart disease, the attending physician is required to report the condition to the State Health Officer and discuss such results with the parent of or other person responsible for the infant. **Section 1** provides an exception to the requirement for examination in the event of written parental objection. **Section 3 of this bill makes the provisions of section 1 become effective on July 1, 2015.**

Section 2 of this bill requires, during the period between July 1, 2013, and March 1, 2014, a hospital that conducts pulse oximetry screening to submit the positive results of such screening and certain information concerning these results to the Health Division of the Department of Health and Human Services. **Section 2** also authorizes the Division to provide the information to an entity to study this information. If a study is conducted, the study must: (1) evaluate the effectiveness of the pulse oximetry screening; and (2) formulate recommendations concerning the implementation of the requirements prescribed by **section 1**. **Section 2** further requires the Division, if a study is conducted, to submit a report containing the results of the study to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care and the Legislative Commission. Finally, **Section 2** requires the Legislative Committee on Health Care, if a study is conducted, to use the report to formulate recommendations concerning the implementation of these requirements.

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

Section 1. Chapter 442 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 3, any physician, midwife or nurse attending or assisting in any way any infant at childbirth at an obstetric center or a hospital which regularly offers obstetric services in the*

normal course of business and not only on an emergency basis shall make or cause to be made an examination of the infant, to determine whether the infant may suffer from critical congenital heart disease, including, without limitation, conducting pulse oximetry screening. If the physician, midwife or nurse who conducts the examination is not the attending physician of the infant, the physician, midwife or nurse shall submit the results of the examination to the attending physician of the infant.

2. If the examination reveals that an infant may suffer from critical congenital heart disease, the attending physician of the infant shall conduct an examination to confirm whether the infant does suffer from critical congenital heart disease. If the attending physician determines that the infant suffers from critical congenital heart disease, the attending physician must:

(a) Report the condition to the State Health Officer or a representative of the State Health Officer; and

(b) Discuss the condition with the parent, parents or other persons responsible for the care of the infant and inform them of the treatment necessary for the amelioration of the condition.

3. An examination of an infant is not required pursuant to this section if either parent files a written objection with the person responsible for conducting the examination or with the obstetric center or hospital at which the infant is born.

4. The State Board of Health may adopt such regulations as necessary to carry out the provisions of this section.

Sec. 2. 1. During the period beginning on July 1, 2013, and ending on March 1, 2014, if a hospital conducts pulse oximetry screening to determine whether an infant suffers from critical congenital heart disease and the results of such screening are positive, the hospital shall submit to the Health Division of the Department of Health and Human Services:

(a) The positive results;

(b) Information concerning whether critical congenital heart disease was detected in the infant before the pulse oximetry screening; and

(c) Information concerning measures taken by the hospital because of the positive result, including, without limitation, measures taken to verify the positive result and to provide follow-up care and treatment to the infant.

2. The Division may make the information submitted pursuant to subsection 1 available to an entity to study. If a study is conducted pursuant to this subsection, the entity must, without limitation:

(a) Evaluate, based on the information, the effectiveness of the pulse oximetry screening; and

(b) Formulate recommendations concerning the implementation of section 1 of this act.

3. Except as otherwise provided in subsection 2, the Division shall keep confidential all personal identifying information contained in the information submitted pursuant to subsection 1. Any entity to which information is made available pursuant to subsection 2 shall keep confidential all personal identifying information contained within the information made available to the entity pursuant to subsection 2.

4. If a study is conducted pursuant to subsection 2, on or before April 1, 2014, the Division shall submit a report of the results of the study to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care and the Legislative Commission. The report must include, without limitation, recommendations concerning the implementation of section 1 of this act.

5. If a study is conducted pursuant to subsection 2, the Legislative Committee on Health Care shall study the report submitted pursuant to subsection 4 and provide to the Legislature, as a result of its consideration of the report, any recommendations for legislation concerning the implementation of section 1 of this act.

6. As used in this section, “personal identifying information” means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person.

Sec. 3. 1. This section and section 2 of this act become effective on July 1, 2013.

2. Section 1 of this act becomes effective on ~~October 1, 2014.~~ **July 1, 2015.**

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 362.

Bill read second time and ordered to third reading.

Senate Bill No. 416.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 138.

Bill read third time.

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

Amendment No. 891.

AN ACT relating to taxation; revising provisions governing the partial abatement of certain taxes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who intends to locate or expand a business in Nevada may apply to the Office of Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361 (property tax), 363B (business tax) or 374 (local school support tax) of NRS. (NRS 274.310, 274.320, 360.750, 361.0687, 363B.120, 374.357) This bill provides that a business which makes a capital investment of at least \$1,000,000 in a program at the University of Nevada, Reno, the University of Nevada, Las Vegas, or the Desert Research Institute for the support of research, development or training related to the field of endeavor of the business and which meets certain other requirements is eligible to apply for a partial abatement of personal property taxes. In addition, this bill provides that a business which makes a capital investment of at least \$500,000 in the Nevada State College or another smaller institution within the Nevada System of Higher Education in support of college certification or research or training related to the field of endeavor of the business and which meets certain other requirements is also eligible to apply for a partial abatement of personal property taxes. The abatements afforded by this bill expire by limitation on June 30, 2023.

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

Section 1. The Legislature hereby finds that each exemption provided by this act from any ad valorem tax on property or excise tax on the sale, storage, use or consumption of tangible personal property sold at retail:

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 2. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section*

for a partial abatement of the tax imposed on the new or expanded business pursuant to chapter 361 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The business is in one or more of the industry sectors for economic development promoted, identified or otherwise approved by the Governor's Workforce Investment Board described in NRS 232.935.

(b) 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.

(c) The applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) Require the business to submit to the Department the reports required by paragraph (c) of subsection 1 of NRS 218D.355;

(3) State the agreed terms of the partial abatement, which must comply with the requirements of subsection 4;

(4) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(5) Bind the successors in interest of the business for the specified period.

(d) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(e) The business does not receive:

(1) Any funding from a governmental entity, other than any private activity bonds as defined in 26 U.S.C. § 141; or

(2) Any real or personal property from a governmental entity at no cost or at a reduced cost.

(f) The business meets the following requirements:

(1) The business makes a capital investment of at least \$1,000,000 in a program of the University of Nevada, Reno, the University of Nevada, Las Vegas, or the Desert Research Institute to be used in support of research, development or training related to the field of endeavor of the business.

(2) *The business will employ 15 or more full-time employees for the duration of the abatement.*

(3) *The business will employ two or more graduate students from the program in which the capital investment is made on a part-time basis during years 2 through 5, inclusive, of the abatement.*

(4) *The average hourly wage that will be paid by the 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 full-time employees that includes an option for health insurance coverage for dependents of those employees, or will abide by all applicable provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, or both; 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 9.*

(5) *The business submits with its application for a partial abatement:*

(I) *A letter of support from the institution in which the capital investment is made, which is signed by the chief administrative officer of the institution and the director or chair of the program or the appropriate department, and which includes, without limitation, a summary of the financial and other resources the business will provide to the program and an agreement that the institution will provide to the Office periodic reports, at such times and containing such information as the Office may require, regarding the use of those resources; and*

(II) *A letter of support which is signed by the chair of the board of directors of the regional economic development authority within whose jurisdiction the institution is located and which includes, without limitation, a summary of the role the business will play in diversifying the economy and, if applicable, in achieving the broader goals of the regional economic development authority for economic development and diversification.*

(g) *In lieu of meeting the requirements of paragraph (f), the business meets the following requirements:*

(1) *The business makes a capital investment of at least \$500,000 in the Nevada State College or an institution of the Nevada System of Higher Education other than those set forth in subparagraph (1) of paragraph (f), to be used in support of college certification or in support of research or training related to the field of endeavor of the business.*

(2) *The business will employ 15 or more full-time employees for the duration of the abatement.*

(3) *The business will employ two or more students from the college or institution in which the capital investment is made on a full-time basis during years 2 through 5, inclusive, of the abatement.*

(4) *The average hourly wage that will be paid by the 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 full-time employees that includes an option for health insurance coverage for dependents of those employees, or will abide by all applicable provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, or both; 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 9.*

(5) *The business submits with its application for a partial abatement:*

(I) *A letter of support from the college or institution in which the capital investment is made, which is signed by the chief administrative officer of the college or institution and which includes, without limitation, a summary of the financial and other resources the business will provide to the program and an agreement that the college or institution will provide to the Office periodic reports, at such times and containing such information as the Office may require, regarding the use of those resources; and*

(II) *A letter of support which is signed by the chair of the board of directors of the regional economic development authority within whose jurisdiction the college or institution is located and which includes, without limitation, a summary of the role the business will play in diversifying the economy and, if applicable, in achieving the broader goals of the regional economic development authority for economic development and diversification.*

3. *Notwithstanding the provisions of subsection 2, the Office of Economic Development:*

(a) *Shall furnish to the board of county commissioners of each affected county a copy of each application for a partial abatement pursuant to this section.*

(b) *Shall not consider an application for a partial abatement pursuant to this section unless the Office has requested a letter of acknowledgment of*

the request for the abatement from any affected county, school district, city or town.

(c) Shall not approve an application for a partial abatement pursuant to this section unless the abatement is approved or deemed approved as described in this paragraph. The board of county commissioners of each affected county must approve or deny the application not later than 30 days after the board of county commissioners receives a copy of the application as described in paragraph (a). If the board of county commissioners does not approve or deny the application within 30 days after the board of county commissioners receives a copy of the application, the application shall be deemed ~~denied~~ approved.

(d) May, if the Office determines that such action is necessary add additional requirements that a business must meet to qualify for a partial abatement pursuant to this section.

4. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The total amount of the abatement must not exceed;

(1) Fifty percent of the amount of the taxes imposed on the personal property of the business pursuant to chapter 361 of NRS during the period of the abatement; or

(2) Fifty percent of the amount of the capital investment by the business,

↪ whichever amount is less;

(b) The duration of the abatement must be for 5 years; and

(c) The abatement applies only to the business for which the abatement was approved pursuant to this section and the property used in connection with that business.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business will be located.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases to meet the requirements set forth in

subsection 2 or ceases operation before the time specified in the agreement described in paragraph (c) of subsection 2:

(a) The business shall repay to the county treasurer the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

(b) The applicable institution of higher education is entitled to keep the entire capital investment made by the business in that institution.

8. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 7 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

9. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for a partial abatement pursuant to this section; and

(b) May adopt such other regulations as the Office determines to be necessary to carry out the provisions of this section.

10. The Nevada Tax Commission:

(a) Shall adopt regulations regarding any security that a business is required to post to qualify for a partial abatement pursuant to this section; and

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section.

11. An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

12. Except as otherwise provided in this subsection, as used in this section, “capital investment” includes, without limitation, an investment of real or personal property, money or other assets by a business in an institution of the Nevada System of Higher Education. The Office of Economic Development may, by regulation, specify the types of real or

personal property or assets that are included within the definition of "capital investment."

Sec. 3. NRS 360.225 is hereby amended to read as follows:

360.225 1. During the course of an investigation undertaken pursuant to NRS 360.130 of a person claiming:

- (a) A partial abatement of property taxes pursuant to NRS 361.0687;
- (b) An exemption from taxes pursuant to NRS 363B.120;
- (c) A deferral of the payment of taxes on the sale of capital goods pursuant to NRS 372.397 or 374.402; ~~for~~
- (d) An abatement of taxes on the gross receipts from the sale, storage, use or other consumption of eligible machinery or equipment pursuant to NRS 374.357 ~~for~~; *or*

(e) *A partial abatement of taxes pursuant to section 2 of this act,*

↳ the Department shall investigate whether the person meets the eligibility requirements for the abatement, partial abatement, exemption or deferral that the person is claiming.

2. If the Department finds that the person does not meet the eligibility requirements for the abatement, exemption or deferral which the person is claiming, the Department shall report its findings to the Office of Economic Development and take any other necessary actions.

Sec. 4. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development *pursuant to this section* for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement *pursuant to this section* if the Office makes the following determinations:

(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 applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(3) Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in NRS 361.0687, 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.

(e) Except as otherwise provided in NRS 361.0687, 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.

(f) 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) Department, 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.

(g) In lieu of meeting the requirements of paragraph (d), (e) or (f), 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.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement *pursuant to this section* unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) May, if the Office determines that such action is necessary:

(1) Approve an application for a partial abatement *pursuant to this section* by a business that does not meet the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2;

(2) Make the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement ~~[-]~~ *pursuant to this section*.

4. If the Office of Economic Development approves an application for a partial abatement ~~[-]~~ *pursuant to this section*, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

5. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

↪ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the

requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 6 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

8. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement ~~[-] pursuant to this section;~~ and

(b) May adopt such other regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

9. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (d), (e) or (g) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

10. An applicant for ~~for~~ a partial abatement *pursuant to this section* who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 5. NRS 360.755 is hereby amended to read as follows:

360.755 1. If the Office of Economic Development approves an application by a business for a partial abatement pursuant to NRS 360.750 ~~[-]~~ *or section 2 of this act*, the agreement with the Office must provide that the business:

(a) Agrees to allow the Department to conduct audits of the business to determine whether the business is in compliance with the requirements for the partial abatement; and

(b) Consents to the disclosure of the audit reports in the manner set forth in this section.

2. If the Department conducts an audit of the business to determine whether the business is in compliance with the requirements for the partial abatement, the Department shall, upon request, provide the audit report to the Office of Economic Development.

3. Until the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit, the information contained in the audit report provided to the Office of Economic Development:

- (a) Is confidential proprietary information of the business;
- (b) Is not a public record; and
- (c) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the business consents to the disclosure.

4. After the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit:

- (a) The audit report provided to the Office of Economic Development is a public record; and
- (b) Upon request by any person, the Executive Director of the Office of Economic Development shall disclose the audit report to the person who made the request, except for any information in the audit report that is protected from disclosure pursuant to subsection 5.

5. Before the Executive Director of the Office of Economic Development discloses the audit report to the public, the business may submit a request to the Executive Director to protect from disclosure any information in the audit report which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director shall determine whether to protect the information from disclosure. The decision of the Executive Director is final and is not subject to judicial review. If the Executive Director determines to protect the information from disclosure, the protected information:

- (a) Is confidential proprietary information of the business;
- (b) Is not a public record;
- (c) Must be redacted by the Executive Director from any audit report that is disclosed to the public; and
- (d) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the business consents to the disclosure.

Sec. 6. NRS 231.0685 is hereby amended to read as follows:

231.0685 The Office shall, on or before January 15 of each odd-numbered year, prepare and submit to the Director of the Legislative Counsel

Bureau for transmission to the Legislature a report concerning the abatements from taxation that the Office approved pursuant to NRS 274.310, 274.320, 274.330 or 360.750 ~~[-]~~ **or section 2 of this act.** The report must set forth, for each abatement from taxation that the Office approved in the 2-year period immediately preceding the submission of the report:

1. The dollar amount of the abatement;
2. The location of the business for which the abatement was approved;
3. If applicable, the number of employees that the business for which the abatement was approved employs or will employ;
4. Whether the business for which the abatement was approved is a new business or an existing business; and
5. Any other information that the Office determines to be useful.

Sec. 7. Notwithstanding the provisions of section 2 of this act, no person is entitled to any partial abatement of taxes pursuant to those provisions:

1. After June 30, 2023; or
2. For capital investments made in an institution of higher education in this State before July 1, 2013.

Sec. 8. 1. This act becomes effective on July 1, 2013.

2. Sections 2, 3, 5 and 6 of this act expire by limitation on June 30, 2023.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

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

Assembly Bill No. 46.

Bill read third time.

Remarks by Assemblymen Bobzien, Kirner, and Sprinkle.

ASSEMBLYMAN BOBZIEN:

Assembly Bill 46 authorizes the board of county commissioners in a county whose population is 100,000 or more, but less than 700,000 to impose, by a two thirds vote, an additional sales and use tax rate of one-quarter percent for deposit in a school district's fund for capital projects. The bill also requires the board of county commissioners to impose an additional property tax of 5 cents per \$100 of assessed value for deposit to this fund.

The bill authorizes the proceeds from these taxes, as well as any portion of governmental services tax revenue received based on the amount of its property tax rate attributable to debt service, for the payment of bonds or other obligations used by the school district for capital projects.

I rise in reluctant support of this measure today. Here is some background on the challenges that the Washoe County School District is facing. Currently there is an unmet need for capital funding of \$511 million in the school district. In November of 2012, the school district's 2002 rollover bond expired. Because of our situation with valuations and bonding capacity, the school district finds itself without some of the tools for capital needs that other districts have. For instance, in Clark County, available to that school district is the real property transfer tax and the room tax, both levies that many, many years ago the Legislature denied to Washoe County. In an attempt to remedy the situation, the elected school board came to this Legislature, joined in

arms with parents, teachers, and the business community, to ask that we act to give them the tools they need to close this gap.

The bill that you have before you is a compromise to move things forward very reluctantly. For weeks, we were told that we could not vote for this bill because we did not have the votes. We are reluctantly moving forward with this and are now asking the county commission to help us because this Legislature wasn't able to act. Madam Speaker, it is a severe disappointment for me and for the people I represent—the kids who go to school in the schools that need help in my district—but I am here asking for this body's support for this legislation so that we can keep this issue alive so that the parents, the teachers, the businesses, and the residents of Washoe County can now take this issue to the county commission to see if they can also help with this. I urge your support.

ASSEMBLYMAN KIRNER:

I rise in support of this bill. Like my colleague, I think this is an important bill. I think it is important for our kids in Washoe County and their schools, but I also think it is an issue that needs to be addressed locally as opposed to this entire body. I am very supportive of the idea that we take this to our county commissioners and that they vet it with their constituents, and I would ask the body to support this bill as amended.

ASSEMBLYMAN SPRINKLE:

I also rise in reluctant support of Assembly Bill 46. Long before I was even elected to my first term here, a bipartisan group got together recognizing a severe need in Washoe County to take care of the children that go to school every day. They came together, came up with what I believe was an excellent plan and a bill—the original bill, A.B. 46 that was presented here. I feel frustrated that we, as a body, were not able to do what we were elected to do. We are now putting it at the feet of local jurisdiction that really should not be making these decisions. Our schools need this, our children in Washoe County need this, and so if this is the only way it can move forward, then so be it. We will work strongly with our local representatives in Washoe County, and I hope that includes everybody to see that we get the funding necessary for our schools. So once again, I hope that this body will pass this bill and will move it forward.

Roll call on Assembly Bill No. 46:

YEAS—32.

NAYS—Duncan, Ellison, Fiore, Hambrick, Hansen, Livermore, Oscarson, Wheeler—8.

EXCUSED—Paul Anderson, Pierce—2.

Assembly Bill No. 46 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 58.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 58 makes the Office of Veterans Services the Department of Veterans Services and makes corresponding changes to facilitate that restructuring. Additionally, it creates an Interagency Council on Veterans Affairs, which must meet once every three months. Additionally, it authorizes the Department of Veterans Services to purchase, construct, lease, renovate, or acquire by lease or purchase a veterans' home in northern Nevada.

Roll call on Assembly Bill No. 58:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Assembly Bill No. 58 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 125.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 125. Assembly Bill 125, as amended, authorizes the Administrator of the Division of State Lands of the Department of Conservation and Natural Resources to lease state land for less than the fair market value of the land for the first year of a ten-year minimum lease to a person who intends to locate or expand a business in the state if the business meets the certain requirements as follows: employs 75 or more full-time employees by the fourth quarter the business is in operation; makes a capital investment of at least \$1 million in the state; and pays the average statewide hourly wage as established by the state and provides a health insurance plan for all employees that includes an option for dependent coverage.

If the business is a new business in a county whose population is less than 100,000 or in a city whose population is less than 60,000, the business must meet at least two of the following requirements: employs 15 or more full-time employees by the fourth quarter the business is in operation; makes a capital investment of at least \$250,000 in the state; and pays an average hourly wage that is at least 100 percent of the average statewide average hourly wage or the average countywide hourly wage, whichever is less, as established by the state and provide a health insurance plan for all employees that includes an option for dependent coverage.

The bill goes on to enumerate all of the different schemes and plans in which this bill can be related. It is a three-page floor statement. Madam Speaker, you put together a very comprehensive bill. I will be happy to stand for any questions.

Roll call on Assembly Bill No. 125:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Assembly Bill No. 125 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 145.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 145 authorizes the establishment of a Complete Streets program by a regional transportation commission or a board of county commissioners in each county. A Complete Streets program is defined as one in which streets or highways are retrofitted 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 disabilities, persons who use public transportation, and motorists.

Madam Speaker and members of the Chamber, I was asked to bring this forth on behalf of the Complete Streets program. The bill explanation outlines how it would really help Nevada become a healthier state. I urge this body's support so we can all try to become healthier Nevadans.

Roll call on Assembly Bill No. 145:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Assembly Bill No. 145 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 404.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Assembly Bill 404 creates certain exemptions from the requirements governing time shares and the regulation of time-share sales agents. The bill also makes changes to provisions governing the public offering of a time-share project and amendments to a time-share development plan. It makes additional revisions to the issuance of licenses or permits required to sell time shares, including raising certain fees, and to the regulation of advertising.

Roll call on Assembly Bill No. 404:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Assembly Bill No. 404 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 461.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Assembly Bill 461, as amended, authorizes the Division of State Lands of the State Department of Conservation and Natural Resources to establish and carry out programs to preserve, restore, and enhance sagebrush ecosystems on public and private land, with the consent of the landowner. Specifically, the bill requires the Division of State Lands to oversee a program that awards credits for taking measures to protect, enhance, or restore sagebrush ecosystems; identify and prioritize projects to improve sagebrush ecosystems; suggest measures to avoid, minimize, and mitigate the impact of activities conducted in areas which include sage grouse habitats; and submit an annual progress report to the newly created Sagebrush Ecosystem Council within the Department of Conservation and Natural Resources.

The measure further clarifies that the nine appointees of the Governor are voting members of the Sagebrush Ecosystem Council and identifies six nonvoting members in addition to any other nonvoting members appointed by the Governor. Additionally, the bill requires the Sagebrush Ecosystem Council to establish and carry out certain strategies and programs for the conservation of sage grouse and for managing land which holds sagebrush ecosystems;

coordinate discussion among and provide advice to certain persons and governmental entities concerning the management of sagebrush ecosystems; and submit a biannual report concerning its activities to the Governor. Lastly, the bill creates the Account to Restore the Sagebrush Ecosystem within the State General Fund, the funding in which may only be used to establish and carry out programs to preserve, restore, and enhance sagebrush ecosystems.

This is a solid step forward for the state of Nevada. We have been working on this all session long, putting the funding together for this, and now this is the policy bill for the Sagebrush Ecosystem Council. I appreciated working with the Governor on some possible changes to this to make sure that we've got the right balance on the council and that it is as open as possible. The effort for everyone is to work together on the mitigation bank on projects that will help the sagebrush ecosystem. This bill is not perfect, but we do want to keep it moving so that we can get this done as a priority for Nevada, and I look forward to what the Senate may want to do with this bill once they get their hands on it.

Roll call on Assembly Bill No. 461:

YEAS—39.

NAYS—Fiore.

EXCUSED—Paul Anderson, Pierce—2.

Assembly Bill No. 461 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 491.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 491, as amended, redirects \$20.8 million of governmental services tax commissions and \$4.1 million of GST penalties in the Department of Motor Vehicles' Field Services and Motor Carrier budget accounts to the State General Fund for unrestricted use in Fiscal Year 2015 only, offset by an increase in Highway Fund authorization in a like amount, and increases the administrative cap on Highway Funds for the department from 22 percent to 32 percent for the 2015 Fiscal Year only.

This bill also extends the deposit of the GST to the General Fund resulting from the increase in the amount of the basic governmental services tax due annually that was increased for used vehicles by reducing the amount of depreciation allowed and increasing the minimum tax, which was approved by the 2009 Legislature in Senate Bill 429. The revenue from these increases in the basic governmental services tax is allocated to the State General Fund until June 30, 2015. The most recent projection is \$64.22 million in 2014 and \$65.13 million in 2015.

Assembly Bill 491, as amended, is effective on July 1, 2013. Madam Speaker, this takes care of one small hole in the budget.

Roll call on Assembly Bill No. 491:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Assembly Bill No. 491 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 58.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Senate Bill 58 eliminates or modifies limits on pupil enrollment in distance education programs. Pupils may enroll in such programs unless prohibited by statute or if the pupil fails to meet the qualifications and conditions established by the State Board of Education. If a pupil is otherwise qualified to enroll in a distance education program, the school district board of trustees must grant the requested permission to enroll. Additionally, the measure provides that the Superintendent of Public Instruction may grant permission for unlicensed personnel to supervise pupils attending a course of distance education while receiving instruction from a licensed educator remotely, through electronic means.

I would just add that this is an incredibly responsible decision for our students moving forward. This is about accessibility and flexibility for our students. They all learn differently, and they need to learn differently. We have a lot of rural areas right here in our state, and there are a lot of students who can't get to certain specific classes or the school district cannot supply a teacher for that class, and this allows those students to take those classes.

Roll call on Senate Bill No. 58:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Senate Bill No. 58 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 423.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 423 requires the Director of the Nevada Department of Corrections to provide an offender, upon release and request, with a photo identification card issued by the NDOC. The photo ID card must include the name, date of birth, and a color picture of the offender. The measure further provides that an offender who is eligible to apply for a driver's license or ID card through the Nevada Department of Motor Vehicles may submit the photo ID card received from the NDOC as proof of the offender's full legal name and age.

I would like to ask my colleagues to vote for this. This is a great bill. This helps those who are exiting the Nevada Department of Corrections to reintegrate into the community, because identification is the key to access all services they would need in the community.

Roll call on Senate Bill No. 423:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Senate Bill No. 423 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 446.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 446 authorizes Nevada's three State Commissioners for the Western Interstate Commission for Higher Education to enter into reciprocity agreements for the purpose of authorizing certain postsecondary institutions located in other states to provide distance education to Nevada residents.

Roll call on Senate Bill No. 446:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Senate Bill No. 446 having received a constitutional majority,

Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 447.

Bill read third time.

Remarks by Assemblyman Eisen.

ASSEMBLYMAN EISEN:

Senate Bill 447 amends the statutory budget submission process for the regional training programs and requires the inclusion in the Department of Education's budget.

The measure also requires the regional training programs to provide developmental training for those professionals who conduct teacher or administrator evaluations in consultation with the Teachers and Leaders Council of Nevada based upon the results of teacher and administrator evaluations.

Senate Bill 447 further authorizes a teacher's aide or paraprofessional to monitor computer laboratories in place of a licensed teacher, unless prohibited by federal law. This measure authorizes district attendance officers to issue citations for habitual truancy. Finally, the bill increases from eight to nine the number of members of the Statewide Council and provides for the expiration of the terms of current members as of June 30, 2013, and appointment of new members.

Roll call on Senate Bill No. 447:

YEAS—37.

NAYS—Ellison, Fiore, Wheeler—3.

EXCUSED—Paul Anderson, Pierce—2.

Senate Bill No. 447 having received a constitutional majority,

Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 463.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 463 provides for the implementation of the Court of Appeals pursuant to the provisions of Senate Joint Resolution No. 14 of the 2011 Legislative Session.

I rise in support of S.B. 463. We heard in committee that there is a need for a court of appeals, and this would go into effect if our voters so decide in the 2014 election.

Roll call on Senate Bill No. 463:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Senate Bill No. 463 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 466.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Senate Bill 466. This transfers the authority over certain food and nutrition education and assistance programs from the Department of Education to the Director of the State Department of Agriculture. It implements a budget decision approved by the joint full money committees and is in the budget.

Roll call on Senate Bill No. 466:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Senate Bill No. 466 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 498.

Bill read third time.

Remarks by Assemblyman Hardy.

ASSEMBLYMAN HARDY:

I rise in support of S.B. 498. Senate Bill 498 authorizes certain telecommunication providers to access the databases created and maintained by the Department of Health and Human Services for the exclusive purpose of determining or verifying customers who are eligible for Lifeline service. Such access is prohibited after an independent administrator is selected and able to inform these providers of their customers' eligibility to receive Lifeline service. An independent administrator may access the DHHS databases to the extent authorized by state and federal law and any other database created and maintained by a state agency for the purpose of determining or verifying the status of an eligible customer.

Roll call on Senate Bill No. 498:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Senate Bill No. 498 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 469.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 469 makes the transfers of the State Dairy Commission from the Department of Business and Industry to the Department of Agriculture. It implements a budget decision approved by the joint full money committees.

Roll call on Senate Bill No. 469:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Senate Bill No. 469 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 14 of the 76th Session.

Resolution read third time.

Remarks by Assemblymen Ohrenschall and Duncan.

ASSEMBLYMAN OHRENSCHALL:

Senate Joint Resolution No. 14 proposes an amendment to the *Nevada Constitution* to create an intermediate appellate court, known as the Court of Appeals, composed of three judges initially appointed to two-year terms by the Governor from nominees chosen by the Commission on Judicial Selection. Following initial appointment, the judges will be elected at the general election to serve a term of six years.

The Court of Appeals will have appellate jurisdiction in civil cases arising from the district courts and in criminal cases within the original jurisdiction of the district courts. The Nevada Supreme Court will fix the appellate court's jurisdiction and provide for the review of appeals decided by the Court of Appeals. Finally, Nevada's Supreme Court must provide for the assignment of one or more judges of the Court of Appeals to devote part of their time to serve as supplemental district judges where needed.

Madam Speaker, in your Judiciary Committee there was quite a bit of testimony about how our Supreme Court is very overworked, how their caseload is very heavy, and how that is costly, not just to the judges and attorneys in the state, but to the litigants, to the businessmen and women, and to the families who are awaiting having these decisions rendered. So hopefully if the voters see fit to enact this constitutional amendment and to provide this additional level of appellate review, justice will be a little more timely in the state. I urge its passage.

ASSEMBLYMAN DUNCAN:

Just as my colleague from District 12 spoke about, we did hear some compelling testimony in the Judiciary Committee about this subject. I think looking down the line if we want to be a competitive business state and compete with Delaware and different states, one of the most important things is to be able to have an appellate body of law where our Supreme Court Justices are able to take time to write precedential opinions that will make us certain and a stable business environment. We certainly heard a lot of compelling testimony that they are overworked and that slows down the entire justice system for normal Nevadans who are

appealing their cases from the district court all the way up to the Supreme Court. If they have the ability to appeal those to the appellate courts this would actually increase their ability to have their cases adjudicated in a quicker fashion. So I urge this body's support of this measure.

Roll call on Senate Joint Resolution No. 14 of the 76th Session:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Senate Joint Resolution No. 14 of the 76th Session having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 10.

The following Senate amendment was read:

Amendment No. 628.

AN ACT relating to gaming; revising provisions relating to the unlawful use or possession of certain devices in a game; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that it is unlawful for a person to use or possess with the intent to use, or to assist another person in using or possessing with the intent to use, certain devices to obtain an advantage at playing any game in a licensed gaming establishment. (NRS 465.075) **Section 1** of this bill: (1) ~~provides that the prohibition applies to individuals and those acting in conjunction with others;~~ (2) adds software or hardware, or any combination thereof, to the list of prohibited devices; ~~(3)~~ (2) provides that the prohibition applies to any game that is offered by a licensee or affiliate; and ~~(4)~~ (3) removes the definition of the term "advantage."

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

Section 1. NRS 465.075 is hereby amended to read as follows:

465.075 ~~[1.]~~ It is unlawful for any person ~~[, either solely or in conjunction with others,]~~ to use, possess with the intent to use or assist another person in using or possessing with the intent to use any computerized, electronic, electrical or mechanical device, *or any software or hardware, or any combination thereof*, which is designed, constructed, altered or programmed to obtain an advantage at playing any game in a licensed gaming establishment ~~[,]~~ *or any game that is offered by a licensee or affiliate*, including, without limitation, a device that:

~~[(a)]~~ 1. Projects the outcome of the game;

~~[(b)]~~ 2. Keeps track of cards played or cards prepared for play ~~;~~

~~—(e)] in the game;~~

3. Analyzes the probability of the occurrence of an event relating to ~~[a]~~
~~the game;~~ or

~~[(d)]~~ 4. Analyzes the strategy for playing or betting to be used in the
game,

↳ except as may be made available as part of an approved game or otherwise
permitted by the Commission.

~~[2. As used in this section, “advantage” means a benefit obtained by one
or more participants in a game through information or knowledge that is not
made available as part of the game as approved by the Board or
Commission.]~~

Sec. 2. (Deleted by amendment.)

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Frierson moved that the Assembly concur in the Senate
Amendment No. 628 to Assembly Bill No. 10.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 628 removes the words “either solely or in conjunction with others” to clarify
that it is unlawful for any person to use, possess with the intent to use, or assist another person in
using or possessing with the intent to use, certain devices to obtain an advantage in playing any
game in a licensed gaming establishment.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 44.

The following Senate amendment was read:

Amendment No. 627.

AN ACT relating to common-interest communities; revising provisions
governing the storage of trash and recycling containers in certain planned
communities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This bill restricts the authority of an association of a planned community to
regulate the storage of trash and recycling containers on the premises of
attached or detached residential units with curbside trash and recycling
collection. Under **section 1** of this bill, the rules of an association governing
the storage of trash and recycling containers must: (1) comply with all
applicable codes and regulations; and (2) allow the unit’s owner, or a tenant
of the unit’s owner, to store the containers outside any building or garage on
the premises of the unit. The rules may: (1) provide that the containers must
be stored **in the rear or side yard of the unit, if such locations exist, and** in
such a manner that the containers are screened from view from the street, a
sidewalk or any adjacent property; and (2) prescribe the size, location, color
and material of any device, structure or item that may be used by a unit’s

owner or tenant to screen the view. Finally, **section 1** allows an association to adopt rules that reasonably restrict the conditions under which trash and recycling containers are placed for collection, including, without limitation, the area in which the containers may be placed and the length of time for which the containers may be kept in that area.

Section 2 of this bill provides that the restrictions on the authority of an association of a planned community to regulate trash and recycling containers are applicable only to associations containing more than six units.

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

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, an association of a planned community may not regulate or restrict the manner in which containers for the collection of solid waste or recyclable materials are stored on the premises of a residential unit with curbside service.

2. An association of a planned community may adopt rules , in accordance with the procedures set forth in the governing documents, as defined in subsections 1 and 2 of NRS 116.049, or the bylaws of the association, that reasonably restrict the manner in which containers for the collection of solid waste or recyclable materials are stored on the premises of a residential unit with curbside service during the time the containers are not within the collection area, including, without limitation, rules prescribing the location at which the containers are stored during that time. The rules adopted by the association:

(a) Must:

(1) Comply with all applicable codes and regulations; and

(2) Allow the unit's owner, or a tenant of the unit's owner, to store containers for the collection of solid waste or recyclable materials outside any building or garage on the premises of the unit during the time the containers are not within the collection area.

(b) May:

(1) Provide that the containers for the collection of solid waste or recyclable materials must be stored in the rear or side yard of the unit, if such locations exist, and in such a manner that the containers are screened from view from the street, a sidewalk or any adjacent property; and

(2) Include, without limitation, rules prescribing the size, location, color and material of any device, structure or item used to screen containers for the collection of solid waste or recyclable materials from view from the street, a sidewalk or any adjacent property and the manner

of attachment of the device, structure or item to the structure on the premises where the containers are stored.

3. An association of a planned community may adopt rules that reasonably restrict the conditions under which containers for the collection of solid waste or recyclable materials are placed in the collection area, including, without limitation:

- (a) The boundaries of the collection area;*
- (b) The time at which the containers may be placed in the collection area; and*
- (c) The length of time for which the containers may be kept in the collection area.*

4. As used in this section:

(a) "Collection area" means the area designated for the collection of the contents of containers for the collection of solid waste or recyclable materials.

(b) "Curbside service" means the collection of solid waste or recyclable materials on an individual basis for each residential unit by an entity that is authorized to collect solid waste or recyclable materials.

(c) "Recyclable material" has the meaning ascribed to it in NRS 444A.013.

(d) "Residential unit" means an attached or detached unit intended or designed to be occupied by one family.

(e) "Solid waste" has the meaning ascribed to it in NRS 444.490.

Sec. 2. NRS 116.1203 is hereby amended to read as follows:

116.1203 1. Except as otherwise provided in subsections 2 and 3, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. The provisions of NRS 116.12065 and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that the definitions are necessary to construe any of those provisions, apply to a residential planned community containing more than 6 units.

3. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, *and section 1 of this act* and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than 6 units.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 627 to Assembly Bill No. 44.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 627 authorizes a planned community to adopt rules in accordance with the procedure set forth in the governing documents that concern the manner in which trash and recyclable containers may be stored. It also provides for trash and recyclable containers to be stored in the rear or side yard of a unit if such location exists.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 54.

The following Senate amendment was read:

Amendment No. 735.

AN ACT relating to courts; authorizing a board of county commissioners to impose by ordinance a filing fee relating to actions and proceedings in the justice court to offset the costs of operating a law library established in the county; requiring the county treasurer to deposit the filing fees received into a special account to be used to support the operation of such a law library; revising certain fees in the justice court; requiring the county treasurer to deposit a portion of such fees received from justice courts into a special account to be used for certain purposes; requiring the county treasurer to reduce annually the amount deposited into the special account in certain circumstances; requiring each justice court that collects fees to submit an annual report to the board of county commissioners; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of county commissioners of any county to establish by ordinance a law library to be governed and managed by a board of law library trustees. (NRS 380.010) **Section 1** of this bill authorizes a board of county commissioners to impose by ordinance a filing fee relating to actions and proceedings in the justice court, in an amount not to exceed \$8, to offset a portion of the costs of operating such a law library. **Section 1** also provides that in a county in which such a fee has been imposed, the justice of the peace shall, on a monthly basis, pay to the county treasurer any such fees collected during the preceding month. The county treasurer is required to deposit the fees received into a special account administered by the county and maintained for the benefit of such a law library.

Existing law requires each justice of the peace to charge and collect certain fees for various civil actions, proceedings and filings in the justice court. For actions and proceedings other than small claims, the amount of the fees charged and collected is based upon the sum claimed in the action or proceeding. Each justice of the peace is required to pay to the county treasurer all such fees charged and collected, with certain exceptions. (NRS 4.060) **Section 1.5** of this bill increases the amount of certain fees charged and collected by the justice court and revises the tiers upon which certain fees are based.

Section 1.5 also requires the county treasurer to deposit 25 percent of the fees received from justices of the peace into a special account administered by the county and maintained for the benefit of each justice court within the county. The money in the account must be used only: (1) for purposes generally related to the acquisition of land or facilities or the construction or renovation of facilities for a justice court or a multi-use facility that includes a justice court; (2) to acquire advanced technology for the use of a justice court; (3) to acquire equipment or additional staff to enhance the security of the facilities used by a justice court, justices of the peace, staff of a justice court and residents of this State who access the justice courts; (4) to pay for the training of staff or the hiring of additional staff to support the operation of a justice court; and (5) to pay for one-time projects for the improvement of a justice court. **Section 1.5** also requires: (1) the county treasurer to reduce on an annual basis, if necessary, the amount deposited into the special account in certain circumstances; and (2) each justice court that collects fees to submit to the board of county commissioners of the county in which the justice court is located an annual report that contains certain information.

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

Section 1. Chapter 4 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other fee required by law, a board of county commissioners may impose by ordinance a filing fee to offset a portion of the costs of operating a law library established in that county by the board of county commissioners pursuant to NRS 380.010, in an amount not to exceed \$8, to be paid on the commencement of any action or proceeding in the justice court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required.

2. On or before the fifth day of each month, in a county in which a fee has been imposed pursuant to subsection 1, the justice of the peace shall account for and pay over to the county treasurer any such fees collected by the justice of the peace during the preceding month. The county treasurer shall deposit the fees received into a special account administered by the county and maintained for the benefit of a law library established pursuant to NRS 380.010. The money in the account must be used only to support the operation of such a law library.

Sec. 1.5. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed [\$1,000]	\$28.00
If the sum claimed exceeds \$1,000 but does not exceed] \$2,500.....	\$ 50.00
If the sum claimed exceeds \$2,500 but does not exceed [\$4,500] \$5,000	100.00
[If the sum claimed exceeds \$4,500 but does not exceed \$6,500.....	125.00
If the sum claimed exceeds \$6,500 but does not exceed \$7,500.....	150.00]
If the sum claimed exceeds [\$7,500] \$5,000 but does not exceed \$10,000	\$175.00
<i>In a civil action for unlawful detainer pursuant to</i> <i>NRS 40.290 to 40.420, inclusive, in which a notice</i> <i>to quit has been served pursuant to</i> <i>NRS 40.255</i>	225.00
In all other civil actions	28.00] 50.00

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed \$1,000.....	[\$25.00] \$45.00
If the sum claimed exceeds \$1,000 but does not exceed \$2,500	[45.00] 65.00
If the sum claimed exceeds \$2,500 but does not exceed \$5,000	[65.00] 85.00
If the sum claimed exceeds \$5,000 but does not exceed \$7,500	125.00

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:

In all civil actions	[\$12.00] \$50.00
For every additional defendant, appearing separately	[6.00] 25.00

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention..... ~~[\$6.00]~~ **\$25.00**

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed

to enforce any judgment of the court , *other than a writ of restitution*.....~~[\$6.00]~~ **\$25.00**

(g) *For the issuance of any writ of restitution*.....**\$75.00**

(h) For filing a notice of appeal, and appeal bonds.....~~[\$12.00]~~ **\$25.00**
 One charge only may be made if both papers are filed at the same time.

~~[(h)]~~ (i) For issuing supersedeas to a writ designed to enforce a judgment or order of the court.....~~[\$12.00]~~ **\$25.00**

~~[(i)]~~ (j) For preparation and transmittal of transcript and papers on appeal.....~~[\$12.00]~~ **\$25.00**

~~[(j)]~~ (k) For celebrating a marriage and returning the certificate to the county recorder or county clerk.....\$50.00

~~[(k)]~~ (l) For entering judgment by confession.....~~[\$6.00]~~ **\$50.00**

~~[(l)]~~ (m) For preparing any copy of any record, proceeding or paper, for each page.....~~[\$.30]~~ ~~[\$1.00]~~ **\$.50**

~~[(m)]~~ (n) For each certificate of the clerk, under the seal of the court.....\$3.00

~~[(n)]~~ (o) For searching records or files in his or her office, for each year.....\$1.00

~~[(o)]~~ (p) For filing and acting upon each bail or property bond.....~~[\$40.00]~~ **\$50.00**

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph ~~[(j)]~~ (k) of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected *pursuant to subsection 1* during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to \$5 of each fee collected pursuant to paragraph ~~[(j)]~~ (k) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph ~~((o))~~ (p) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

6. Except as otherwise provided in subsection 7, the county treasurer shall deposit 25 percent of the fees received pursuant to subsection 4 into a special account administered by the county and maintained for the benefit of each justice court within the county. The money in that account must be used only to:

(a) Acquire land on which to construct additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(b) Construct or acquire additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(c) Renovate, remodel or expand existing facilities or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or a portion of a facility or the renovation, remodeling or expansion of an existing facility or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(e) Acquire advanced technology for the use of a justice court;

(f) Acquire equipment or additional staff to enhance the security of the facilities used by a justice court, justices of the peace, staff of a justice court and residents of this State who access the justice courts;

(g) Pay for the training of staff or the hiring of additional staff to support the operation of a justice court;

(h) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or for the construction, renovation, remodeling or expansion of facilities for a justice court or a multi-use facility that includes a justice court; and

(i) Pay for one-time projects for the improvement of a justice court.

↪ Any money remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.

7. The county treasurer shall, if necessary, reduce on an annual basis the amount deposited into the special account pursuant to subsection 6 to ensure that the total amount of fees collected by a justice court pursuant to this section and paid by the justice of the peace to the county treasurer pursuant to subsection 4 is, for any fiscal year, not less than the total amount of fees collected by that justice court and paid by the justice of the peace to the county treasurer for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

8. Each justice court that collects fees pursuant to this section shall submit to the board of county commissioners of the county in which the justice court is located an annual report that contains:

(a) An estimate of the amount of money that the county treasurer will deposit into the special account pursuant to subsection 6 from fees collected by the justice court for the following fiscal year; and

(b) A proposal for any expenditures by the justice court from the special account for the following fiscal year.

Sec. 2. This act becomes effective on July 1, 2013.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 735 to Assembly Bill No. 54.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 735 revises the fee for preparing any copy of any preceding, from \$1 to 50 cents for each page.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 64.

The following Senate amendment was read:

Amendment No. 636.

AN ACT relating to criminal justice; revising provisions concerning the delivery of copies of reports of presentence investigations and certain judgments of conviction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that when a court imposes a sentence of imprisonment in the state prison or revokes a program of probation and orders a sentence of imprisonment to the state prison to be executed, the court is required to cause a copy of any report of a presentence investigation to be delivered to the Director of the Department of Corrections when the judgment of imprisonment is delivered by the sheriff to an authorized person designated by the Director to receive the prisoner from the county where the prisoner is held for commitment. (NRS 176.159, 176.335) **Section 1** of this bill revises this requirement and specifies that such a report must be delivered not later than when the judgment of imprisonment is delivered. **Section 1** further specifies that, at the court's discretion, the report may also be delivered by electronic transmission or by affording the Department the required electronic access to retrieve the report.

Existing law also provides that when a judgment of imprisonment to be served in the state prison has been pronounced, triplicate certified copies of the judgment of conviction, attested by the clerk under the seal of the court,

must be furnished to the officers whose duty it is to execute the judgment. (NRS 176.325) **Section 2** of this bill specifies that such certified copies of the judgment of conviction may be in paper or electronic form.

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

Section 1. NRS 176.159 is hereby amended to read as follows:

176.159 1. Except as otherwise provided in subsection 2, when a court imposes a sentence of imprisonment in the state prison or revokes a program of probation and orders a sentence of imprisonment to the state prison to be executed, the court shall cause a copy of the report of the presentence investigation to be delivered to the Director of the Department of Corrections, if such a report was made. The report must be delivered *not later than* when the judgment of imprisonment is delivered pursuant to NRS 176.335. *Delivery of the report may, at the court's discretion, also be accomplished by electronic transmission or by affording the Department of Corrections the required electronic access necessary to retrieve the report.*

2. If a presentence investigation and report were not required pursuant to paragraph (b) of subsection 3 of NRS 176.135 or pursuant to subsection 1 of NRS 176.151, the court shall cause a copy of the previous report of the presentence investigation or a copy of the report of the general investigation, as appropriate, to be delivered to the Director of the Department of Corrections in the manner provided pursuant to subsection 1.

Sec. 2. NRS 176.325 is hereby amended to read as follows:

176.325 When a judgment of imprisonment to be served in the state prison has been pronounced, triplicate certified *paper or electronic* copies of the judgment of conviction, attested by the clerk under the seal of the court, must forthwith be furnished to the officers whose duty it is to execute the judgment, as provided by NRS 176.335, and no other warrant or authority is necessary to justify or require the execution thereof, except when a judgment of death is rendered.

Sec. 3. NRS 176.335 is hereby amended to read as follows:

176.335 1. If a judgment is for imprisonment in the state prison, the sheriff of the county shall, on receipt of the triplicate certified *paper or electronic* copies of the judgment of conviction, immediately notify the Director of the Department of Corrections and the Director shall, without delay, send some authorized person to the county where the prisoner is held for commitment to receive the prisoner.

2. When such an authorized person presents to the sheriff holding the prisoner an order for the delivery of the prisoner, the sheriff shall deliver to the authorized person two of the certified copies of the judgment of conviction ~~and a copy of the report of the presentence investigation or~~

~~general investigation, as appropriate, if required pursuant to NRS 176.159,~~ and take from the person a receipt for the prisoner, and the sheriff shall make return upon the certified copy of the judgment of conviction, showing the sheriff's proceedings thereunder, and both that copy with the return affixed thereto and the receipt from the authorized person must be filed with the county clerk.

3. The term of imprisonment designated in the judgment of conviction must begin on the date of sentence of the prisoner by the court.

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 636 to Assembly Bill No. 64.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 636 revises the effective date of the measure to be upon passage and approval, instead of October 1, 2013.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 97.

The following Senate amendment was read:

Amendment No. 625.

AN ACT relating to crimes; revising provisions relating to the time for filing a count alleging that a person is a habitual criminal, habitual felon or habitually fraudulent felon; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes a prosecuting attorney to prosecute a person as a habitual criminal, a habitual felon or a habitually fraudulent felon if certain conditions exist; and (2) prescribes the punishment for a habitual criminal, a habitual felon or a habitually fraudulent felon. (NRS 207.010, 207.012, 207.014) Under existing law, a prosecuting attorney may: (1) include in the information charging the primary offense a count alleging that a person is a habitual criminal, a habitual felon or a habitually fraudulent felon; or (2) file such a count after the person's conviction for the primary offense but, in such a case, the sentence must not be imposed or a certain hearing held until 15 days after the filing. (NRS 207.016) This bill requires a count alleging that a person is a habitual criminal, a habitual felon or a habitually fraudulent felon to be filed not less than 2 days before the trial on the primary offense, unless ~~the prosecution and the defendant stipulate~~ **an agreement of the parties provides** otherwise or for good cause shown the court extends such time. This bill also authorizes the prosecution to supplement or amend such a count at any time before sentence is imposed, but, if such a supplement or

amendment is filed, the sentence must not be imposed or a certain hearing must not occur until 15 days after the filing.

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

Section 1. NRS 207.016 is hereby amended to read as follows:

207.016 1. A conviction pursuant to NRS 207.010, 207.012 or 207.014 operates only to increase, not to reduce, the sentence otherwise provided by law for the principal crime.

2. If a count pursuant to NRS 207.010, 207.012 or 207.014 is included in an information charging the primary offense, each previous conviction must be alleged in the accusatory pleading, but no such conviction may be alluded to on trial of the primary offense, nor may any allegation of the conviction be read in the presence of a jury trying the offense or a grand jury considering an indictment for the offense. A count pursuant to NRS 207.010, 207.012 or 207.014 may be ~~separately~~ filed ~~after conviction of~~ ***separately from the indictment or information charging*** the primary offense, but if it is so filed, ***the count pursuant to NRS 207.010, 207.012 or 207.014 must be filed not less than 2 days before the start of the trial on the primary offense, unless ~~the prosecution and the defendant stipulate~~ an agreement of the parties provides otherwise or the court for good cause shown makes an order extending the time. For good cause shown, the prosecution may supplement or amend a count pursuant to NRS 207.010, 207.012 or 207.014 at any time before the sentence is imposed, but if such a supplement or amendment is filed, the*** sentence must not be imposed, or the hearing required by subsection 3 held, until 15 days after the separate filing.

3. If a defendant charged pursuant to NRS 207.010, 207.012 or 207.014 pleads guilty or guilty but mentally ill to, or is found guilty or guilty but mentally ill of, the primary offense but denies any previous conviction charged, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the defendant. At such a hearing, the defendant may not challenge the validity of a previous conviction. The court shall impose sentence:

(a) Pursuant to NRS 207.010 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitual criminality;

(b) Pursuant to NRS 207.012 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitual felon;
or

(c) Pursuant to NRS 207.014 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitually fraudulent felon.

4. Nothing in the provisions of this section, NRS 207.010, 207.012 or 207.014 limits the prosecution in introducing evidence of prior convictions for purposes of impeachment.

5. For the purposes of NRS 207.010, 207.012 and 207.014, a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.

6. Nothing in the provisions of this section, NRS 207.010, 207.012 or 207.014 prohibits a court from imposing an adjudication of habitual criminality, adjudication of habitual felon or adjudication of habitually fraudulent felon based upon ~~[a stipulation]~~ **an agreement** of the parties.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 625 to Assembly Bill No. 97.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 625 clarifies that unless an agreement of the parties provides otherwise, a count must not be filed less than two days before the start of a trial on the primary offense.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 98.

The following Senate amendment was read:

Amendment No. 734.

~~[ASSEMBLYMEN]~~ **ASSEMBLYMAN** Aizley ~~[, AND SPIEGEL]~~

SUMMARY—Revises various provisions relating to common-interest communities. (BDR 10-488)

AN ACT relating to common-interest communities; **revising provisions governing the collection of past due financial obligations owed to an association; revising provisions governing payments received by an association from a unit's owner;** requiring a person nominated as a candidate for membership on the executive board of an association to be a member of the association in good standing; authorizing an association to reject a person's nomination as a candidate for membership on the executive board in certain circumstances; authorizing an association to distribute the disclosure of a potential conflict of interest on behalf of a candidate ~~[, requiring an association that solicits bids for an association project to review and compare initial bids; authorizing such an association to request revised bids; revising the definition of "association project"; revising the process by which financial statements of certain associations are reviewed or audited;]~~ **with the candidate's consent;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a homeowners' association has a lien on a unit for certain amounts due to the association. (NRS 116.3116) Existing law authorizes the association to foreclose its lien by sale of the unit and prescribes the procedures for such a foreclosure. (NRS 116.31162-116.31168) This bill revises provisions governing the collection of past due financial obligations owed to a homeowners' association.

Section 1 of this bill establishes procedures which a homeowners' association must follow before initiating the process of foreclosing on a unit or commencing any other debt collection activity. Under section 1, before initiating the foreclosure process or commencing any other debt collection activity: (1) a homeowners' association must mail to the unit's owner a statement and two letters that provide certain information concerning the past due obligation; and (2) the executive board of the homeowners' association must, if the unit's owner so requests, conduct a hearing to verify the past due obligation. Sections 1 and 1.8 of this bill require: (1) the executive board to meet in executive session to conduct a hearing to verify a past due obligation; (2) the unit's owner to be allowed to attend and present evidence at the hearing; and (3) that the total number of votes for and against a determination of the executive board at the hearing to verify the past due obligation and the assessor's parcel number of the unit be recorded in the minutes of the meeting. Under section 1, a homeowners' association is required to offer a repayment plan to a unit's owner who owes a past due obligation to the association and a unit's owner may accept such a repayment plan at any time before the foreclosure sale of the unit or the commencement of a civil action to collect the past due obligation. Finally, section 1 authorizes an association to charge the unit's owner: (1) a fee of not more than \$50 for a repayment plan; and (2) a fee of not more than \$50 for any costs incurred by the association in complying with the requirements of section 1.

Section 4 of this bill requires the collection policy of a homeowner's association to provide an administrative process by which a unit's owner may contest a past due obligation.

Section 1.5 of this bill prohibits an association from refusing to accept any payment from a unit's owner. Section 1.5 further requires an association to apply any payment received from a unit's owner to any past due assessments, including late charges, costs of collecting and interest, owed by the unit's owner before the payment is applied to any other financial obligation owed by the unit's owner, unless the unit's owner directs a different application of the payment. Section 5 of this bill prohibits a community manager from refusing to accept from a unit's

owner, or any other party, payment of any assessment, fine, fee or other charge that is due because there is an outstanding payment due.

Existing law requires each person who is nominated as a candidate for membership on the executive board of an association to disclose potential conflicts of interest and whether he or she is a member of the association in good standing. A person is deemed not to be in good standing if he or she owes certain assessments or penalties to the association. (NRS 116.31034) **Section ~~##~~ 1.6** of this bill removes the disclosure requirement relating to being a member in good standing and instead requires a person who is nominated as a candidate for membership on the executive board to be a member in good standing. **Section ~~##~~ 1.6** also provides that if a candidate fails to disclose any potential conflict of interest before the closing period prescribed for nominations for membership on the executive board, the association may: (1) reject the person's nomination; or (2) if the association has reason to believe that a potential conflict of interest exists, distribute the disclosure ~~##~~ on behalf of the candidate, **if the candidate consents to the distribution of the disclosure,** to each member of the association with the ballot or in the next regular mailing of the association.

~~Existing law provides that if an association solicits bids for an association project, the bids must be opened during a meeting of the executive board. (NRS 116.31086) Section 2 of this bill requires an association to review and compare the initial bids for the association project and authorizes the association to request any of the bidders to submit a revised bid. Section 2 also revises the definition of "association project" to specify that such a project costs \$2,500 or more or 10 percent or more of the total annual assessment made by the association.~~

~~Existing law sets forth the process for the review or audit of the financial statement of an association by an independent certified public accountant. For an association with an annual budget that is less than \$150,000, the frequency with which a review occurs depends on the specific annual budget of the association. The financial statement of such an association must be audited only if, within 180 days before the end of the fiscal year, 15 percent of the total number of voting members of the association submit a written request for such an audit. (NRS 116.31144) Section 3 of this bill revises this process and requires that the financial statement of an association with an annual budget that is less than \$150,000 be reviewed every fiscal year. For any fiscal year, the financial statement must be audited if, within 180 days before the end of the fiscal year, 51 percent of the total number of voting members of the association submit a written request for such an audit.]~~

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

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An association may not mail to a unit's owner or his or her successor in interest a letter of its intent to mail a notice of delinquent assessment pursuant to paragraph (a) of subsection 1 of NRS 116.31162, mail the notice of delinquent assessment or take any other action to collect a past due obligation from a unit's owner or his or her successor in interest unless the association has satisfied the requirements of subsections 2 to 5, inclusive.

2. If a unit's owner owes a past due obligation that is 30 days or more past due, the association must mail to the address on file for the unit's owner a full statement of account showing the transaction history for the immediately preceding 24 months, a schedule of the fees that may be charged if the unit's owner fails to pay the past due obligation and a proposed repayment plan. If the past due obligation is not paid within 15 days after the mailing of the statement of account, schedule of fees and proposed repayment plan, the association must mail, by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, at least two letters, not less than 10 days apart, that state the following information:

(a) The current account balance information;

(b) A transaction history for the immediately preceding 24 months;

(c) A schedule of the fees that may be charged if the unit's owner fails to pay the past due obligation;

(d) A proposed repayment plan; and

(e) A notice of the right to contest the past due obligation at a hearing before the executive board and the procedures for requesting such a hearing.

3. Not earlier than 30 days after mailing the last of the letters required by subsection 2, the executive board must, if the unit's owner so requests, conduct a hearing to verify the past due obligation in accordance with this subsection and subsection 5 of NRS 116.31085. The executive board shall schedule the date, time and location for the hearing to verify the past due obligation so that the unit's owner or his or her successor in interest is provided with a reasonable opportunity to prepare for and be present at the hearing. The unit's owner or his or her successor in interest:

(a) Is entitled to attend all portions of the hearing to verify the past due obligation.

(b) Is entitled to be represented by another person at the hearing.

(c) Is entitled to present evidence of timely payment of the past due obligation, which may be presented in writing if the unit's owner is unable

to be present at the hearing at the date and time scheduled for the hearing. Any written evidence submitted pursuant to this paragraph must be included in the minutes of the hearing.

(d) Is not entitled to attend the deliberations of the executive board.

4. Not later than 30 days after the hearing to verify the past due obligation held pursuant to subsection 3, the association shall mail the determination of the executive board to the unit's owner or his or her successor in interest. If the executive board determines that the unit's owner or his or her successor in interest owes a past due obligation to the association and that the association has satisfied the applicable requirements of this section and if the executive board has approved the foreclosure of the association's lien pursuant to NRS 116.31162 to 116.31168, inclusive, or the taking of any other action to collect the past due obligation, the association may, after mailing the determination of the executive board pursuant to this subsection, take action as authorized by the executive board to collect the past due obligation by filing a notice of delinquent assessment pursuant to paragraph (a) of subsection 1 of NRS 116.31162 or by taking any other action to collect the past due obligation which is authorized by the laws of this State.

5. An association must offer a unit's owner who owes a past due obligation to the association a repayment plan providing for the payment of the amount of the past due obligation in equal monthly installments over a period of:

(a) Six months, if the amount of the past due obligation is \$1,000 or less.

(b) Twelve months, if the amount of the past due obligation is more than \$1,000 but less than \$2,000.

(c) Twenty-four months, if the amount of the past due obligation is \$2,000 or more.

6. The association may charge a fee of not more than \$50 for a repayment plan. The association shall not charge any interest or late fees on a past due obligation for which a unit's owner or his or her successor in interest has entered into a repayment plan. A unit's owner or his or her successor in interest may accept a payment plan at any time before the date of the sale of the unit pursuant to NRS 116.31164 or the commencement of a civil action against the unit's owner or his or her successor in interest to obtain a judgment for the amount of the past due obligation. A unit's owner or his or her successor in interest may accept the repayment plan offered by the association pursuant to this subsection by tendering the first monthly payment. If a unit's owner or his or her successor in interest defaults on any repayment plan, the association may resume its efforts to collect the past due obligation from the time at which the unit's owner or his or her successor in interest accepted the repayment plan.

7. The failure of a unit's owner to pay when due an installment payment under a repayment plan is deemed to be a breach of the repayment plan and the repayment plan terminates upon such a failure.

8. The association may charge the unit's owner or his or her successor in interest a fee of not more than \$50 to cover the costs incurred by an association in satisfying the requirements of this section.

9. As used in this section, "obligation" has the meaning ascribed to it in NRS 116.310313.

Sec. 1.2. NRS 116.1203 is hereby amended to read as follows:

116.1203 1. Except as otherwise provided in subsections 2 and 3, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. The provisions of NRS 116.12065 and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that the definitions are necessary to construe any of those provisions, apply to a residential planned community containing more than 6 units.

3. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, **and section 1 of this act**, and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than 6 units.

Sec. 1.3. NRS 116.12075 is hereby amended to read as follows:

116.12075 1. The provisions of this chapter do not apply to a nonresidential condominium except to the extent that the declaration for the nonresidential condominium provides that:

(a) This entire chapter applies to the condominium;

(b) Only the provisions of NRS 116.001 to 116.2122, inclusive, and 116.3116 to 116.31168, inclusive, **and section 1 of this act** apply to the condominium; or

(c) Only the provisions of NRS 116.3116 to 116.31168, inclusive, **and section 1 of this act** apply to the condominium.

2. If this entire chapter applies to a nonresidential condominium, the declaration may also require, subject to NRS 116.1112, that:

(a) Notwithstanding NRS 116.3105, any management, maintenance operations or employment contract, lease of recreational or parking areas or facilities and any other contract or lease between the association and a declarant or an affiliate of a declarant continues in force after the declarant turns over control of the association; and

(b) Notwithstanding NRS 116.1104 and subsection 3 of NRS 116.311, purchasers of units must execute proxies, powers of attorney or similar

devices in favor of the declarant regarding particular matters enumerated in those instruments.

Sec. 1.4. NRS 116.310313 is hereby amended to read as follows:

116.310313 1. An association may charge a unit's owner reasonable fees to cover the costs of collecting any past due obligation. The Commission shall adopt regulations establishing the amount of the fees that an association may charge pursuant to this section.

2. The provisions of this section apply to any costs of collecting a past due obligation charged to a unit's owner, regardless of whether the past due obligation is collected by the association itself or by any person acting on behalf of the association, including, without limitation, an officer or employee of the association, a community manager or a collection agency.

3. As used in this section:

(a) "Costs of collecting" includes any fee, charge or cost, by whatever name, including, without limitation, any collection fee, filing fee, recording fee, fee related to the preparation, recording or delivery of a lien or lien rescission, title search lien fee, bankruptcy search fee, referral fee, fee for postage or delivery and any other fee or cost that an association charges a unit's owner for the investigation, enforcement or collection of a past due obligation. The term does not include any costs incurred by an association if a lawsuit is filed to enforce any past due obligation, ~~for~~ any costs awarded by a court, ~~or~~ **or any costs incurred by an association in complying with the requirements of section 1 of this act.**

(b) "Obligation" means any assessment, fine, construction penalty, fee, charge or interest levied or imposed against a unit's owner pursuant to any provision of this chapter or the governing documents.

Sec. 1.5. NRS 116.310315 is hereby amended to read as follows:

116.310315 **1. An association:**

(a) Shall not refuse to accept any payment from a unit's owner.

(b) Unless a unit's owner directs a different application of a payment, shall apply a payment received from a unit's owner to any past due assessment for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115, including any late fees, costs of collection and interest on the past due assessment, before any portion of the payment is applied to any other assessment or any fine, penalty, fee, charge or interest which has been levied or imposed against the unit's owner pursuant to this chapter or the governing documents.

2. If an association has imposed a fine against a unit's owner or a tenant or an invitee of a unit's owner or a tenant pursuant to NRS 116.31031 for violations of the governing documents of the association, the association shall establish a compliance account to account for the fine, which must be separate from any account established for assessments.

~~[Section 1.]~~ *Sec. 1.6.* NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, all of whom must be units' owners. The executive board shall elect the officers of the association. Unless the governing documents provide otherwise, the officers of the association are not required to be units' owners. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 3 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of the unit's owner's eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his or her name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board pursuant to subsection 4, the executive board may determine that if, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, then the secretary or other officer specified in the bylaws of the association will cause notice to be given to each unit's owner informing each unit's owner that:

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section and the nominated candidates shall be deemed to be duly elected to the executive board unless:

(1) A unit's owner who is qualified to serve on the executive board nominates himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection; and

(2) The number of units' owners who submit such a nomination causes the number of candidates nominated for membership on the executive board to be greater than the number of members to be elected to the executive board.

(b) Each unit's owner who is qualified to serve as a member of the executive board may nominate himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection.

6. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board, then:

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section;

(b) The nominated candidates shall be deemed to be duly elected to the executive board not later than 30 days after the date of the closing of the period for nominations described in subsection 5; and

(c) The association shall send to each unit's owner notification that the candidates nominated have been elected to the executive board.

7. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is greater than the number of members to be elected to the executive board, then the association shall:

(a) Prepare and mail ballots to the units' owners pursuant to this section; and

(b) Conduct an election for membership on the executive board pursuant to this section.

8. Each person who is nominated as a candidate for membership on the executive board pursuant to subsection 4 or 5 must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) ~~Disclose whether the candidate is~~ **Be** a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in

“good standing” if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

~~[-The]~~ ***If a candidate who is not deemed to be in good standing pursuant to this paragraph satisfies all such unpaid and past due assessments or construction penalties before the closing of the prescribed period for nominations for membership on the executive board, he or she shall be deemed to be in good standing and may proceed as a candidate for membership on the executive board.***

9. A candidate must make all disclosures required pursuant to ~~[this]~~ ***paragraph (a) of subsection 8*** in writing to the association with his or her candidacy information. Except as otherwise provided in this subsection, the association shall distribute the disclosures, on behalf of the candidate, to each member of the association with the ballot or, in the event ballots are not prepared and mailed pursuant to subsection 6, in the next regular mailing of the association. The association is not obligated to distribute any disclosure pursuant to this subsection if the disclosure contains information that is believed to be defamatory, libelous or profane.

~~[9.]~~ ***10. If a candidate fails to make all disclosures required pursuant to paragraph (a) of subsection 8 before the closing of the prescribed period for nominations for membership on the executive board, the association may:***

(a) Reject his or her nomination as a candidate for membership on the executive board; or

(b) If the association has reason to believe that a potential conflict of interest exists, distribute the disclosure ~~[-]~~ on behalf of the candidate, if the candidate consents to the distribution of the disclosure, to each member of the association with the ballot or, in the event ballots are not prepared and mailed pursuant to subsection 6, in the next regular mailing of the association.

11. Unless a person is appointed by the declarant:

(a) A person may not be a member of the executive board or an officer of the association if the person, the person’s spouse or the person’s parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, the person’s spouse or the person’s parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

~~§10.~~ **12.** An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, the person shall file proof in the records of the association that:

(a) The person is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

~~§11.~~ **13.** Except as otherwise provided in subsection 6 or NRS 116.31105, the election of any member of the executive board must be conducted by secret written ballot in the following manner:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for membership on the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

~~§12.~~ **14.** An association shall not adopt any rule or regulation that has the effect of prohibiting or unreasonably interfering with a candidate in the candidate's campaign for election as a member of the executive board, except that the candidate's campaign may be limited to 90 days before the date that ballots are required to be returned to the association.

~~§13.—A~~

15. *An eligible* candidate who has submitted a nomination form for election as a member of the executive board may request that the association or its agent either:

(a) Send before the date of the election and at the association's expense, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner a candidate informational statement. The candidate informational statement:

- (1) Must be no longer than a single, typed page;
- (2) Must not contain any defamatory, libelous or profane information;

and

(3) May be sent with the secret ballot mailed pursuant to subsection ~~11-13~~ 13 or in a separate mailing; or

(b) To allow the candidate to communicate campaign material directly to the units' owners, provide to the candidate, in paper format at a cost not to exceed 25 cents per page for the first 10 pages and 10 cents per page thereafter, in the format of a compact disc at a cost of not more than \$5 or by electronic mail at no cost:

(1) A list of the mailing address of each unit, which must not include the names of the units' owners or the name of any tenant of a unit's owner; or

(2) If the members of the association are owners of time shares within a time share plan created pursuant to chapter 119A of NRS and:

(I) The voting rights of those owners are exercised by delegates or representatives pursuant to NRS 116.31105, the mailing address of the delegates or representatives.

(II) The voting rights of those owners are not exercised by delegates or representatives, the mailing address of the association established pursuant to NRS 119A.520. If the mailing address of the association is provided to the candidate pursuant to this sub-subparagraph, the association must send to each owner of a time share within the time share plan the campaign material provided by the candidate. If the campaign material will be sent by mail, the candidate who provides the campaign material must provide to the association a separate copy of the campaign material for each owner and must pay the actual costs of mailing before the campaign material is mailed. If the campaign material will be sent by electronic transmission, the candidate must provide to the association one copy of the campaign material in an electronic format.

↪ The information provided pursuant to this paragraph must not include the name of any unit's owner or any tenant of a unit's owner. If a candidate who makes a request for the information described in this paragraph fails or refuses to provide a written statement signed by the candidate which states that the candidate is making the request to allow the candidate to communicate campaign material directly to units' owners and that the

candidate will not use the information for any other purpose, the association or its agent may refuse the request.

~~{14}~~ **16.** An association and its directors, officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection ~~{13}~~ **15.**

~~{15}~~ **17.** Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of his or her ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

Sec. 1.7. NRS 116.31068 is hereby amended to read as follows:

116.31068 1. Except as otherwise provided in subsection 3, an association shall deliver any notice required to be given by the association under this chapter to any mailing or electronic mail address a unit's owner designates. Except as otherwise provided in subsection 3, if a unit's owner has not designated a mailing or electronic mail address to which a notice must be delivered, the association may deliver notices by:

- (a) Hand delivery to each unit's owner;
- (b) Hand delivery, United States mail, postage paid, or commercially reasonable delivery service to the mailing address of each unit;
- (c) Electronic means, if the unit's owner has given the association an electronic mail address; or
- (d) Any other method reasonably calculated to provide notice to the unit's owner.

2. The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.

3. The provisions of this section do not apply:

- (a) To a notice required to be given pursuant to NRS 116.3116 to 116.31168, inclusive ~~{1}~~, **and section 1 of this act;** or
- (b) If any other provision of this chapter specifies the manner in which a notice must be given by an association.

Sec. 1.8. NRS 116.31085 is hereby amended to read as follows:

116.31085 1. Except as otherwise provided in this section, a unit's owner may attend any meeting of the units' owners or of the executive board and speak at any such meeting. The executive board may establish reasonable limitations on the time a unit's owner may speak at such a meeting.

2. An executive board may not meet in executive session to open or consider bids for an association project as defined in NRS 116.31086, or to enter into, renew, modify, terminate or take any other action regarding a contract.

3. An executive board may meet in executive session only to:

(a) Consult with the attorney for the association on matters relating to proposed or pending litigation if the contents of the discussion would otherwise be governed by the privilege set forth in NRS 49.035 to 49.115, inclusive.

(b) Discuss the character, alleged misconduct, professional competence, or physical or mental health of a community manager or an employee of the association.

(c) Except as otherwise provided in subsection 4, discuss a violation of the governing documents, including, without limitation, the failure to pay an assessment.

(d) Discuss the alleged failure of a unit's owner to adhere to a schedule required pursuant to NRS 116.310305 if the alleged failure may subject the unit's owner to a construction penalty.

4. An executive board shall meet in executive session to hold a hearing on an alleged violation of the governing documents unless the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted by the executive board. If the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted, the person:

(a) Is entitled to attend all portions of the hearing related to the alleged violation, including, without limitation, the presentation of evidence and the testimony of witnesses;

(b) Is entitled to due process, as set forth in the standards adopted by regulation by the Commission, which must include, without limitation, the right to counsel, the right to present witnesses and the right to present information relating to any conflict of interest of any member of the hearing panel; and

(c) Is not entitled to attend the deliberations of the executive board.

5. **Except as otherwise provided in subsection 3 of section 1 of this act, an executive board shall meet in executive session to hold a hearing to verify a past due obligation pursuant to subsection 3 of section 1 of this act.**

6. The provisions of ~~subsection~~ **subsections 4 and 5** establish the minimum protections that the executive board must provide before it may make a decision. The provisions of ~~subsection~~ **subsections 4 and 5** do not preempt any provisions of the governing documents that provide greater protections.

~~{6.}~~ 7. Except as otherwise provided in this subsection, any matter discussed by the executive board when it meets in executive session must be generally noted in the minutes of the meeting of the executive board. **The minutes of a hearing to verify a past due obligation held pursuant to subsection 3 of section 1 of this act must state the number of votes for and against any determination of the executive board and the assessor's parcel number of the unit.** The executive board shall maintain minutes of ~~{any}~~ :

(a) Any decision made pursuant to subsection 4 concerning an alleged violation and, upon request, provide a copy of the decision to the person who was subject to being sanctioned at the hearing or to the person's designated representative.

~~{7.}~~ *(b) Any determination made pursuant to subsection 5 and subsection 3 of section 1 of this act concerning a verification of a past due obligation and, upon request, provide a copy of the determination to the person who was alleged to owe the past due obligation or to the person's designated representative.*

8. Except as otherwise provided in ~~{subsection}~~ **subsections 4 ~~{,}~~ and 5,** a unit's owner is not entitled to attend or speak at a meeting of the executive board held in executive session.

9. **As used in this section, "obligation" has the meaning ascribed to it in NRS 116.310313.**

Sec. 2. ~~{NRS 116.31086 is hereby amended to read as follows:~~

~~116.31086 1. If an association solicits bids for an association project, the association shall review and compare the initial bids for the association project and, after such a review and comparison, may request any of the bidders to submit a revised bid to ensure that the bids received are consistent with respect to the specified services or goods being purchased by the association.~~

~~2. If an association requests a revised bid from a bidder pursuant to subsection 1, the association shall explain to the bidder the way in which the bid needs to be revised, including, without limitation, any specifications needed in the revised bid. Any revised bids received by the association must not be sealed and must be opened during a meeting of the executive board.~~

~~{2.} 3. As used in this section, "association project" [includes, without limitation,] means a project that [involves]:~~

~~(a) Involves the maintenance, repair, replacement or restoration of any part of the common elements ; or [which involves]~~

~~(b) Involves the provision of services to the association [.] ;~~

~~and costs \$2,500 or more or 10 percent or more of the total annual assessment made by the association.] (Deleted by amendment.)~~

Sec. 3. ~~{NRS 116.31144 is hereby amended to read as follows:~~

~~116.31144 1. Except as otherwise provided in subsection 2, the executive board shall:~~

~~(a) If the annual budget of the association is [\$45,000 or more but] less than [\$75,000,] **\$150,000**, cause the financial statement of the association to be reviewed [by an independent certified public accountant during the year immediately preceding the year in which a study of the reserves of the association is to be conducted pursuant to NRS 116.31152.~~

~~(b) If the annual budget of the association is \$75,000 or more but less than \$150,000, cause the financial statement of the association to be reviewed] by an independent certified public accountant every fiscal year.~~

~~[(c)] (b) If the annual budget of the association is \$150,000 or more, cause the financial statement of the association to be audited by an independent certified public accountant every fiscal year.~~

~~2. [Except as otherwise provided in this subsection, for] **For** any fiscal year, the executive board of an association shall cause the financial statement for that fiscal year to be audited by an independent certified public accountant if, within 180 days before the end of the fiscal year, [15] **51** percent of the total number of voting members of the association submit a written request for such an audit. [The provisions of this subsection do not apply to an association described in paragraph (c) of subsection 1.]~~

~~3. The Commission shall adopt regulations prescribing the requirements for the auditing or reviewing of financial statements of an association pursuant to this section. Such regulations must include, without limitation:~~

~~(a) The qualifications necessary for a person to audit or review financial statements of an association; and~~

~~(b) The standards and format to be followed in auditing or reviewing financial statements of an association [.] **in accordance with generally accepted accounting principles in the United States.** (Deleted by amendment.)~~

Sec. 4. NRS 116.31151 is hereby amended to read as follows:

116.31151 1. Except as otherwise provided in subsection 2 and unless the declaration of a common-interest community imposes more stringent standards, the executive board shall, not less than 30 days or more than 60 days before the beginning of the fiscal year of the association, prepare and distribute to each unit's owner a copy of:

(a) The budget for the daily operation of the association. The budget must include, without limitation, the estimated annual revenue and expenditures of the association and any contributions to be made to the reserve account of the association.

(b) The budget to provide adequate funding for the reserves required by paragraph (b) of subsection 2 of NRS 116.3115. The budget must include, without limitation:

(1) The current estimated replacement cost, estimated remaining life and estimated useful life of each major component of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore;

(2) As of the end of the fiscal year for which the budget is prepared, the current estimate of the amount of cash reserves that are necessary, and the current amount of accumulated cash reserves that are set aside, to repair, replace or restore the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore;

(3) A statement as to whether the executive board has determined or anticipates that the levy of one or more special assessments will be necessary to repair, replace or restore any major component of the common elements or any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore or to provide adequate funding for the reserves designated for that purpose; and

(4) A general statement describing the procedures used for the estimation and accumulation of cash reserves pursuant to subparagraph (2), including, without limitation, the qualifications of the person responsible for the preparation of the study of the reserves required by NRS 116.31152.

2. In lieu of distributing copies of the budgets of the association required by subsection 1, the executive board may distribute to each unit's owner a summary of those budgets, accompanied by a written notice that:

(a) The budgets are available for review at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties but not to exceed 60 miles from the physical location of the common-interest community; and

(b) Copies of the budgets will be provided upon request.

3. Within 60 days after adoption of any proposed budget for the common-interest community, the executive board shall provide a summary of the proposed budget to each unit's owner and shall set a date for a meeting of the units' owners to consider ratification of the proposed budget not less than 14 days or more than 30 days after the mailing of the summaries. Unless at that meeting a majority of all units' owners, or any larger vote specified in the declaration, reject the proposed budget, the proposed budget is ratified, whether or not a quorum is present. If the proposed budget is rejected, the periodic budget last ratified by the units' owners must be continued until such time as the units' owners ratify a subsequent budget proposed by the executive board.

4. The executive board shall, at the same time and in the same manner that the executive board makes the budget available to a unit's owner

pursuant to this section, make available to each unit's owner the policy established for the association concerning the collection of any fees, fines, assessments or costs imposed against a unit's owner pursuant to this chapter. The policy must include, without limitation:

(a) The responsibility of the unit's owner to pay any such fees, fines, assessments or costs in a timely manner; ~~and~~

(b) The association's rights concerning the collection of such fees, fines, assessments or costs if the unit's owner fails to pay the fees, fines, assessments or costs in a timely manner. ~~+~~; **and**

(c) An administrative process by which a unit's owner may contest an allegation that the unit's owner is delinquent in the payment of any fees, fines, assessments or costs imposed against a unit's owner pursuant to this chapter. The administrative process must include, without limitation, a reasonable opportunity for a hearing before the executive board.

Sec. 5. NRS 116A.640 is hereby amended to read as follows:

116A.640 In addition to the standards of practice for community managers set forth in NRS 116A.630 and any additional standards of practice adopted by the Commission by regulation pursuant to NRS 116A.400, a community manager shall not:

1. Except as otherwise required by law or court order, disclose confidential information relating to a client, which includes, without limitation, the business affairs and financial records of the client, unless the client agrees to the disclosure in writing.

2. Impede or otherwise interfere with an investigation of the Division by:

(a) Failing to comply with a request of the Division to provide documents;

(b) Supplying false or misleading information to an investigator, auditor or any other officer or agent of the Division; or

(c) Concealing any facts or documents relating to the business of a client.

3. Commingle money or other property of a client with the money or other property of another client, another association, the community manager or the employer of the community manager.

4. Use money or other property of a client for his or her own personal use.

5. Be a signer on a withdrawal from a reserve account of a client.

6. Except as otherwise permitted by the provisions of the court rules governing the legal profession, establish an attorney-client relationship with an attorney or law firm which represents a client that employs the community manager or with whom the community manager has a management agreement.

7. Provide or attempt to provide to a client a service concerning a type of property or service:

(a) That is outside the community manager's field of experience or competence without the assistance of a qualified authority unless the fact of his or her inexperience or incompetence is disclosed fully to the client and is not otherwise prohibited by law; or

(b) For which the community manager is not properly licensed.

8. Intentionally apply a payment of an assessment from a unit's owner towards any fine, fee or other charge that is due.

9. Refuse to accept from a unit's owner or any other party, payment of any assessment, fine, fee or other charge that is due because there is an outstanding payment due.

10. Collect any fees or other charges from a client not specified in the management agreement.

11. Accept any compensation, gift or any other item of material value as payment or consideration for a referral or in the furtherance or performance of his or her normal duties unless:

(a) Acceptance of the compensation, gift or other item of material value complies with the provisions of NRS 116.31185 or 116B.695 and all other applicable federal, state and local laws, regulations and ordinances; and

(b) Before acceptance of the compensation, gift or other item of material value, the community manager provides full disclosure to the client and the client consents, in writing, to the acceptance of the compensation, gift or other item of material value by the community manager.

Assemblyman Frierson moved that the Assembly do not concur in the Senate Amendment No. 734 to Assembly Bill No. 98.

Remarks by Assemblyman Frierson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 116.

The following Senate amendment was read:

Amendment No. 637.

AN ACT relating to crimes; revising certain provisions concerning accessories to certain crimes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that anyone who is not the husband or wife, brother or sister, parent or grandparent, child or grandchild of an offender and who harbors, conceals or aids the offender after the commission of a crime is an accessory to the crime. (NRS 195.030) **Section 1** of this bill removes every person other than the ~~husband and wife~~ spouse or ~~or a~~ domestic partner from that exception if the crime is a felony. **Section 1** also revises the acts which constitute being an accessory to a ~~crime~~ felony after the commission of the ~~crime~~ felony by specifically stating that a person acts as ~~such~~ an

accessory **to a felony** if he or she destroys or conceals, or aids in the destruction or concealment of, material evidence, or harbors or conceals the offender.

Existing law provides that an accessory to a felony is guilty of a category C felony. (NRS 195.040) **Section 2** of this bill revises this penalty to provide that a person who harbors, conceals or aids the offender after the commission of a felony and who is the brother or sister, parent or grandparent, child or grandchild of the offender is guilty of a gross misdemeanor.

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

Section 1. NRS 195.030 is hereby amended to read as follows:

195.030 **1.** Every person who is not ~~standing in the relation of husband or wife~~ [~~brother or sister, parent or grandparent, child or grandchild,~~] the spouse or domestic partner ~~of~~ of the offender, ~~and~~ who ~~is~~:

~~1. After~~, **after** the commission of a felony, **destroys or conceals, or aids in the destruction or concealment of, material evidence, or** harbors ~~or~~ or conceals ~~or aids~~ such offender with intent that the offender may avoid or escape from arrest, trial, conviction or punishment, having knowledge that such offender has committed a felony or is liable to arrest, is an accessory to the felony.

~~2. After~~ Every person who is not ~~standing in the relation of husband or wife,~~ the spouse, domestic partner, brother or sister, parent or grandparent, child or grandchild ~~of~~ of the offender, who, **after** the commission of a gross misdemeanor, ~~destroys or conceals, or aids in the destruction or concealment of, material evidence, or~~ harbors, ~~or~~ conceals ~~or aids~~ such offender with intent that the offender may avoid or escape from arrest, trial, conviction or punishment, having knowledge that such offender has committed a gross misdemeanor or is liable to arrest, is an accessory to the gross misdemeanor.

3. As used in this section, “domestic partner” means a person who is in a domestic partnership that is registered pursuant to chapter 122A of NRS, and that has not been terminated pursuant to that chapter.

Sec. 2. NRS 195.040 is hereby amended to read as follows:

195.040 **1.** An accessory to a felony may be indicted, tried and convicted either in the county where he or she became an accessory, or where the principal felony was committed, whether the principal offender has or has not been convicted, or is or is not amenable to justice, or has been pardoned or otherwise discharged after conviction. Except **as otherwise provided in this subsection and except** where a different punishment is specially provided by law, the accessory is guilty of a category C felony and shall be punished as provided in NRS 193.130. **An accessory to a felony who is**

~~standing in the relation of~~ the brother or sister, parent or grandparent, child or grandchild ~~to~~ of the principal offender and who is an accessory to a felony pursuant to subsection 1 of NRS 195.030 is guilty of a gross misdemeanor.

2. An accessory to a gross misdemeanor may be indicted, tried and convicted in the manner provided for an accessory to a felony and, except where a different punishment is specially provided by law, shall be punished by imprisonment in the county jail for not less than 30 days nor more than 6 months, or by a fine of not less than \$100 nor more than \$500, or by both fine and imprisonment.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 637 to Assembly Bill No. 116.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 637 deletes concealing or aiding in the destruction or concealment of material evidence to the acts that make a person an accessory to a gross misdemeanor.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 156.

The following Senate amendment was read:

Amendment No. 638.

AN ACT relating to records; revising provisions governing the sealing of certain records; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to petition the court in which the person was convicted for the sealing of all records relating to certain convictions. (NRS 179.245) **Section 1** of this bill prohibits a person from petitioning the court to seal records relating to certain offenses related to driving, operating or controlling a vehicle or vessel while under the influence of intoxicating liquor or a controlled substance.

Existing law authorizes a person arrested for alleged criminal conduct to petition for the sealing of all records relating to the arrest if the charges were dismissed or the person was acquitted of the charges. (NRS 179.255) **Section 2** of this bill authorizes such a person to petition for the sealing of all records relating to an arrest if the prosecuting attorney declines to prosecute the charges.

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

Section 1. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after 7 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

➔ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of ~~fa~~:

(a) A crime against a child ~~for a~~;

(b) A sexual offense ~~f~~;

(c) *A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;*

(d) *A violation of NRS 484C.430;*

(e) *A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;*

(f) *A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or*

(g) *A violation of NRS 488.420 or 488.425.*

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.

Sec. 2. NRS 179.255 is hereby amended to read as follows:

179.255 1. If a person has been arrested for alleged criminal conduct and the charges are dismissed, ***the prosecuting attorney having jurisdiction declined prosecution of the charges*** or such person is acquitted of the charges, the person may petition:

(a) The court in which the charges were dismissed, at any time after the date the charges were dismissed; ~~{or}~~

(b) ***The court having jurisdiction in which the charges were declined for prosecution*** ~~, at any time~~ :

(1) Any time after the applicable statute of limitations has run ;

(2) Any time 10 years after the arrest; or ~~pursuant to~~

(3) Pursuant to a stipulation between the parties; or

(c) The court in which the acquittal was entered, at any time after the date of the acquittal,

↪ for the sealing of all records relating to the arrest and the proceedings leading to the dismissal , *declination* or acquittal.

2. If the conviction of a person is set aside pursuant to NRS 458A.240, the person may petition the court that set aside the conviction, at any time after the conviction has been set aside, for the sealing of all records relating to the setting aside of the conviction.

3. A petition filed pursuant to subsection 1 or 2 must:

(a) Be accompanied by a current, verified record of the criminal history of the petitioner received from the local law enforcement agency of the city or county in which the petitioner appeared in court;

(b) Include a list of any other public or private agency, company, official and other custodian of records that is reasonably known to the petitioner to have possession of records of the arrest and of the proceedings leading to the dismissal , *declination* or acquittal and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the charges were dismissed , *declined for prosecution* or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or

(b) If the charges were dismissed , *declined for prosecution* or the acquittal was entered in a municipal court, the prosecuting attorney for the city.

↪ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

5. Upon receiving a petition pursuant to subsection 2, the court shall notify:

(a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or

(b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.

↪ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

6. If, after the hearing on a petition submitted pursuant to subsection 1, the court finds that there has been an acquittal , *that the prosecution was declined* or that the charges were dismissed and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the acquittal , *declination* or dismissal which are in the custody of the court, of another

court in the State of Nevada or of a public or private company, agency or official in the State of Nevada.

7. If, after the hearing on a petition submitted pursuant to subsection 2, the court finds that the conviction of the petitioner was set aside pursuant to NRS 458A.240, the court may order sealed all records relating to the setting aside of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private company, agency or official in the State of Nevada.

8. *If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection 6, the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the inspection of the records without the prosecuting attorney having to petition the court pursuant to NRS 179.295.*

Sec. 3. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, **subsection 8 of NRS 179.255** and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a conviction for which records have been sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 in determining whether to grant a petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 for a conviction of another offense.

Sec. 4. This act becomes effective on January 1, 2014.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 638 to Assembly Bill No. 156.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 638 provides for a person to petition a court for the sealing of all records anytime ten years after the arrest if the prosecuting attorney declined to prosecute the charges.

Motion carried by a constitutional majority.
Bill ordered to enrollment.

Assembly Bill No. 233.

The following Senate amendment was read:

Amendment No. 605.

AN ACT relating to genetic marker analysis; **authorizing a person convicted of any felony to file a petition requesting genetic marker analysis;** authorizing the appeal of an order **granting or** dismissing a petition for genetic marker analysis; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person who has been convicted of a category A or B felony, and who is currently under imprisonment for that conviction, to file a petition requesting genetic marker analysis of certain evidence within the possession or custody of the State. (NRS 176.0918) This bill authorizes ~~such~~ a person **convicted of any felony, regardless of whether the person is under such imprisonment, to : (1) file a petition requesting genetic marker analysis of certain evidence within the possession or custody of the State; and (2) file an appeal of an order dismissing such a petition for genetic marker analysis. This bill further authorizes the State to appeal an order granting such a petition.**

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

Section 1. NRS 176.0918 is hereby amended to read as follows:

176.0918 1. A person convicted of a ~~category A or B~~ felony ~~who is under sentence of imprisonment for that conviction and~~ who otherwise meets the requirements of this section may file a postconviction petition requesting a genetic marker analysis of evidence within the possession or custody of the State which may contain genetic marker information relating to the investigation or prosecution that resulted in the judgment of conviction. If the case involves a sentence of death, the petition must include, without limitation, the date scheduled for the execution, if it has been scheduled.

2. Such a petition must be filed with the clerk of the district court for the county in which the petitioner was convicted on a form prescribed by the Department of Corrections. A copy of the petition must be served by registered mail upon:

(a) The Attorney General; and

(b) The district attorney in the county in which the petitioner was convicted.

3. A petition filed pursuant to this section must be accompanied by a declaration under penalty of perjury attesting that the information contained in the petition does not contain any material misrepresentation of fact and that the petitioner has a good faith basis relying on particular facts for the request. The petition must include, without limitation:

(a) Information identifying specific evidence either known or believed to be in the possession or custody of the State that can be subject to genetic marker analysis;

(b) The rationale for why a reasonable possibility exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through a genetic marker analysis of the evidence identified in paragraph (a);

(c) An identification of the type of genetic marker analysis the petitioner is requesting to be conducted on the evidence identified in paragraph (a);

(d) If applicable, the results of all prior genetic marker analysis performed on evidence in the trial which resulted in the petitioner's conviction; and

(e) A statement that the type of genetic marker analysis the petitioner is requesting was not available at the time of trial or, if it was available, that the failure to request genetic marker analysis before the petitioner was convicted was not a result of a strategic or tactical decision as part of the representation of the petitioner at the trial.

4. If a petition is filed pursuant to this section, the court may:

(a) ~~Dismiss~~ **Enter an order dismissing** the petition without a hearing if the court determines, based on the information contained in the petition, that the petitioner does not meet the requirements set forth in this section;

(b) After determining whether the petitioner is indigent pursuant to NRS 171.188 and whether counsel was appointed in the case which resulted in the conviction, appoint counsel for the limited purpose of reviewing, supplementing and presenting the petition to the court; or

(c) Schedule a hearing on the petition. If the court schedules a hearing on the petition, the court shall determine which person or agency has possession or custody of the evidence and shall immediately issue an order requiring, during the pendency of the proceeding, each person or agency in possession or custody of the evidence to:

(1) Preserve all evidence within the possession or custody of the person or agency that may be subjected to genetic marker analysis pursuant to this section;

(2) Within 90 days, prepare an inventory of all evidence relevant to the claims in the petition within the possession or custody of the person or

agency that may be subjected to genetic marker analysis pursuant to this section; and

(3) Within 90 days, submit a copy of the inventory to the petitioner, the prosecuting attorney and the court.

5. Within 90 days after the inventory of all evidence is prepared pursuant to subsection 4, the prosecuting attorney may file a written response to the petition with the court.

6. If the court holds a hearing on a petition filed pursuant to this section, the hearing must be presided over by the judge who conducted the trial that resulted in the conviction of the petitioner, unless that judge is unavailable. Any evidence presented at the hearing by affidavit must be served on the opposing party at least 15 days before the hearing.

7. The court shall order a genetic marker analysis, after considering the information contained in the petition pursuant to subsection 3 and any other evidence, if the court finds that:

(a) A reasonable possibility exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through a genetic marker analysis of the evidence identified in the petition;

(b) The evidence to be analyzed exists; and

(c) Except as otherwise provided in subsection 8, the evidence was not previously subjected to a genetic marker analysis.

8. If the evidence was previously subjected to a genetic marker analysis, the court shall order a genetic marker analysis pursuant to subsection 7 if the court finds that:

(a) The result of the previous analysis was inconclusive;

(b) The evidence was not subjected to the type of analysis that is now requested and the requested analysis may resolve an issue not resolved by the previous analysis; or

(c) The requested analysis would provide results that are significantly more accurate and probative of the identity of the perpetrator than the previous analysis.

9. If the court orders a genetic marker analysis pursuant to subsection 7 or 8, the court shall:

(a) Order the analysis to be conducted promptly under reasonable conditions designed to protect the interest of the State and the petitioner in the integrity of the evidence and the analysis process.

(b) Select a forensic laboratory to conduct or oversee the analysis. The forensic laboratory selected by the court must:

(1) Be operated by this state or one of its political subdivisions, when possible; and

(2) Satisfy the standards for quality assurance that are established for forensic laboratories by the Federal Bureau of Investigation.

(c) Order the forensic laboratory selected pursuant to paragraph (b) to perform a genetic marker analysis of evidence. The analysis to be performed and evidence to be analyzed must:

(1) Be specified in the order; and

(2) Include such analysis, testing and comparison of genetic marker information contained in the evidence and the genetic marker information of the petitioner as the court determines appropriate under the circumstances.

(d) Order the production of any reports that are prepared by a forensic laboratory in connection with the analysis and any data and notes upon which the report is based.

(e) Order the preservation of evidence used in a genetic marker analysis performed pursuant to this section for purposes of a subsequent proceeding or analysis, if any.

(f) Order the results of the genetic marker analysis performed pursuant to this section to be sent to the State Board of Parole Commissioners if the results of the genetic marker analysis are not favorable to the petitioner.

10. **If the court orders a genetic marker analysis pursuant to subsection 7 or 8, the State may appeal to the Supreme Court within 30 days after the notice of the entry of the order by filing a notice of appeal with the clerk of the district court.**

11. If the results of a genetic marker analysis performed pursuant to this section are favorable to the petitioner:

(a) The petitioner may bring a motion for a new trial based on the ground of newly discovered evidence pursuant to NRS 176.515; and

(b) The restriction on the time for filing the motion set forth in subsection 3 of NRS 176.515 is not applicable.

~~11.~~ **12.** The court shall ~~dismiss~~ ***enter an order dismissing*** a petition filed pursuant to this section if:

(a) The requirements for ordering a genetic marker analysis pursuant to this section are not satisfied; or

(b) The results of a genetic marker analysis performed pursuant to this section are not favorable to the petitioner.

~~12.~~ **13.** ***If the court enters an order dismissing a petition pursuant to this section, the person aggrieved by the order may appeal to the Supreme Court within 30 days after the notice of the entry of the order by filing a notice of appeal with the clerk of the district court.***

~~13.~~ **14.** For the purposes of a genetic marker analysis pursuant to this section, a person who files a petition pursuant to this section shall be deemed to consent to the:

(a) Submission of a biological specimen by the petitioner to determine genetic marker information; and

(b) Release and use of genetic marker information concerning the petitioner.

~~{13.}~~ ~~{14.}~~ 15. The petitioner shall pay the cost of a genetic marker analysis performed pursuant to this section, unless the petitioner is incarcerated at the time the petitioner files the petition, found to be indigent pursuant to NRS 171.188 and the results of the genetic marker analysis are favorable to the petitioner. If the petitioner is not required to pay the cost of the analysis pursuant to this subsection, the expense of an analysis ordered pursuant to this section is a charge against the Department of Corrections and must be paid upon approval by the Board of State Prison Commissioners as other claims against the State are paid.

~~{14.}~~ ~~{15.}~~ 16. The remedy provided by this section is in addition to, is not a substitute for and is not exclusive of any other remedy, right of action or proceeding available to a person convicted of a crime.

~~{15.}~~ ~~{16.}~~ 17. If a petitioner files a petition pursuant to this section, the court schedules a hearing on the petition and a victim of the crime for which the petitioner was convicted has requested notice pursuant to NRS 178.5698, the district attorney in the county in which the petitioner was convicted shall provide to the victim notice of:

- (a) The fact that the petitioner filed a petition pursuant to this section;
- (b) The time and place of the hearing scheduled by the court as a result of the petition; and
- (c) The outcome of any hearing on the petition.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 605 to Assembly Bill No. 233.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 605 expands the provisions of the bill to apply to persons convicted of any felony, not only A and B felonies. It deletes the requirement for a person to be under sentence for a conviction to file a petition requesting a genetic marker analysis, and it provides that if a court orders the analysis, the state may appeal the order to the Supreme Court.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 300.

The following Senate amendment was read:

Amendment No. 812.

AN ACT relating to real property; revising provisions governing the affidavit of authority to exercise the power of sale under a deed of trust which must be included with a notice of default and election to sell; **revising provisions governing the exercise of the power of sale under a deed of trust;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a notice of default and election to sell real property subject to a deed of trust to include an affidavit based on the personal knowledge of the affiant setting forth certain information concerning the deed of trust, the amounts due, the possession of the note secured by the deed of trust and the authority to foreclose. (NRS 107.080) **Section 1** of this bill provides that certain information provided in the affidavit may be based on: (1) the information obtained by the affiant's review of the business records of the beneficiary of the deed of trust; and (2) the information contained in the records of the recorder of the county in which the property is located or the title guaranty or title insurance issued by a title insurer or title agent authorized to do business in this State. **Section 1** also revises the information required to be stated in the affidavit. **Section 1 further provides that the power of sale may not be exercised until the beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the trustee to exercise the power of sale.** Under **sections 2 and 3** of this bill, the amendatory provisions of this bill become effective upon passage and approval and apply to a notice of default and election to sell recorded on or after the effective date of this bill.

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

Section 1. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210, 107.085 and 107.086, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment;
or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

(b) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation which, except as otherwise provided in this paragraph, includes a notarized affidavit of authority to exercise the power of sale . ~~[stating, based on personal knowledge and]~~ ***Except as otherwise provided in subparagraph ~~(6)~~ (5), the affidavit required by this paragraph must state*** under the penalty of perjury ~~[:] the following information, which must be based on the direct, personal knowledge of the affiant or the personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135:~~

(1) The full name and business address of the ***current*** trustee or the ***current*** trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the ~~[servicers]~~ ***current servicer*** of the obligation or debt secured by the deed of trust . ~~[:]~~

(2) ~~[The full name and last known business address of every prior known beneficiary of the deed of trust;~~

~~—(3)] That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust [;~~

~~—(4) That] or that the beneficiary or its successor in interest or the trustee is entitled to enforce the obligation or debt secured by the deed of trust. For the purposes of this subparagraph, if the obligation or debt is an instrument, as defined in subsection 2 of NRS 104.3103, a beneficiary or its successor in interest or the trustee is entitled to enforce the ~~[obligation or debt secured by the deed of trust]~~ ***instrument if the beneficiary or its successor in interest or the trustee is:***~~

(1) ***The holder of the instrument ;*** ~~[constituting the obligation or debt];~~

(II) A nonholder in possession of the instrument who has the rights of a holder; or

(III) A person not in possession of the instrument who is entitled to enforce the instrument pursuant to a court order issued under NRS 104.3309.

~~(3) [That the beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the trustee] [has the authority] [to exercise the power of sale with respect to the property.] [pursuant to the instruction of the beneficiary of record and the current holder of the note secured by the deed of trust;~~

~~—(5) The]~~

~~[(4)]~~ *That the beneficiary or its successor in interest, the servicer of the obligation or debt secured by the deed of trust or the trustee, or an attorney representing any of those persons, has sent to the obligor or borrower of the obligation or debt secured by the deed of trust a written statement of:*

(I) The amount of payment required to make good the deficiency in performance or payment, ~~void~~ avoid the exercise of the power of sale and reinstate the terms and conditions of the underlying obligation or debt ~~fr~~ existing before the deficiency in performance or payment, as of the date of the statement;

(II) The amount in default ~~fr, the~~;

(III) The principal amount of the obligation or debt secured by the deed of trust ~~fr, a~~;

(IV) The amount of accrued interest and late charges;

(V) A good faith estimate of all fees imposed ~~and to be imposed~~ because of the default and the costs and fees charged to the debtor] in connection with the exercise of the power of sale; and

~~[(6)]~~ *(VI) Contact information for obtaining the most current amounts due and the local or toll-free telephone number described in subparagraph ~~[(5)]~~ (4).*

~~[(5)]~~ *(4) A local or toll-free telephone number that the obligor or borrower of the obligation or debt may call to receive ~~answers to any questions concerning the information contained in the affidavit.~~*

~~[(6)]~~ *the most current amounts due and a recitation of the information contained in the affidavit.*

(5) The date ~~fr~~] and the recordation number or other unique designation of ~~the instrument that conveyed the interest of each beneficiary and a description of the instrument that conveyed the interest of each beneficiary.]~~, and the name of each assignee under, each recorded assignment of the deed of the trust. The information required to be stated in the affidavit pursuant to this subparagraph may be based on:

(I) The direct, personal knowledge of the affiant;

(II) The personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135;

(III) Information contained in the records of the recorder of the county in which the property is located; or

(IV) The title guaranty or title insurance issued by a title insurer or title agent authorized to do business in this State pursuant to chapter 692A of NRS.

↪ The affidavit described in this paragraph is not required for the exercise of the trustee's power of sale with respect to any trust agreement which concerns a time share within a time share plan created pursuant to chapter 119A of NRS if the power of sale is being exercised for the initial beneficiary under the deed of trust or an affiliate of the initial beneficiary.

(d) *The beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the trustee to exercise the power of sale with respect to the property.*

(e) Not less than 3 months have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2; and

(b) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the 3-month period following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in the county where the property is situated;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560; and

(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. A sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS 107.086 and 107.087;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 90 days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 30 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 120 days after the date on which the person received actual notice of the sale.

7. If, in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of \$5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,

↳ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

8. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

9. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

10. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 9, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to \$500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 9 and for reasonable attorney's fees and the costs of bringing the action.

11. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of \$150 for deposit in the State General Fund.

(b) A fee of \$45 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may

be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.

(c) A fee of \$5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

12. The fees collected pursuant to paragraphs (a) and (b) of subsection 11 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account for Foreclosure Mediation as prescribed pursuant to subsection 11. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in subsection 11.

13. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 11.

14. As used in this section:

(a) “Residential foreclosure” means the sale of a single family residence under a power of sale granted by this section. As used in this paragraph, “single family residence”:

(1) Means a structure that is comprised of not more than four units.

(2) Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

(b) “Trustee” means the trustee of record.

Sec. 2. The amendatory provisions of this act apply only to a notice of default and election to sell which is recorded pursuant to NRS 107.080, as amended by this act, on or after the effective date of this act.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 812 to Assembly Bill No. 300.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 812 moves the language concerning instructing the trustee to exercise the power of sale outside of the affidavit to establish it as a separate legal obligation. It provides for a local telephone number in addition to a toll-free telephone number, it clarifies that the information the obligor or borrower of the obligation may call to receive is limited to the most current amounts due, it revises the description of information to be provided regarding the reinstatement amount, and it authorizes an attorney representing the beneficiary to send a written statement.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 35.

The following Senate amendment was read:

Amendment No. 668.

SHORT FORM AMENDMENT

Section 4.5 of this act is the only section affected by this amendment.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Existing law requires candidates and certain other persons, committees and political parties to file reports with the Secretary of State concerning campaign contributions, loans, campaign expenses and expenditures. (NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360, 294A.362) Currently, separate reporting requirements exist for: (1) primary or general elections; and (2) special elections. (NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.360, 294A.362) Section 5 of this bill provides that, if a special election is held on the same day as a primary election or general election, any candidate, person, committee or political party that is otherwise required to file a report relating to the special election must instead comply with the reporting requirements for the primary election or general election, as applicable.

Existing law also establishes separate reporting requirements based on whether a general election occurs before July 1 or on or after July 1. (NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.360) Sections 11, 15, 16, 18-20 and 38 of this bill remove those separate provisions, and sections 11, 15, 18 and 19 also expand the reporting requirements to recall elections.

Existing law requires expenditures made on behalf of a candidate or a group of candidates by a person who is not acting under the direction or control of the candidate or group of candidates, and other expenditures that are made on behalf of the candidate or group of candidates, to be reported to the Secretary of State. (NRS 294A.140, 294A.210) Sections 15 and 19 provide that certain contributions received and expenditures which are: (1) made for or against a candidate or a group of candidates; and (2) not

coordinated with a candidate or a group of candidates, must be reported. Section 4.5 of this bill sets forth the circumstances under which an expenditure ~~[will or]~~ will not be considered to be coordinated with a candidate or a group of candidates.

A committee for political action that advocates the passage or defeat of a ballot question or a group of questions is required by existing law to report contributions received and expenditures made. (NRS 294A.150, 294A.220) Sections 16 and 20 of this bill make these reporting requirements applicable even if the question or group of questions is removed from the ballot by court order.

Existing law governs the disposition of unspent contributions. (NRS 294A.160) Section 17 of this bill expands the application of those provisions to: (1) a candidate who is removed from the ballot by court order or is otherwise not elected to office; and (2) a public officer who resigns from his or her office, is not a candidate for any other office and has unspent contributions.

Under existing law, a candidate is required to file reports of contributions and expenses even if the candidate withdraws his or her candidacy, receives no contributions, has no expenses, is removed from the ballot by court order or is the subject of a recall petition and the special election is not held. (NRS 294A.350) Section 27 of this bill expands this requirement to include a candidate who: (1) ends his or her campaign without formally withdrawing his or her candidacy; (2) is not opposed in an election; or (3) is defeated in the primary election. Section 27 also prescribes a process by which a candidate under certain circumstances may end his or her campaign.

If a person, committee or entity that is required to file a report or register pursuant to chapter 294A of NRS fails to do so in accordance with the applicable provisions of that chapter, existing law provides that such a person, committee or entity is subject to a civil penalty. (NRS 294A.420) Section 37 of this bill provides that this and any other remedies and penalties provided by chapter 294A of NRS are cumulative and supplement any other legal or equitable remedies and penalties that may exist, including any applicable criminal penalties.

Section 4.5 of Assembly Bill No. 35 First Reprint is hereby amended as follows:

Sec. 4.5. 1. ~~For the purposes of this chapter, an expenditure is coordinated with a candidate or group of candidates if the expenditure is made, without limitation:~~

~~(a) With the cooperation of or in consultation with the candidate or group of candidates for whose benefit the expenditure is made;~~

~~(b) Pursuant to any formal, informal, oral or written contract or arrangement with a candidate or group of candidates;~~

~~(e) With the involvement of a candidate or group of candidates in any decision regarding, for any communication paid for by the expenditure:~~

~~(1) The content, intended audience, timing, frequency, size or prominence of the communication;~~

~~(2) The means or mode of making the communication; or~~

~~(3) The specific media outlet used to make the communication; or~~

~~(d) By a person to whom is conveyed, during a discussion with a candidate or group of candidates, information regarding plans, projects, activities or needs of the campaign of the candidate or group of candidates which is material to the creation, production or distribution of any communication paid for by the expenditure.~~

~~2.7~~ For the purposes of this chapter, an expenditure is not considered to be coordinated with a candidate or group of candidates if the expenditure is made:

(a) To pay for a communication that uses an image of or information about a candidate or group of candidates if the image or information is obtained from publicly available sources, including, without limitation, Internet websites, newspapers or public records, and is not obtained because of any suggestion, direction, solicitation, cooperation or consultation between the person making the expenditure and the candidate or group of candidates or the opponent or opponents of the candidate or group of candidates; and

(b) By a person who makes an inquiry regarding the position of the candidate or group of candidates on a legislative or policy issue if the response of the candidate or group of candidates to the inquiry does not include any information regarding plans, projects, activities or needs of the campaign of the candidate or group of candidates.

~~2.7~~ 2. As used in this section, “candidate or group of candidates” includes, without limitation:

(a) Any person under the direction or control of a candidate or group of candidates or otherwise involved in the campaign of a candidate or group of candidates;

(b) Any person related to a candidate within the second degree of consanguinity or affinity; and

(c) An agent of a candidate or group of candidates.

Assemblyman Ohrenschall moved that the Assembly concur in the Senate Amendment No. 668 to Assembly Bill No. 35.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Madam Speaker, Senate Amendment 668 removes the factors to be considered in defining the term “coordinated with” from Assembly Bill 35.

Motion carried.

The following Senate amendment was read:

Amendment No. 830.

AN ACT relating to elections; revising requirements for reporting contributions, expenditures and campaign expenses relating to special elections; revising provisions governing the disposition of unspent contributions; establishing a procedure for a candidate to end his or her campaign; clarifying the existence of certain remedies and penalties relating to campaign finance; making various other changes relating to campaign finance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires candidates and certain other persons, committees and political parties to file reports with the Secretary of State concerning campaign contributions, loans, campaign expenses and expenditures. (NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360, 294A.362) Currently, separate reporting requirements exist for: (1) primary or general elections; and (2) special elections. (NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.360, 294A.362) **Section 5** of this bill provides that, if a special election is held on the same day as a primary election or general election, any candidate, person, committee or political party that is otherwise required to file a report relating to the special election must instead comply with the reporting requirements for the primary election or general election, as applicable.

Existing law also establishes separate reporting requirements based on whether a general election occurs before July 1 or on or after July 1. (NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.360) **Sections 11, 15, 16, 18-20 and 38** of this bill remove those separate provisions, and **sections 11, 15, 18 and 19** also expand the reporting requirements to recall elections.

Existing law requires expenditures made on behalf of a candidate or a group of candidates by a person who is not acting under the direction or control of the candidate or group of candidates, and other expenditures that are made on behalf of the candidate or group of candidates, to be reported to the Secretary of State. (NRS 294A.140, 294A.210) **Sections 15 and 19** provide that certain contributions received and expenditures which are ~~[(1)]~~ made for or against a candidate or a group of candidates ~~[(1) and (2) not coordinated with a candidate or a group of candidates.]~~ must be reported. ~~[Section 4.5 of this bill sets forth the circumstances under which an expenditure will not be considered to be coordinated with a candidate or a group of candidates.]~~

A committee for political action that advocates the passage or defeat of a ballot question or a group of questions is required by existing law to report

contributions received and expenditures made. (NRS 294A.150, 294A.220) **Sections 16 and 20** of this bill make these reporting requirements applicable even if the question or group of questions is removed from the ballot by court order.

Existing law governs the disposition of unspent contributions. (NRS 294A.160) **Section 17** of this bill expands the application of those provisions to: (1) a candidate who is removed from the ballot by court order or is otherwise not elected to office; and (2) a public officer who resigns from his or her office, is not a candidate for any other office and has unspent contributions.

Under existing law, a candidate is required to file reports of contributions and expenses even if the candidate withdraws his or her candidacy, receives no contributions, has no expenses, is removed from the ballot by court order or is the subject of a recall petition and the special election is not held. (NRS 294A.350) **Section 27** of this bill expands this requirement to include a candidate who: (1) ends his or her campaign without formally withdrawing his or her candidacy; (2) is not opposed in an election; or (3) is defeated in the primary election. **Section 27** also prescribes a process by which a candidate under certain circumstances may end his or her campaign.

If a person, committee or entity that is required to file a report or register pursuant to chapter 294A of NRS fails to do so in accordance with the applicable provisions of that chapter, existing law provides that such a person, committee or entity is subject to a civil penalty. (NRS 294A.420) **Section 37** of this bill provides that this and any other remedies and penalties provided by chapter 294A of NRS are cumulative and supplement any other legal or equitable remedies and penalties that may exist, including any applicable criminal penalties.

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

Section 1. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on the Secretary of State's Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388;

(c) A current list of the registered voters in this State that also indicates the petition district in which each registered voter resides;

(d) A map or maps indicating the boundaries of each petition district; and

(e) All reports ~~[on campaign contributions and expenditures]~~ submitted to the Secretary of State pursuant to the provisions of *chapter 294A of NRS*. ~~[294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 and all reports on contributions received by and expenditures made from a legal defense fund submitted to the Secretary of State pursuant to NRS 294A.286.]~~

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 2. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 5, inclusive, of this act.

Sec. 3. “General election” includes:

1. A general election, as defined in NRS 293.060; and
2. A general city election, as defined in NRS 293.059.

Sec. 4. “Primary election” includes:

1. A primary election, as defined in NRS 293.080; and
2. A primary city election, as defined in NRS 293.079.

Sec. 4.5. ~~[1. For the purposes of this chapter, an expenditure is not considered to be coordinated with a candidate or group of candidates if the expenditure is made:~~

~~—(a) To pay for a communication that uses an image of or information about a candidate or group of candidates if the image or information is obtained from publicly available sources, including, without limitation, Internet websites, newspapers or public records, and is not obtained because of any suggestion, direction, solicitation, cooperation or consultation between the person making the expenditure and the candidate or group of candidates or the opponent or opponents of the candidate or group of candidates; and~~

~~—(b) By a person who makes an inquiry regarding the position of the candidate or group of candidates on a legislative or policy issue if the response of the candidate or group of candidates to the inquiry does not include any information regarding plans, projects, activities or needs of the campaign of the candidate or group of candidates.~~

~~—2. As used in this section, “candidate or group of candidates” includes, without limitation:~~

~~(a) Any person under the direction or control of a candidate or group of candidates or otherwise involved in the campaign of a candidate or group of candidates;~~

~~(b) Any person related to a candidate within the second degree of consanguinity or affinity; and~~

~~(c) An agent of a candidate or group of candidates.] (Deleted by amendment.)~~

Sec. 5. *If a special election is held on the same day as a primary election or general election, any candidate, person, committee or political party that is otherwise required to file a report with the Secretary of State pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 shall, in lieu of complying with the requirements of those sections relating to a special election, comply with the requirements of those sections relating to the primary election or general election, as applicable, except that:*

1. *A candidate, person, committee or political party is not required to file a report pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 that was due on or before the date on which the call for the special election was issued; and*

2. *If the special election is held on the same day as a primary election, the final report for the special election that is required pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 is due on or before the 15th day of the second month after the primary election.*

Sec. 6. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.0025 to 294A.009, inclusive, *and sections 3 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 7. NRS 294A.0025 is hereby amended to read as follows:

294A.0025 “Advocates expressly” or “expressly advocates” means that a communication, taken as a whole, is susceptible to no other reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate or group of candidates or a question or group of questions on the ballot at a primary election, ~~[primary city election,]~~ general election ~~[, general city election]~~ or special election. A communication does not have to include the words “vote for,” “vote against,” “elect,” “support” or other similar language to be considered a communication that expressly advocates the passage or defeat of a candidate or a question.

Sec. 8. NRS 294A.0055 is hereby amended to read as follows:

294A.0055 1. “Committee for political action” means any group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:

(a) Makes or intends to make contributions to candidates or other persons;
or

(b) Makes or intends to make expenditures,
→ designed to affect the outcome of any primary election, ~~[primary city election,]~~ general election, ~~[general city election,]~~ special election or question on the ballot.

2. “Committee for political action” does not include:

(a) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.

(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.

(c) An individual natural person.

(d) An individual corporation or other business organization who has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.

(e) A labor union.

(f) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as ~~[campaign]~~ contributions or expenditures by the candidate.

(g) A committee for the recall of a public officer.

Sec. 9. NRS 294A.007 is hereby amended to read as follows:

294A.007 1. “Contribution” means a gift, loan, conveyance, deposit, payment, transfer or distribution of money or of anything of value other than the services of a volunteer, and includes:

(a) The payment by any person, other than a candidate, of compensation for the personal services of another person which are rendered to a:

(1) Candidate;

(2) Person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of ~~[the]~~ **a** candidate or group who makes an expenditure ~~[on behalf of the]~~ **for or against a** candidate or group which is not solicited ~~or [by,]~~ approved by ~~[the]~~ ~~**for coordinated with]**~~ **a** candidate or group; or

(3) Committee for political action, political party or committee sponsored by a political party which makes an expenditure ~~[on behalf of]~~ **for or against** a candidate or group of candidates,

→ without charge to the candidate, person, committee or political party.

(b) The value of services provided in kind for which money would have otherwise been paid, such as paid polling and resulting data, paid direct mail,

paid solicitation by telephone, any paid paraphernalia that was printed or otherwise produced to promote a campaign and the use of paid personnel to assist in a campaign.

2. As used in this section, “volunteer” means a person who does not receive compensation of any kind, directly or indirectly, for the services provided to a campaign.

Sec. 10. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds \$5,000 for the primary election, ~~for primary city election,~~ regardless of the number of candidates for the office, and \$5,000 for the general election, ~~for general city election,~~ regardless of the number of candidates for the office, during the period:

(a) Beginning from 30 days before the regular session of the Legislature immediately following the last *general* election for the office and ending 30 days before the regular session of the Legislature immediately following the next *general* election for the office, if that office is a state, district, county or township office; or

(b) Beginning from 30 days after the last election for the office and ending 30 days ~~before~~ *after* the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution or commitment to make a contribution made in violation of subsection 1.

3. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 11. NRS 294A.120 is hereby amended to read as follows:

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

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

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

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

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

2. Every candidate for ~~[state, district, county or township]~~ office at a primary *election* or general election shall, ~~if the general election for the~~

~~office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1,] not later than:~~

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

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

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

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

↪ report each ~~[campaign]~~ contribution described in subsection 1 received during the period. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~—3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

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

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

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

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

↪ report each campaign contribution described in subsection 1 received during the period. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to

~~the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~—4.] 3. Except as otherwise provided in [subsection 5,] **subsections 4 and 5 and section 5 of this act**, every candidate for [a district] office at a special election shall, not later than:~~

~~(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 12 days before the beginning of early voting by personal appearance for the special election; and~~

~~(b) Thirty days after the special election, for the remaining period through **the date of** the special election,~~

~~↪ report each [campaign] contribution described in subsection 1 received during the period. [The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~—5. Every]~~

~~**4. Except as otherwise provided in subsection 5 and section 5 of this act**, every candidate for [state, district, county, municipal or township] office at a special election to determine whether a public officer will be recalled shall [list each of the campaign contributions received on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under an oath to God or penalty of perjury, 30 days after:~~

~~—(a) The special election,], **not later than:**~~

~~(a) **Seven days before the beginning of early voting by personal appearance for the special election**, for the period from the [filing of] date the notice of intent to circulate the petition for recall **is filed pursuant to NRS 306.015** through **12 days before the beginning of early voting by personal appearance for** the special election; [or] and~~

~~(b) [A] **Thirty days after the special election, for the remaining period through the date of the special election,**~~

~~↪ **report each contribution described in subsection 1 received during the period.**~~

~~**5. If a** district court determines that [the] a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, **every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition**, for the period from the filing of the notice of intent to~~

circulate the petition for recall through the date of the district court's ~~decision.~~

~~→ A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.]~~ **order, report each contribution described in subsection 1 received during the period.**

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

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

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

9. The reports required pursuant to this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

Sec. 12. NRS 294A.125 is hereby amended to read as follows:

294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120 ~~]~~ **and** 294A.200 , ~~[and 294A.360,]~~ a candidate who receives contributions in any year before the year in which the general election ~~for general city election]~~ in which the candidate intends to seek election to public office is held shall, for:

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

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

(2) The total of all contributions received and expenditures which are \$100 or less.

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

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

(2) The total of all contributions received and expenditures which are \$100 or less.

2. The reports required by subsection 1 must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

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

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

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

Sec. 13. NRS 294A.128 is hereby amended to read as follows:

294A.128 1. In addition to complying with the requirements set forth in NRS 294A.120 ~~[,] and~~ 294A.200 , ~~[and 294A.360,]~~ a candidate who receives a loan which is guaranteed by a third party, forgiveness of a loan previously made to the candidate or a written commitment for a contribution shall, for the period covered by the report filed pursuant to NRS 294A.120 ~~[,] or~~ 294A.200 , ~~for 294A.360,]~~ report:

(a) If a loan received by the candidate was guaranteed by a third party, the amount of the loan and the name and address of each person who guaranteed the loan;

(b) If a loan received by the candidate was forgiven by the person who made the loan, the amount that was forgiven and the name and address of the person who forgave the loan; and

(c) If the candidate received a written commitment for a contribution, the amount committed to be contributed and the name and address of the person who made the written commitment.

2. The reports required by subsection 1 must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. Except as otherwise provided in NRS 294A.3733, the reports required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120 ~~[,] or~~ 294A.200 . ~~for 294A.360,]~~

Sec. 14. NRS 294A.130 is hereby amended to read as follows:

294A.130 1. Every candidate ~~[for state, district, county, city or township office]~~ shall, not later than 1 week after receiving minimum

~~[campaign]~~ contributions of \$100, open and maintain a separate account in a financial institution for the deposit of any ~~[campaign]~~ contributions received. The candidate shall not commingle the money in the account with money collected for other purposes.

2. The candidate may close the separate account if the candidate:

- (a) Was a candidate in a special election, after that election;
- (b) Lost in the primary election, after the primary election; or
- (c) Won the primary election, after the general election,

↪ and as soon as all payments of money committed have been made.

Sec. 15. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. ~~[Every]~~ ***The provisions of this section apply to:***

(a) ***Every*** person who is not under the direction or control of a candidate for office, ~~[at a primary election, primary city election, general election or general city election,]~~ of a group of such candidates or of any person involved in the campaign of ~~[that]~~ a candidate or group ***and*** who makes an expenditure ~~[on behalf of the]~~ ***for or against*** a candidate or group which is not solicited ~~or [by,]~~ approved by ~~[the]~~ ~~[or coordinated with]~~ a candidate or group; ~~[,]~~ and ~~[every]~~

(b) ***Every*** committee for political action, political party and committee sponsored by a political party which receives contributions in excess of \$100 or makes an expenditure ~~[on behalf of such]~~ ***for or against*** a candidate ***for office*** or a group of ***such*** candidates.

2. ***Every person, committee and political party described in subsection 1*** shall, not later than January 15 of each year that the provisions of this subsection apply, ~~[to the person, committee or political party,]~~ for the period from January 1 of the previous year through December 31 of the previous year, report each ~~[campaign]~~ contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The provisions of this subsection apply to the person, committee or political party beginning the year of the general election ~~[or general city election]~~ for that office through the year immediately preceding the next general election ~~[or general city election]~~ for that office.

~~[2.]~~ 3. Every person, committee or political party described in subsection 1 ~~[which makes an expenditure on behalf of the candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1,]~~ ***shall***, not later than:

(a) Twenty-one days before the primary election ~~[or primary city election]~~ for that office, for the period from the January 1 immediately preceding the

primary election ~~for primary city election~~ through 25 days before the primary election ; ~~for primary city election;~~

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

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

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

↪ report each ~~campaign~~ contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

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

—4.— ~~Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

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

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

~~—(e) Twenty one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and~~

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

~~↪ report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~—5.] 4. Except as otherwise provided in [subsection] subsections 5 and 6 [.] and section 5 of this act, every person, committee or political party described in subsection 1 which makes an expenditure [on behalf of] **for or against** a candidate for office at a special election or [on behalf of] **for or against** a group of such candidates shall, not later than:~~

~~(a) Seven days before the beginning of early voting by personal appearance for the special election, [for the office for which the candidate or a candidate in the group of candidates seeks election,] for the period from the nomination of the candidate through 12 days before the beginning of early voting by personal appearance for the special election; and~~

~~(b) Thirty days after the special election, for the remaining period through the **date of the** special election,~~

~~↪ report each [campaign] contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. [The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~—6. Every]~~

~~5. Except as otherwise provided in subsection 6 and section 5 of this act, every person, committee or political party described in subsection 1 which makes an expenditure [on behalf of] **for or against** a candidate for office at a special election to determine whether a public officer will be recalled or [on behalf of] **for or against** a group of candidates for offices at such special elections shall, **not later than:**~~

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate a petition to recall is filed pursuant to NRS 306.015 through 12 days before the beginning of early voting by personal appearance for the special election; and

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

➔ report each contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury, 30 days after:~~

~~—(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~—(b)]~~ **6.** ~~If [the special election is not held because]~~ a district court determines that ~~[the]~~ a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, *every person, committee and political party described in subsection 1 which makes an expenditure for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,* for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's ~~[decision]~~.

➔ ~~A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ *order, report each contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100.*

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

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

9. Every person, committee or political party described in ~~[subsection 1]~~ *this section* shall file a report required by this section even if the person, committee or political party receives no contributions.

10. *The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has*

made cumulatively in excess of \$100 since the beginning of the current reporting period.

11. The reports required pursuant to this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

Sec. 16. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election ~~[, primary city election,]~~ or general election ~~[for general city election]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the committee for political action, for the period from January 1 of the previous year through December 31 of the previous year, report each ~~[campaign]~~ contribution in excess of \$1,000 received during that period and contributions received during the period from a contributor which cumulatively exceed \$1,000. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ The provisions of this subsection apply to the committee for political action:

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

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

2. ~~[If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection.]~~ A committee for political action described in ~~[this]~~ subsection *1* shall, not later than:

(a) Twenty-one days before the primary election , ~~{or primary city election,}~~ for the period from the January 1 immediately preceding the primary election ~~{or primary city election}~~ through 25 days before the primary election ; ~~{or primary city election;}~~

(b) Four days before the primary election , ~~{or primary city election,}~~ for the period from 24 days before the primary election ~~{or primary city election}~~ through 5 days before the primary election ; ~~{or primary city election;}~~

(c) Twenty-one days before the general election , ~~{or general city election,}~~ for the period from 4 days before the primary election ~~{or primary city election}~~ through 25 days before the general election ; ~~{or general city election;}~~ and

(d) Four days before the general election , ~~{or general city election,}~~ for the period from 24 days before the general election ~~{or general city election}~~ through 5 days before the general election , ~~{or general city election,}~~

↪ report each ~~{campaign}~~ contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000. ~~{The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

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

—4. ~~If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A committee for political action described in this subsection shall, not later than:~~

—(a) ~~Twenty one days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election~~

~~or primary city election through 25 days before the primary election or primary city election;~~

~~—(b) Four days before the primary election or primary city election, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;~~

~~—(c) Twenty one days before the general election or general city election, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and~~

~~—(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election;~~

~~↪ report each campaign contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~—5. Except as otherwise provided in subsection 6, every]~~

3. Except as otherwise provided in section 5 of this act, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the date that the question qualified for the ballot through 12 days before the beginning of early voting by personal appearance for the special election; and

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

↪ report each ~~campaign~~ contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~—6. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall report each of the contributions received on the form designed and made available by the~~

Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury, 30 days after:

~~—(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~—(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

~~↪ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~—7.] 4. *The provisions of this section apply to a committee for political action even if the question or group of questions on the ballot that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order.*~~

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

~~[8.] 6.~~ A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~[9.] 7.~~ If the committee for political action is advocating passage or defeat of a group of questions, the reports must be itemized by question or petition.

8. *The reports required by this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.*

Sec. 17. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for a candidate to spend money received as a ~~[campaign]~~ contribution for the candidate's personal use.

2. Notwithstanding the provisions of NRS 294A.286, a candidate or public officer may use ~~[campaign]~~ contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of ~~[campaign]~~ contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120 ~~[.]~~ or 294A.200 . ~~[or 294A.360.]~~ A candidate or public officer shall not use ~~[campaign]~~ contributions to satisfy a civil or criminal penalty imposed by law.

3. Every candidate for ~~[a state, district, county, city or township]~~ office at a primary ~~[]~~ **election**, general ~~[, primary city, general city]~~ **election** or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary ~~[]~~ **election**, general ~~[, primary city, general city]~~ **election** or special election shall dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

4. Every candidate for ~~[a state, district, county, city or township]~~ office at a primary ~~[]~~ **election**, general ~~[, primary city, general city]~~ **election** or special election who withdraws *pursuant to NRS 293.202 or 293C.195* after filing a declaration of candidacy or an acceptance of candidacy, *is removed from the ballot by court order* or is defeated for *or otherwise not elected to* that office and who received contributions that were not spent or committed for expenditure before the primary ~~[]~~ **election**, general ~~[, primary city, general city]~~ **election** or special election shall, not later than the 15th day of the second month after the election, dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(c) Donate the money to any tax-exempt nonprofit entity; or

(d) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

5. Every candidate for ~~[a state, district, county, city or township]~~ office who withdraws after filing a declaration of candidacy or an acceptance of candidacy, ***is removed from the ballot by court order before the general election*** or is defeated for that office at a primary ~~[or primary city]~~ election and ***who*** received a contribution from a person in excess of \$5,000 shall, not later than the 15th day of the second month after the election, return any money in excess of \$5,000 to the contributor.

6. Except as otherwise provided in ~~[subsection]~~ ***subsections 7 [] and 8,*** every public officer who:

(a) ~~[Holds a state, district, county, city or township office;~~
~~(b)]~~ Does not run for reelection to ~~[that]~~ ***the office which he or she holds*** and is not a candidate for any other office; and
~~[(c)]~~ ***(b)*** Has contributions that are not spent or committed for expenditure remaining from a previous election,
 ↪ shall, not later than the 15th day of the second month after the expiration of the public officer's term of office, dispose of those contributions in the manner provided in subsection ~~[3.]~~ ***4.***

7. ***A public officer who:***
(a) Resigns from his or her office;
(b) Is not a candidate for any other office; and
(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,
 ↪ shall, not later than the 15th day of the second month after the effective date of the resignation, dispose of those contributions in the manner provided in subsection ***4.***

8. A public officer who:
 (a) ~~[Holds a state, district, county, city or township office;~~
~~(b)]~~ Does not run for reelection to ~~[that]~~ ***the office which he or she holds*** and is a candidate for any other office; and
~~[(c)]~~ ***(b)*** Has contributions that are not spent or committed for expenditure remaining from a previous election,
 ↪ may use the unspent ~~[campaign]~~ contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200 ~~[, 294A.360]~~ and 294A.362 for as long as the public officer is a candidate for any office.

~~[(8.)~~ ***9.*** In addition to the methods for disposing the unspent money set forth in subsections 3, 4, 5 ~~[and 7.]~~, ***7 and 8,*** a Legislator may donate not more than \$500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

~~[(9.)~~ ***10.*** Any contributions received before a candidate for ~~[a state, district, county, city or township]~~ office at a primary ~~[]~~ ***election,*** general ~~[]~~ ***election*** or special election dies that were not

spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection ~~{3-}~~ 4.

~~{10-}~~ 11. The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

~~{11-}~~ 12. As used in this section, “contributions” include any interest and other income earned thereon.

Sec. 18. NRS 294A.200 is hereby amended to read as follows:

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

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

(b) Each amount in excess of \$100 disposed of pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286 during the period;

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

(d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286 which are \$100 or less. ~~{~~
~~on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.}~~

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

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

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

3. Every candidate for ~~{state, district, county or township}~~ office at a primary *election* or general election shall, ~~{if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1,}~~ not later than:

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

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

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

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

→ report each of the campaign expenses described in subsection 1 incurred during the period . ~~on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~4. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

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

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

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

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

~~→ report each of the campaign expenses described in subsection 1 incurred during the period on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~5.] 4. Except as otherwise provided in [subsection 6,] **subsections 5 and 6 and section 5 of this act**, every candidate for [a district] office at a special election shall, not later than:~~

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 12 days before the beginning of early voting by personal appearance for the special election; and

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

↪ report each of the campaign expenses described in subsection 1 incurred during the period . ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~—6. Every]~~

5. *Except as otherwise provided in subsection 6 and section 5 of this act, every* candidate for ~~[state, district, county, municipal or township]~~ office at a special election to determine whether a public officer will be recalled shall ~~[report each of the campaign expenses described in subsection 1 incurred on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under an oath to God or penalty of perjury, 30 days after:~~

~~—(a) The], not later than:~~

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the ~~[filing of]~~ date the notice of intent to circulate the petition for recall *is filed pursuant to NRS 306.015 through 12 days before the beginning of early voting by personal appearance for* the special election; ~~[or]~~ and

(b) ~~[[~~ Thirty days after the special election ~~[is not held because]~~, *for the remaining period through the date of the special election,*

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

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

↪ ~~A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.]~~ *order, report each of the campaign expenses described in subsection 1 during the period.*

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

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

9. The reports required by this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

Sec. 19. NRS 294A.210 is hereby amended to read as follows:

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

(a) Every person who is not under the direction or control of a candidate for ~~{an}~~ office, ~~{at a primary election, primary city election, general election or general city election,}~~ of a group of such candidates or of any person involved in the campaign of ~~{that}~~ a candidate or group **and** who makes an expenditure ~~{on behalf of the}~~ **for or against** a candidate or group which is not solicited or ~~{by}~~ approved by ~~{the}~~ ~~{for coordinated with}~~ a candidate or group ~~{, and every}~~; **and**

(b) **Every** committee for political action, political party or committee sponsored by a political party which receives contributions in excess of \$100 or makes an expenditure ~~{on behalf of such}~~ **for or against** a candidate **for office** or a group of **such** candidates.

2. Every person, committee or political party described in subsection 1 shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee or political party, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period ~~{on behalf of the candidate, the group of candidates or a candidate in the group of candidates}~~ in excess of \$100 ~~{on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.}~~ **and expenditures made during the period to one recipient which cumulatively exceed \$100.** The provisions of this subsection apply to the person, committee or political party beginning the year of the general election ~~{or general city election}~~ for that office through the year immediately preceding the next general election ~~{or general city election}~~ for that office.

~~{2.}~~ **3.** Every person, committee or political party described in subsection 1 ~~{which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group~~

~~of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1,] shall, not later than:~~

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

(b) ~~Four days before the primary election [or primary city election] for that office, for the period from 24 days before the primary election [or primary city election] through 5 days before the primary election ; [or primary city election;]~~

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

(d) ~~Four days before the general election [or general city election] for that office, for the period from 24 days before the general election [or general city election] through 5 days before the general election , [or general city election,]~~

~~→ report each expenditure *in excess of \$100* made during the period [on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of] *and expenditures made during the period to one recipient which cumulatively exceed \$100* . [on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~—3.— Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

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

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

~~—(e) Twenty one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and~~

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

~~↪ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of \$100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~

4. Except as otherwise provided in ~~[subsection]~~ *subsections 5 [.] and 6 and section 5 of this act*, every person, committee or political party described in subsection 1 which makes an expenditure ~~[on behalf of]~~ *for or against* a candidate for office at a special election or ~~[on behalf of]~~ *for or against* a group of such candidates shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special ~~[election for the office for which the candidate or a candidate in the group of candidates seeks]~~ election, for the period from the nomination of the candidate through 12 days before the beginning of early voting by personal appearance for the special election; and

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

~~↪ report each expenditure *in excess of \$100* made during the period [on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of \$100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.] and expenditures made during the period to one recipient which cumulatively exceed \$100.~~

5. ~~[Every]~~ *Except as otherwise provided in subsection 6 and section 5 of this act, every* person, committee or political party described in subsection 1 which makes an expenditure ~~[on behalf of]~~ *for or against* a candidate for office at a special election to determine whether a public officer will be recalled or ~~[on behalf of]~~ *for or against* a group of such candidates shall ~~[list each expenditure made on behalf of the candidate, the group of candidates or~~

a candidate in the group of candidates in excess of \$100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury, 30 days after:

—(a) The], *not later than:*

(a) *Seven days before the beginning of early voting by personal appearance for the special election*, for the period from the ~~filed of~~ date the notice of intent to circulate the petition for recall *is filed pursuant to NRS 306.015 through 12 days before the beginning of early voting by personal appearance for the special election; ~~or~~ and*

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

↪ *report each expenditure in excess of \$100 made during the period and expenditures made during the period to one recipient which cumulatively exceed \$100.*

6. If ~~the special election is not held because~~ a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, *every person, committee and political party described in subsection 1 which makes an expenditure for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,* for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's ~~decision.~~

↪ ~~A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

—6.] *order, report each expenditure in excess of \$100 made during the period and expenditures made during the period to one recipient which cumulatively exceed \$100.*

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

~~7.]~~ 8. Except as otherwise provided in NRS 294A.3737, the reports must be filed electronically with the Secretary of State.

~~8.]~~ 9. If an expenditure is made ~~on behalf of~~ *for or against* a group of candidates, the reports must be itemized by the candidate.

~~9.]~~ 10. A report shall be deemed to be filed on the date that it was received by the Secretary of State. Every person, committee or political party described in subsection 1 shall file a report required by this section even if the person, committee or political party receives no contributions.

11. The reports required pursuant to this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

Sec. 20. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election ~~[, primary city election,]~~ or general election ~~[for general city election]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the committee for political action, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period ~~[on behalf of]~~ **for** or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$1,000 ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ **and such expenditures made during the period to one recipient that cumulatively exceed \$1,000.** The provisions of this subsection apply to the committee for political action:

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

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

2. ~~[[If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection.]~~ A committee for political action described in ~~[this]~~ subsection **I** shall, not later than:

(a) Twenty-one days before the primary election, ~~[for primary city election,]~~ for the period from the January 1 immediately preceding the

primary election ~~for primary city election~~ through 25 days before the primary election ; ~~for primary city election;~~

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

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

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

↪ report each expenditure made during the period ~~on behalf of~~ *for* or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$1,000 ~~on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~—3.— If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A committee for political action described in this subsection shall, not later than:~~

~~—(a) Twenty one days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 25 days before the primary election or primary city election;~~

~~—(b) Four days before the primary election or primary city election, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;~~

~~—(c) Twenty one days before the general election or general city election, for the period from 4 days before the primary election or primary city~~

election through 25 days before the general election or general city election; and

~~— (d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,~~

~~↪ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$1,000 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~— 4. Except as otherwise provided in subsection 5, every} *and such expenditures made during the period to one recipient that cumulatively exceed \$1,000.*~~

3. Except as otherwise provided in section 5 of this act, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the date the question qualified for the ballot through 12 days before the beginning of early voting by personal appearance for the special election; and

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

~~↪ report each expenditure made during the period ~~for~~ *for* or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$1,000 ~~on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~~~

~~— 5. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$1,000 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury, 30 days after:~~

~~—(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~—(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

~~↪ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.] and such expenditures made during the period to one recipient that cumulatively exceed \$1,000.~~

~~{6.} 4.~~ Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

~~{7.} 5.~~ *The provisions of this section apply to a committee for political action even if the question or group of questions on the ballot that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order.*

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

~~{8.} 7.~~ If an expenditure is made ~~for or against~~ ~~for or against~~ a group of questions, the reports must be itemized by question or petition.

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

9. *The reports required by this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.*

Sec. 21. NRS 294A.225 is hereby amended to read as follows:

294A.225 1. A nonprofit corporation shall, before it engages in any of the following activities in this State, submit the names, addresses and telephone numbers of its officers to the Secretary of State:

(a) Soliciting or receiving contributions from any other person, group or entity;

(b) Making contributions to candidates or other persons; or

(c) Making expenditures,

↪ designed to affect the outcome of any primary ~~{}~~ *election*, general *election* or special election or question on the ballot.

2. The Secretary of State shall include on the Secretary of State's Internet website the information submitted pursuant to subsection 1.

Sec. 22. NRS 294A.270 is hereby amended to read as follows:

294A.270 1. Except as otherwise provided in ~~subsection 3,~~ **subsections 3 and 4**, each committee for the recall of a public officer shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from the ~~filing of~~ **date** the notice of intent to circulate the petition for recall **is filed pursuant to NRS 306.015**, through 12 days before the beginning of early voting by personal appearance for the special election; and

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

↪ report each contribution received or made by the committee **for the recall of a public officer during the period** in excess of \$100 ~~on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~ **and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.**

2. If a petition for the ~~purpose of recalling~~ **recall of** a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each contribution received by the committee ~~for~~ **for the recall of a public officer**, and each contribution made by the committee **for the recall of a public officer** in excess of \$100 ~~and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.~~

3. If a **district** court ~~does not order a special election~~ **determines that the petition** for the recall of the public officer ~~is~~ **is legally insufficient pursuant to subsection 6 of NRS 306.040**, the committee for the recall of a public officer shall, not later than 30 days after the **district** court ~~determines that an election will not be held,~~ **orders the officer with whom the petition is filed to cease any further proceedings regarding the petition**, for the period from the filing of the notice of intent to circulate the petition for recall through the day **of** the ~~court determines that an election will not be held,~~ **district court's order**, report each contribution received **or made** by the committee ~~and each contribution made by the committee~~ **for the recall of a public officer** in excess of \$100 ~~and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.~~

4. *If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:*

(a) Twenty-one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;

(b) Four days before the special election, for the period from 24 days before the special election through 5 days before the special election; and

(c) The 15th day of the second month after the special election, for the remaining period through the date of the special election,

↪ report each contribution received or made by the committee for the recall of a public officer in excess of \$100 and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.

5. Except as otherwise provided in NRS 294A.3737, each report of contributions must be filed electronically with the Secretary of State.

~~{5.}~~ 6. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~{6.}~~ 7. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution, whether from or to a natural person, association or corporation, in excess of \$100 and contributions which a contributor or the committee has made cumulatively in excess of that amount since the beginning of the current reporting period.

8. *The reports required by this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by a representative of the committee for the recall of a public officer under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.*

Sec. 23. NRS 294A.280 is hereby amended to read as follows:

294A.280 1. Except as otherwise provided in ~~{subsection 3.}~~ *subsections 3 and 4*, each committee for the recall of a public officer shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from the ~~{filing of}~~ *date* the notice of intent to circulate the petition for recall *is filed pursuant to NRS 306.015* through 12 days before the beginning of early voting by personal appearance for the special election; and

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

↪ report each expenditure made by the committee *for the recall of a public officer during the period* in excess of \$100 ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ *and expenditures made to one recipient which cumulatively exceed \$100.*

2. If a petition for the ~~[purpose of recalling]~~ *recall of a public officer* is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each expenditure made by the committee *for the recall of a public officer* in excess of \$100 ~~[.]~~ *and expenditures made to one recipient which cumulatively exceed \$100.*

3. If a *district* court ~~[does not order a special election]~~ *determines that a petition* for the recall of the public officer ~~[.]~~ *is legally insufficient pursuant to subsection 6 of NRS 306.040*, the committee for the recall of a public officer shall, not later than 30 days after the *district* court ~~[determines that an election will not be held.]~~ *orders the officer with whom the petition is filed to cease any further proceedings regarding the petition*, for the period from the filing of the notice of intent to circulate the petition for recall through the day *of the* ~~[court determines that an election will not be held.]~~ *district court's order*, report each expenditure made by the committee *for the recall of a public officer* in excess of \$100 ~~[.]~~ *and expenditures made to one recipient which cumulatively exceed \$100.*

4. *If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:*

(a) *Twenty-one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;*

(b) *Four days before the special election, for the period from 24 days before the special election through 5 days before the special election; and*

(c) *The 15th day of the second month after the special election, for the remaining period through the date of the special election,*

↪ *report each expenditure made by the committee for the recall of a public officer in excess of \$100 and expenditures made to one recipient which cumulatively exceed \$100.*

5. Except as otherwise provided in NRS 294A.3737, each report of expenditures must be filed electronically with the Secretary of State.

~~[5.]~~ 6. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

7. *The name and address of the recipient and the date on which the expenditure was made must be included on the report for each expenditure, whether to a natural person, association or corporation.*

8. *The reports required pursuant to this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by a representative of the committee for the recall of a public officer under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.*

Sec. 24. NRS 294A.286 is hereby amended to read as follows:

294A.286 1. Any candidate or public officer may establish a legal defense fund. A person who administers a legal defense fund shall:

(a) Within 5 days after the creation of the legal defense fund, notify the Secretary of State of the creation of the fund on a form provided by the Secretary of State; and

(b) For the same period covered by the report filed pursuant to NRS 294A.120 ~~]~~ or 294A.200 , ~~for 294A.360,~~ report any contribution received by or expenditure made from the legal defense fund.

2. The reports required by paragraph (b) of subsection 1 must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the administrator of the legal defense fund under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

3. Except as otherwise provided in NRS 294A.3733, the reports required by paragraph (b) of subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120 ~~]~~ or 294A.200 . ~~for 294A.360,~~

4. Not later than the 15th day of the second month after the conclusion of all civil, criminal or administrative claims or proceedings for which a candidate or public officer established a legal defense fund, the candidate or public officer shall dispose of unspent money through one or any combination of the following methods:

- (a) Return the unspent money to contributors; or
- (b) Donate the money to any tax-exempt nonprofit entity.

Sec. 25. NRS 294A.325 is hereby amended to read as follows:

294A.325 1. A foreign national shall not, directly or indirectly, make a contribution or a commitment to make a contribution to:

- (a) A candidate;
- (b) A committee for political action;
- (c) A committee for the recall of a public officer;

(d) A person who is not under the direction or control of a candidate, of a group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure that is not solicited or ~~by~~ approved by ~~for coordinated with~~ the candidate or group;

(e) A political party or committee sponsored by a political party that makes an expenditure ~~on behalf of~~ **for or against** a candidate or group of candidates;

(f) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts;

(g) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate; or

(h) A nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225.

2. Except as otherwise provided in subsection 3, a candidate, person, group, committee, political party, organization or nonprofit corporation described in subsection 1 shall not knowingly solicit, accept or receive a contribution or a commitment to make a contribution from a foreign national.

3. For the purposes of subsection 2, if a candidate, person, group, committee, political party, organization or nonprofit corporation is aware of facts that would lead a reasonable person to inquire whether the source of a contribution is a foreign national, the candidate, person, group, committee, political party, organization or nonprofit corporation shall be deemed to have not knowingly solicited, accepted or received a contribution in violation of subsection 2 if the candidate, person, group, committee, political party, organization or nonprofit corporation requests and obtains from the source of the contribution a copy of current and valid United States passport papers. This subsection does not apply to any candidate, person, group, committee, political party, organization or nonprofit corporation if the candidate, person, group, committee, political party, organization or nonprofit corporation has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national.

4. If a candidate, person, group, committee, political party, organization or nonprofit corporation discovers that the candidate, person, group, committee, political party, organization or nonprofit corporation received a contribution in violation of this section, the candidate, person, group, committee, political party, organization or nonprofit corporation shall, if at the time of discovery of the violation:

(a) Sufficient money received as contributions is available, return the contribution received in violation of this section not later than 30 days after such discovery.

(b) Except as otherwise provided in paragraph (c), sufficient money received as contributions is not available, return the contribution received in violation of this section as contributions become available for this purpose.

(c) Sufficient money received as contributions is not available and contributions are no longer being solicited or accepted, not be required to return any amount of the contribution received in violation of this section that exceeds the amount of contributions available for this purpose.

5. A violation of any provision of this section is a gross misdemeanor.

6. As used in this section:

(a) “Foreign national” has the meaning ascribed to it in 2 U.S.C. § 441e.

(b) “Knowingly” means that a candidate, person, group, committee, political party, organization or nonprofit corporation:

(1) Has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national;

(2) Is aware of facts which would lead a reasonable person to conclude that there is a substantial probability that the source of the contribution solicited, accepted or received is a foreign national; or

(3) Is aware of facts which would lead a reasonable person to inquire whether the source of the contribution solicited, accepted or received is a foreign national, but failed to conduct a reasonable inquiry.

Sec. 26. NRS 294A.347 is hereby amended to read as follows:

294A.347 1. A statement which:

(a) Is published within 60 days before a general election ~~[- general city election]~~ or special election or 30 days before a primary election ; ~~[- or primary city election;]~~

(b) Expressly advocates the election or defeat of a clearly identified candidate for a state or local office; and

(c) Is published by a person who receives compensation from the candidate, an opponent of the candidate or a person, *political* party or committee for political action,

↪ must contain a disclosure of the fact that the person receives compensation pursuant to paragraph (c) and the name of the person, *political* party or committee for political action providing that compensation.

2. A statement which:

(a) Is published by a candidate within 60 days before a general election ~~[- general city election]~~ or special election or 30 days before a primary election ; ~~[- or primary city election;]~~ and

(b) Contains the name of the candidate,

↪ shall be deemed to comply with the provisions of this section.

3. As used in this section, “publish” means the act of:

(a) Printing, posting, broadcasting, mailing or otherwise disseminating; or

(b) Causing to be printed, posted, broadcasted, mailed or otherwise disseminated.

Sec. 27. NRS 294A.350 is hereby amended to read as follows:

294A.350 1. ~~Every~~ ***Except as otherwise provided in subsection 2, every*** candidate for ~~[state, district, county, municipal or township]~~ office shall file the reports ~~[of campaign contributions and expenses]~~ required by NRS 294A.120, ***294A.125***, 294A.128, 294A.200 and ~~[294A.360 and reports of contributions received by and expenditures made from a legal defense fund required by NRS]~~ 294A.286, even though the candidate:

(a) Withdraws his or her candidacy ~~[;]~~ ***pursuant to NRS 293.202 or 293C.195;***

(b) ***Ends his or her campaign without withdrawing his or her candidacy pursuant to NRS 293.202 or 293C.195;***

(c) Receives no ~~[campaign]~~ contributions;

~~[(e)]~~ (d) Has no campaign expenses;

~~[(d)]~~ (e) ***Is not opposed in the election by another candidate;***

(f) ***Is defeated in the primary election;***

(g) Is removed from the ballot by court order; or

~~[(e)]~~ (h) Is the subject of a petition to recall and the special election is not held.

2. ~~[A]~~ ***Except as otherwise provided in subsection 3, a candidate [who withdraws his or her candidacy pursuant to NRS 293.202 may file] described in paragraph (a), (b), (f) or (g) of subsection 1 may simultaneously file*** all the reports ~~[of campaign contributions and expenses]~~ required by NRS 294A.120, ***294A.125***, 294A.128, 294A.200 and ~~[294A.360 and the report of contributions received by and expenditures made from a legal defense fund required by NRS]~~ 294A.286 ~~[, so long as each report is filed on or before the last day for filing the respective report pursuant to NRS 294A.120, 294A.200 or 294A.360.]~~ ***that are due after the candidate disposes of any unspent or excess contributions as provided in subsections 4 and 5 of NRS 294A.160, as applicable, if the candidate gives written notice to the Secretary of State, on the form prescribed by the Secretary of State, that the candidate is ending his or her campaign and will not accept any additional contributions. If the candidate has submitted a withdrawal of candidacy pursuant to NRS 293.202 or 293C.195 to an officer other than the Secretary of State, the candidate must enclose with the notice a copy of the withdrawal of candidacy. A form submitted to the Secretary of State pursuant to this subsection must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.***

3. *This section does not exempt a person whose name appears on the ballot and who is elected to office from any reporting requirement of this chapter.*

Sec. 28. NRS 294A.362 is hereby amended to read as follows:

294A.362 1. In addition to reporting information pursuant to NRS 294A.120, 294A.125, 294A.128 ~~[,] and~~ 294A.200 , ~~[and 294A.360,]~~ each candidate who is required to file a report ~~[of campaign contributions and expenses]~~ pursuant to NRS 294A.120, 294A.125, 294A.128 ~~[,] or~~ 294A.200 ~~[or 294A.360]~~ shall report on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 goods and services provided in kind for which money would otherwise have been paid. The candidate shall list on the form:

- (a) Each such ~~[campaign]~~ contribution in excess of \$100 received during the reporting period;
- (b) Each such ~~[campaign]~~ contribution from a contributor received during the reporting period which cumulatively exceeds \$100;
- (c) Each such **campaign** expense in excess of \$100 incurred during the reporting period;
- (d) The total of all such ~~[campaign]~~ contributions received during the reporting period which are \$100 or less and which are not otherwise required to be reported pursuant to paragraph (b); and
- (e) The total of all such **campaign** expenses incurred during the reporting period which are \$100 or less.

2. The Secretary of State ~~[and each city clerk]~~ shall not require a candidate to list the ~~[campaign]~~ contributions and **campaign** expenses described in this section on any form other than the form designed and made available by the Secretary of State pursuant to NRS 294A.373.

3. Except as otherwise provided in NRS 294A.3733, the report required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.125, 294A.128 ~~[,] or~~ 294A.200 . ~~[or 294A.360.]~~

Sec. 29. NRS 294A.365 is hereby amended to read as follows:

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

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

- (a) Office expenses;
- (b) Expenses related to volunteers;
- (c) Expenses related to travel;
- (d) Expenses related to advertising;
- (e) Expenses related to paid staff;
- (f) Expenses related to consultants;
- (g) Expenses related to polling;
- (h) Expenses related to special events;
- (i) Expenses related to a legal defense fund;
- (j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;
- (k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250; and
- (l) Other miscellaneous expenses.

3. Each report of *campaign* expenses or expenditures described in subsection 1 must list the disposition of any unspent ~~[campaign]~~ contributions using the categories set forth in subsection 3 of NRS 294A.160 or subsection 4 of NRS 294A.286 ~~[]~~, *as applicable*.

Sec. 30. NRS 294A.370 is hereby amended to read as follows:

294A.370 1. A newspaper, radio broadcasting station, outdoor advertising company, television broadcasting station, direct mail advertising company, printer or other person or group of persons which accepts, broadcasts, disseminates, prints or publishes:

- (a) Advertising ~~[on behalf of]~~ *for or against* any candidate or *a* group of *such* candidates;
- (b) Political advertising for any person other than a candidate; or

(c) Advertising for the passage or defeat of a question or group of questions on the ballot,

↳ shall, during the period beginning at least 10 days before each primary election [~~primary city election,~~] *or* general election [~~for general city election~~] and ending at least 30 days after the election, make available for inspection information setting forth the cost of all such advertisements accepted and broadcast, disseminated or published. The person or entity shall make the information available at any reasonable time and not later than 3 days after it has received a request for such information.

2. For purposes of this section, the necessary cost information is made available if a copy of each bill, receipt or other evidence of payment made out for any such advertising is kept in a record or file, separate from the other business records of the enterprise and arranged alphabetically by name of the candidate or the person or group which requested the advertisement, at the principal place of business of the enterprise.

Sec. 31. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design forms to be used for all reports [~~of campaign contributions and expenses or expenditures~~] that are required to be filed pursuant to [~~NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 and reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to NRS 294A.286.~~] *this chapter.*

2. The forms designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. The Secretary of State shall make available to each candidate, person, committee [~~or~~] *and* political party that is required to file a report [~~described in subsection 1.~~] *pursuant to this chapter:*

(a) If the candidate, person, committee or political party has submitted an affidavit to the Secretary of State pursuant to NRS 294A.3733 or 294A.3737, as applicable, a copy of the form; or

(b) If the candidate, person, committee or political party is required to submit the report electronically to the Secretary of State, access through a secure website to the form.

4. If the candidate, person, committee or political party is required to submit electronically a report described in subsection 1, the form must be signed electronically under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

5. The Secretary of State must obtain the advice and consent of the Legislative Commission before making a copy of, or access to, a form

designed or revised by the Secretary of State pursuant to this section available to a candidate, person, committee or political party.

Sec. 32. NRS 294A.3733 is hereby amended to read as follows:

294A.3733 1. A candidate who is required to file a report ~~described in subsection 1 of NRS 294A.373~~ *pursuant to this chapter* is not required to file the report electronically if the candidate:

(a) Did not receive or expend money in excess of \$10,000 after becoming a candidate pursuant to NRS 294A.005; and

(b) Has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(1) The candidate does not own or have the ability to access the technology necessary to file electronically the report ; ~~described in subsection 1 of NRS 294A.373;~~ and

(2) The candidate does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the report . ~~described in subsection 1 of NRS 294A.373.~~

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A candidate who signs the affidavit under an oath to God is subject to the same penalties as if the candidate had signed the affidavit under penalty of perjury.

(b) Filed not later than 15 days before the candidate is required to file a report ~~described in subsection 1 of NRS 294A.373.~~ *pursuant to this chapter.*

3. A candidate who is not required to file the report electronically may file the report by transmitting the report by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date on which it is received by the Secretary of State.

Sec. 33. NRS 294A.3737 is hereby amended to read as follows:

294A.3737 1. A person, committee or political party that is required to file a report ~~described in subsection 1 of NRS 294A.373~~ *pursuant to this chapter* is not required to file the report electronically if the person, committee or political party:

(a) Did not receive or expend money in excess of \$10,000 in the previous calendar year; and

(b) Has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(1) The person, committee or political party does not own or have the ability to access the technology necessary to file electronically the report ; ~~described in subsection 1 of NRS 294A.373;~~ and

(2) The person, committee or political party does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the report. ~~Described in subsection 1 of NRS 294A.373.~~

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A person who signs the affidavit under an oath to God is subject to the same penalties as if the person had signed the affidavit under penalty of perjury.

(b) Filed:

(1) At least 15 days before any report ~~described in subsection 1 of NRS 294A.373~~ is required to be filed *pursuant to this chapter* by the person, committee or political party.

(2) Not earlier than January 1 and not later than January 15 of each year, regardless of whether or not the person, committee or political party was required to file any report ~~described in subsection 1 of NRS 294A.373~~ *pursuant to this chapter* in the previous year.

3. A person, committee or political party that has properly filed the affidavit pursuant to this section may file the relevant report with the Secretary of State by transmitting the report by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date on which it is received by the Secretary of State.

Sec. 34. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;
2. An acceptance of candidacy;
3. The registration of a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or
4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286,

↪ shall furnish the candidate or entity with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 ~~]~~ or 294A.280 ~~for 294A.360~~ relating to the making, accepting or reporting of ~~campaign~~ contributions, *campaign* expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a

violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 35. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.286 [~~294A.360~~] and 294A.362, prepare and make available for public inspection a compilation of:

1. The total ~~campaign~~ contributions, the contributions which are in excess of \$100 and the total campaign expenses of each of the candidates from whom reports of those contributions and *campaign* expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of \$100.

4. The expenditures exceeding \$100 made by a:

- (a) Person ~~on behalf of~~ *for or against* a candidate other than the person.
- (b) Group of persons advocating the election or defeat of a candidate.
- (c) Committee for the recall of a public officer.

5. The contributions in excess of \$100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of ~~the~~ *a* candidate or group who makes an expenditure ~~on behalf of the~~ *for or against a* candidate or group which is not solicited ~~or by~~ approved by ~~the~~ ~~for coordinated with~~ *a* candidate or group.

(b) A committee for political action, political party or committee sponsored by a political party which makes an expenditure ~~on behalf of~~ *for or against* a candidate or group of candidates.

6. The total contributions received by and expenditures made from a legal defense fund.

Sec. 36. NRS 294A.410 is hereby amended to read as follows:

294A.410 1. If it appears that the provisions of this chapter have been violated, the Secretary of State may:

(a) Conduct an investigation concerning the alleged violation and cause the appropriate proceedings to be instituted and prosecuted in the First Judicial District Court; or

(b) Refer the alleged violation to the Attorney General. The Attorney General shall investigate the alleged violation and institute and prosecute the appropriate proceedings in the First Judicial District Court without delay.

2. A person who believes that any provision of this chapter has been violated may notify the Secretary of State, in writing, of the alleged violation. The notice must be signed by the person alleging the violation and include:

- (a) The full name and address of the person alleging the violation;
- (b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred;
- (c) Any evidence substantiating the alleged violation;
- (d) A certification by the person alleging the violation that the facts alleged in the notice are true to the best knowledge and belief of that person; and
- (e) Any other information in support of the alleged violation.

3. As soon as practicable after receiving a notice of an alleged violation pursuant to subsection 2, the Secretary of State shall provide a copy of the notice and any accompanying information to the person, if any, alleged in the notice to have committed the violation. Any response submitted to the notice must be accompanied by a short statement of the grounds, if any, for objecting to the alleged violation and include any evidence substantiating the objection.

4. If the Secretary of State determines, based on a notice of an alleged violation received pursuant to subsection 2, that reasonable suspicion exists that a violation of this chapter has occurred, the Secretary of State may conduct an investigation of the alleged violation.

5. If a notice of an alleged violation is received pursuant to subsection 2 not later than 180 days after the general election [~~general city election~~] or special election for the office or ballot question to which the notice pertains, the Secretary of State, when conducting an investigation of the alleged violation pursuant to subsection 4, may subpoena witnesses and require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other documents or records that the Secretary of State or a designated officer or employee of the Secretary of State determines are relevant or material to the investigation and are in the possession of:

- (a) Any person alleged in the notice to have committed the violation; or
- (b) If the notice does not include the name of a person alleged to have committed the violation, any person who the Secretary of State or a designated officer or employee of the Secretary of State has reasonable cause to believe produced or disseminated the materials that are the subject of the notice.

6. If a person fails to testify or produce any documents or records in accordance with a subpoena issued pursuant to subsection 5, the Secretary of

State or designated officer or employee may apply to the court for an order compelling compliance. A request for an order of compliance may be addressed to:

(a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents or records, if the person is subject to service of process in this State; or

(b) A court of another state having jurisdiction over the person refusing to testify or produce the documents or records, if the person is not subject to service of process in this State.

Sec. 37. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a *candidate*, person, committee or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.250, 294A.270, 294A.280 ~~or~~ 294A.286 ~~or~~ 294A.360] has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that *candidate*, person, committee or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a *candidate*, person, committee or entity that violates an applicable provision of this chapter is subject to a civil penalty of not more than \$5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a *candidate*, person, committee or entity has reported its contributions, *campaign* expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, \$25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, \$50 for each day the report is late.

(c) If the report is more than 15 days late, \$100 for each day the report is late.

↪ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of \$100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

5. *The remedies and penalties provided by this chapter are cumulative, do not abrogate and are in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to this chapter or NRS 199.120, 199.145 or 239.330.*

Sec. 38. NRS 294A.360 is hereby repealed.

Sec. 39. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTION

294A.360 Time when candidate for city office must file reports.

1. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year. The provisions of this subsection apply to the candidate:

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

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286.

2. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

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

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

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

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

3. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

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

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

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

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

4. Except as otherwise provided in subsection 5, every candidate for city office at a special election shall so file those reports:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through the special election.

5. Every candidate for city office at a special election to determine whether a public officer will be recalled shall so file those reports 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

Assemblyman Ohrenschall moved that the Assembly concur in the Senate Amendment No. 830 to Assembly Bill No. 35.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Madam Speaker, Senate Amendment 830 removes the remaining portion of the definition of “coordinated with” and other references to coordination throughout the bill. The additional definition of “coordinated with” and the new references to this term are not necessary to the campaign finance laws.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 48.

The following Senate amendment was read:

Amendment No. 854.

SHORT FORM AMENDMENT

Section 16 of this act is the only section affected by this amendment

Sec. 16. ***“Independent expenditure” means an expenditure which is made by a person who is not under the direction or control of a candidate for office, of a group of such candidates or of any person involved in the campaign of a candidate or group and which is made for or against a candidate or group and is not solicited ~~by~~ or approved by ~~for coordinated with~~ a candidate or group.***

Assemblyman Ohrenschall moved that the Assembly concur in the Senate Amendment No. 854 to Assembly Bill No. 48.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Madam Speaker, this amendment—similarly to the amendment to Assembly Bill 35—removes the phrase “coordinated with” from the definition of “independent expenditure.” This amendment is consistent with the change we made to the prior bill.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bobzien moved that the Assembly rescind the action whereby it concurred in Senate Amendment No. 766 to Assembly Bill No. 95.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

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 ~~is~~

~~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 ~~the~~," **or substantially similar language**, following the generic name and preceding the brand name of the drug ~~is~~ **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 do not concur in the Senate Amendment No. 766 to Assembly Bill No. 95.

Remarks by Assemblyman Bobzien.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 349.

The following Senate amendment was read:

Amendment No. 831.

ASSEMBLYMEN BUSTAMANTE ADAMS, HEALEY, ~~AND~~ ELLIOT ANDERSON
AND EISEN

JOINT ~~{SPONSOR: SENATORS}~~ SPONSORS: SENATORS SPEARMAN AND HARDY

AN ACT relating to professions; authorizing certain qualified professionals who hold a license in another state or territory of the United States and who are active members or veterans of, the spouse of an active member of, or the surviving spouse of a veteran of, the Armed Forces of the United States to apply for a license by endorsement to practice in this State; authorizing certain regulatory bodies to enter into a reciprocal agreement with the corresponding regulatory authority of another state or territory of the United States for the purposes of authorizing a licensee to practice concurrently in this State and another jurisdiction and regulating such licensees; authorizing certain qualified physicians and podiatrists to obtain a license by endorsement under certain circumstances; authorizing a medical facility to employ or contract with a physician to provide health care to a patient of the medical facility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides for the regulation of professions in this State. (Title 54 of NRS) ~~Section 1.1~~ Section 1.1 of this bill authorizes certain qualified professionals who are licensed in another state or territory of the United States and who are active members or veterans of, the spouse of an active member of, or the surviving spouse of a veteran of, the Armed Forces of the United States to apply for and receive a license by endorsement to practice their respective profession in this State. Section 1.1 also provides that a person who meets such requirements and receives a license by endorsement in certain professions is entitled to at least a 50 percent reduction in the fee for an examination required as a prerequisite to licensure or for initial issuance of a license.

Section 1.15 of this bill authorizes certain regulatory bodies of this State to enter into a reciprocal agreement with the corresponding regulatory authority of another state or territory of the United States for the purposes of authorizing and regulating the practice of certain professions concurrently in this State and another jurisdiction. Sections 1.2, 1.5 and 1.7 of this bill authorize certain qualified physicians and certain qualified podiatrists to obtain a license by endorsement to practice in this State if the physician or podiatrist: (1) holds a valid and unrestricted license to practice in another state or territory of the United States; (2) is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association, as applicable; and (3) meets certain other requirements.

Section 1.85 of this bill authorizes a medical facility to employ or contract with a physician to provide health care to a patient of the

medical facility. Section 1.85 requires a medical facility, other than a hospital, that employs or contracts with a physician to provide health care to a patient to have: (1) credentialing and privileging standards and a process for peer review for the medical facility; and (2) a physician or committee of physicians oversee those standards and the process for peer review.

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

Section 1. Chapter 622 of NRS is hereby amended by adding thereto ~~the~~ ~~new section to read as follows:~~ **the provisions set forth as sections 1.1 and 1.15 of this act.**

Sec. 1.1. 1. Notwithstanding the applicable provisions for obtaining a license pursuant to this title, a regulatory body may issue such a license by endorsement to an applicant if:

(a) The applicant holds a corresponding valid and unrestricted license to practice his or her respective profession in the District of Columbia or any state or territory of the United States;

(b) The applicant is an active member or veteran of, the spouse of an active member of, or the surviving spouse of a veteran of, the Armed Forces of the United States; and

(c) The regulatory body determines that the provisions of law in the state or territory in which the applicant holds a license as described in paragraph (a) are substantially equivalent to the applicable provisions of law in this State.

2. An applicant for a license by endorsement pursuant to this section must submit to the applicable regulatory body with his or her application:

(a) Proof satisfactory to the regulatory body that the applicant:

(1) Satisfies the requirements of paragraphs (a) and (b) of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of ~~the~~ any state or territory in which the applicant holds a license to practice his or her respective profession;

(4) If applicable to the profession, has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States; and

(5) If applicable to the profession, is certified by a specialty board of the American Board of Medical Specialties ~~+~~ or the American Osteopathic Association;

(b) *An affidavit stating that the information contained in the application and any accompanying material is true and correct; and*

(c) *Any other information required by the regulatory body in this State under whose jurisdiction the license may be issued.*

3. *Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, a regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. The regulatory body shall approve or deny the application not later than ~~45~~ :*

(a) Forty-five days after receiving all the additional information required by the regulatory body to complete the application ~~for~~ ; or

(b) If the regulatory body requires the applicant to submit fingerprints for the purpose of obtaining a report on the applicant's background, 10 days after receiving the report from the appropriate authority,

↪ whichever occurs later.

4. *A license by endorsement may be issued at a meeting of the regulatory body or between its meetings by the chief executive officer of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.*

5. *Notwithstanding any applicable provision of chapters 630 to 641C, inclusive, or 644 of NRS establishing a fee for any examination required as a prerequisite to licensure or for the issuance of a license, a regulatory body subject to one of those chapters shall not collect from any person to whom a license by endorsement is issued pursuant to this section more than one-half of the specified fee for the examination or initial issuance of the license.*

6. *At any time before making a final decision on an application for a license by endorsement, a regulatory body may grant a provisional license authorizing the applicant to practice his or her respective profession in accordance with regulations adopted by the regulatory body.*

7. *As used in this section, "veteran" means a person who qualifies for an exemption pursuant to NRS 361.090.*

Sec. 1.15. *1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641C, inclusive, or 644 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:*

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body shall prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to such reciprocal agreements and shall submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.

Sec. 1.2. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice medicine in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or been the subject of multiple investigations by the corresponding regulatory authority of any state or territory in which the applicant holds a license to practice medicine; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice medicine to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 1.25. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing the person to practice.

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.266, inclusive, **and sections 1.1 and 1.2 of this act**, a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain the certification for the duration of the licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family practice and who agrees to maintain certification in at least one of these specialties for the duration of the licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association; or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education;

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of which must have been completed as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; or

(3) Is a resident who is enrolled in a progressive postgraduate training program in the United States or Canada approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association, has completed at least 24 months of the program and has committed, in writing, to the Board that he or she will complete the program; and

(e) Passes a written or oral examination, or both, as to his or her qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b).

3. *An applicant for a license may satisfy the requirements for postgraduate education or training prescribed by paragraph (d) of subsection 2:*

(a) In one or more approved postgraduate programs, which may be conducted at one or more facilities in this State or in another state or territory of the United States;

(b) In one or more approved specialties or disciplines;

(c) In nonconsecutive months; and

(d) At any time before receiving his or her license.

4. The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 2. The verification may include, but is not limited to, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the information, the Board may require subsequent verification of the information by the primary source of the information.

~~44~~ 5. Notwithstanding any provision of this chapter to the contrary, if, after issuing a license to practice medicine, the Board obtains information from a primary or other source of information and that information differs from the information provided by the applicant or otherwise received by the Board, the Board may:

- (a) Temporarily suspend the license;
- (b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;
- (c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;
- (d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 630.400; or
- (e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:
 - (1) Placing the licensee on probation for a specified period with specified conditions;
 - (2) Administering a public reprimand;
 - (3) Limiting the practice of the licensee;
 - (4) Suspending the license for a specified period or until further order of the Board;
 - (5) Requiring the licensee to participate in a program to correct alcohol or drug dependence or any other impairment;
 - (6) Requiring supervision of the practice of the licensee;
 - (7) Imposing an administrative fine not to exceed \$5,000;
 - (8) Requiring the licensee to perform community service without compensation;
 - (9) Requiring the licensee to take a physical or mental examination or an examination testing his or her competence to practice medicine;
 - (10) Requiring the licensee to complete any training or educational requirements specified by the Board; and
 - (11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.

~~55~~ 6. If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

Sec. 1.3. NRS 630.165 is hereby amended to read as follows:

630.165 1. Except as otherwise provided in subsection 2, an applicant for a license to practice medicine must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the proof of graduation and that it was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

2. An applicant for a license by endorsement to practice medicine pursuant to NRS 630.1605 or section 1.1 or 1.2 of this act must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the license to practice medicine issued by the District of Columbia or any state or territory of the United States and that the license was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

3. An application submitted pursuant to subsection 1 or 2 must include all information required to complete the application.

4. In addition to the other requirements for licensure, the Board may require such further evidence of the mental, physical, medical or other qualifications of the applicant as it considers necessary.

5. The applicant bears the burden of proving and documenting his or her qualifications for licensure.

Sec. 1.33. NRS 630.171 is hereby amended to read as follows:

630.171 Except as otherwise provided in NRS 630.263, in addition to the other requirements for licensure, an applicant for a license to practice medicine shall cause to be submitted to the Board, if applicable:

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant ~~received~~ **completed** training; and

2. Proof of satisfactory completion of a progressive postgraduate training program specified in subparagraph (3) of paragraph (d) of subsection 2 of NRS 630.160 within 60 days after the scheduled completion of the program.

Sec. 1.35. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

↪ may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

- (a) Documentation of the history of medical practice of the physician;
- (b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that the physician has never been the subject of disciplinary action by a medical board in any jurisdiction;
- (c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605 ~~+~~ ***or section 1.1 or 1.2 of this act;***

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board shall issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

- (a) The review of an application for a special volunteer medical license; or
- (b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the special volunteer medical license is

subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 1.4. NRS 630.265 is hereby amended to read as follows:

630.265 1. ~~Except as otherwise provided in~~ **Unless the Board denies such licensure pursuant to** NRS 630.161 ~~or~~ **or for other good cause,** the Board ~~may~~ **shall** issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if the applicant is:

- (a) A graduate of an accredited medical school in the United States or Canada; or
- (b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that the applicant passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been appointed to a position in the program and is a citizen of the United States or lawfully entitled to remain and work in the United States. A limited license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.

3. The Board may issue a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.

4. The holder of a limited license may practice medicine only in connection with his or her duties as a resident physician or under such conditions as are approved by the director of the program.

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive.

Sec. 1.45. NRS 630.268 is hereby amended to read as follows:

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician, including a license by endorsement <u>issued pursuant to NRS 630.1605 or section 1.2 of this act</u>	\$600
For application for and issuance of a temporary, locum tenens, limited, restricted, authorized facility, special, special purpose or special event license	400

For renewal of a limited, restricted, authorized facility or special license.....	400
For application for and issuance of a license as a physician Assistant	400
For biennial registration of a physician assistant.....	800
For biennial registration of a physician	800
For application for and issuance of a license as a perfusionist or practitioner of respiratory care.....	400
For biennial renewal of a license as a perfusionist	600
For biennial registration of a practitioner of respiratory care	600
For biennial registration for a physician who is on inactive Status	400
For written verification of licensure	50
For a duplicate identification card.....	25
For a duplicate license.....	50
For computer printouts or labels.....	500
For verification of a listing of physicians, per hour.....	20
For furnishing a list of new physicians.....	100

2. In addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

Sec. 1.5. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 633.315, the Board may issue a license by endorsement to practice osteopathic medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice osteopathic medicine in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of any state or territory in which the applicant holds a license to practice osteopathic medicine; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice osteopathic medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice osteopathic medicine to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints, whichever occurs later.

4. A license by endorsement to practice osteopathic medicine may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 1.55. NRS 633.311 is hereby amended to read as follows:

633.311 1. Except as otherwise provided in NRS 633.315, 633.381 to 633.419, inclusive, and sections 1.1 and 1.5 of this act, an applicant for a license to practice osteopathic medicine may be issued a license by the Board if:

~~1.~~ (a) The applicant is 21 years of age or older;

~~2.~~ (b) The applicant is a citizen of the United States or is lawfully entitled to remain and work in the United States;

~~3.~~ (c) The applicant is a graduate of a school of osteopathic medicine;

~~4.~~ (d) The applicant:

~~(a)~~ (1) Has graduated from a school of osteopathic medicine before 1995 and has completed:

~~(1)~~ (I) A hospital internship; or

~~{(2)}~~ (II) One year of postgraduate training that complies with the standards of intern training established by the American Osteopathic Association;

~~{(b)}~~ (2) Has completed 3 years, or such other length of time as required by a specific program, of postgraduate medical education as a resident in the United States or Canada in a program approved by the Board, the Bureau of Professional Education of the American Osteopathic Association or the Accreditation Council for Graduate Medical Education; or

~~{(c)}~~ (3) Is a resident who is enrolled in a postgraduate training program in this State, has completed 24 months of the program and has committed, in writing, that he or she will complete the program;

~~{5}~~ (e) The applicant applies for the license as provided by law;

~~{6}~~ (f) The applicant passes:

~~{(a)}~~ (1) All parts of the licensing examination of the National Board of Osteopathic Medical Examiners;

~~{(b)}~~ (2) All parts of the licensing examination of the Federation of State Medical Boards ~~of the United States, Inc.;~~

~~{(c)}~~ ;

(3) All parts of the licensing examination of the Board, a state, territory or possession of the United States, or the District of Columbia, and is certified by a specialty board of the American Osteopathic Association or by the American Board of Medical Specialties; or

~~{(d)}~~ (4) A combination of the parts of the licensing examinations specified in ~~paragraphs (a), (b) and (c)~~ subparagraphs (1), (2) and (3) that is approved by the Board;

~~{7}~~ (g) The applicant pays the fees provided for in this chapter; and

~~{8}~~ (h) The applicant submits all information required to complete an application for a license.

2. An applicant for a license may satisfy the requirements for postgraduate education or training prescribed by paragraph (d) of subsection 1:

(a) In one or more approved postgraduate programs, which may be conducted at one or more facilities in this State or, except for a resident who is enrolled in a postgraduate training program in this State pursuant to subparagraph (3) of paragraph (d) of subsection 1, in another state or territory of the United States;

(b) In one or more approved specialties or disciplines;

(c) In nonconsecutive months; and

(d) At any time before receiving his or her license.

Sec. 1.57. NRS 633.322 is hereby amended to read as follows:

633.322 In addition to the other requirements for licensure to practice osteopathic medicine, an applicant shall cause to be submitted to the Board:

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant received training; and

2. If applicable, proof of satisfactory completion of a postgraduate training program specified in subparagraph (3) of paragraph ~~(c)~~ (d) of subsection ~~(4)~~ 1 of NRS 633.311 within 120 days after the scheduled completion of the program.

Sec. 1.6. NRS 633.401 is hereby amended to read as follows:

633.401 1. ~~Except as otherwise provided in~~ **Unless the Board denies such licensure pursuant to** NRS 633.315 ~~(4)~~ **or for other good cause,** the Board ~~may~~ **shall** issue a special license to practice osteopathic medicine:

(a) To authorize a person who is licensed to practice osteopathic medicine in an adjoining state to come into Nevada to care for or assist in the treatment of his or her patients in association with an osteopathic physician in this State who has primary care of the patients.

(b) To a resident while the resident is enrolled in a postgraduate training program required pursuant to the provisions of subparagraph (3) of paragraph ~~(c)~~ (d) of subsection ~~(4)~~ 1 of NRS 633.311.

(c) Other than a license issued pursuant to NRS 633.419, for a specified period and for specified purposes to a person who is licensed to practice osteopathic medicine in another jurisdiction.

2. For the purpose of paragraph (c) of subsection 1, the osteopathic physician must:

(a) Hold a full and unrestricted license to practice osteopathic medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties, the American Osteopathic Association or their successors.

3. A special license issued under this section may be renewed by the Board upon application of the licensee.

4. Every person who applies for or renews a special license under this section shall pay respectively the special license fee or special license renewal fee specified in this chapter.

Sec. 1.65. NRS 633.416 is hereby amended to read as follows:

633.416 1. An osteopathic physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

↪ may obtain a special volunteer license to practice osteopathic medicine by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer license to practice osteopathic medicine must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the osteopathic physician;

(b) Proof that the osteopathic physician previously has been issued an unrestricted license to practice osteopathic medicine in any state of the United States and that the osteopathic physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the osteopathic physician satisfies the requirements for licensure set forth in NRS 633.311 or the requirements for licensure by endorsement set forth in NRS 633.400 ~~+~~ **or section 1.1 or 1.5 of this act;**

(d) Acknowledgment that the practice of the osteopathic physician under the special volunteer license to practice osteopathic medicine will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the osteopathic physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer license to practice osteopathic medicine, except for payment by a medical facility at which the osteopathic physician provides volunteer medical services of the expenses of the osteopathic physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of an osteopathic physician satisfies the requirements of subsection 2 and that the retired osteopathic physician is competent to practice osteopathic medicine, the Board shall issue a special volunteer license to practice osteopathic medicine to the osteopathic physician.

4. The initial special volunteer license to practice osteopathic medicine issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer license to practice osteopathic medicine; or

(b) The issuance or renewal of a special volunteer license to practice osteopathic medicine pursuant to this section.

6. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section and who accepts the privilege of practicing osteopathic medicine in this State pursuant to the provisions of the special volunteer license to practice osteopathic medicine is subject to all the provisions governing disciplinary action set forth in this chapter.

7. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 1.7. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to practice podiatry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice podiatry in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of any state or territory in which the applicant holds a license to practice podiatry; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice podiatry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice podiatry to the

applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice podiatry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 1.75. NRS 635.050 is hereby amended to read as follows:

635.050 1. Any person wishing to practice podiatry in this State must, before beginning to practice, procure from the Board a license to practice podiatry.

2. ~~1.75~~ Except as otherwise provided in section 1.1 or 1.7 of this act, a license to practice podiatry may be issued by the Board to any person who:

- (a) Is of good moral character.
- (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.
- (c) Has received the degree of D.P.M., Doctor of Podiatric Medicine, from an accredited school of podiatry.
- (d) Has completed a residency approved by the Board.
- (e) Has passed the examination given by the National Board of Podiatric Medical Examiners.
- (f) Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this paragraph, an affidavit signed by the applicant stating that the applicant has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

3. An applicant for a license to practice podiatry must submit to the Board or a committee thereof pursuant to such regulations as the Board may adopt:

- (a) The fee for an application for a license of not more than \$600;
- (b) Proof satisfactory to the Board that the requirements of subsection 2 have been met; and
- (c) All other information required by the Board to complete an application for a license.

↪ The Board shall, by regulation, establish the fee required to be paid pursuant to this subsection.

4. The Board may reject an application if it appears that the applicant's credentials are fraudulent or the applicant has practiced podiatry without a license or committed any act described in subsection 2 of NRS 635.130.

5. The Board may require such further documentation or proof of qualification as it may deem proper.

6. The provisions of this section do not apply to a person who applies for:

- (a) A limited license to practice podiatry pursuant to NRS 635.075; or
- (b) A provisional license to practice podiatry pursuant to NRS 635.082.

Sec. 1.8. NRS 635.065 is hereby amended to read as follows:

635.065 1. In addition to the other requirements for licensure set forth in this chapter, an applicant for a license to practice podiatry in this State who has been licensed to practice podiatry in another state or the District of Columbia must submit:

(a) An affidavit signed by the applicant that:

(1) Identifies each jurisdiction in which the applicant has been licensed to practice; and

(2) States whether a disciplinary proceeding has ever been instituted against the applicant by the licensing board of that jurisdiction and, if so, the status of the proceeding; and

(b) If the applicant is currently licensed to practice podiatry in another state or the District of Columbia, a certificate from the licensing board of that jurisdiction stating that the applicant is in good standing and no disciplinary proceedings are pending against the applicant.

2. ~~The~~ **Except as otherwise provided in section 1.1 or 1.7 of this act, the** Board may require an applicant who has been licensed to practice podiatry in another state or the District of Columbia to:

(a) Pass an examination prescribed by the Board concerning the provisions of this chapter and any regulations adopted pursuant thereto; or

(b) Submit satisfactory proof that:

(1) The applicant maintained an active practice in another state or the District of Columbia within the 5 years immediately preceding the application;

(2) No disciplinary proceeding has ever been instituted against the applicant by a licensing board in any jurisdiction in which he or she is licensed to practice podiatry; and

(3) The applicant has participated in a program of continuing education that is equivalent to the program of continuing education that is required pursuant to NRS 635.115 for podiatric physicians licensed in this State.

Sec. 1.85. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A medical facility may employ or contract with a physician to provide health care to a patient of the medical facility.

2. If a medical facility, other than a hospital, employs or contracts with a physician pursuant to subsection 1, the medical facility must have:

(a) Credentialing and privileging standards and a process for peer review for the medical facility; and

(b) A physician or committee of physicians who oversees the standards and process required pursuant to paragraph (a).

3. If a medical facility employs or contracts with a physician pursuant to subsection 1, the medical facility shall not, by virtue of its employment of

or contract with the physician, interfere with, limit or otherwise impede the ability of the physician to care for a patient in a manner consistent with the professional medical judgment of the physician.

4. As used in this section:

(a) “Credentialing” means obtaining, verifying and assessing the qualifications of a physician to provide treatment, care or services in or for a medical facility.

(b) “Physician” means a person licensed to practice medicine pursuant to chapter 630 or 633 of NRS.

(c) “Privileging” means the authorizing by an appropriate authority of a physician to provide specific treatment, care or services at a medical facility subject to limits based on factors that include, without limitation, the physician’s license, education, training, experience, competence, health status and specialized skill.

Sec. 2. This act becomes effective on July 1, 2013.

Assemblyman Bobzien moved that the Assembly do not concur in the Senate Amendment No. 831 to Assembly Bill No. 349.

Remarks by Assemblyman Bobzien.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 456.

The following Senate amendment was read:

Amendment No. 772.

AN ACT relating to health care; **requiring that advertisements for health care services include certain information; requiring a health care professional to communicate certain information to current and prospective patients; prescribing the format for certain advertisements and disclosures;** requiring a health care professional to wear a name tag indicating his or her licensure or certification under certain circumstances; limiting the use of the term “board certified” by certain health care professionals; providing that a health care professional is subject to disciplinary action under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This bill requires **that an advertisement for health care services include certain information regarding the qualifications of a health care professional to whom the advertisement pertains, including information regarding any license or certification held by the health care professional. This bill also provides that such advertisements must not include any deceptive or misleading information. This bill requires a health care professional to communicate his or her specific licensure to all current and prospective patients and requires such a communication**

to include a written disclosure statement which is conspicuously displayed in the office of the health care professional and which clearly identifies the type of license held by the health care professional. This bill requires a health care professional to wear a name tag indicating his or her licensure or certification while providing health care services **other than sterile procedures** in a health care facility. **This bill requires a health care professional to comply, as applicable, with such advertising and disclosure requirements in each office in which he or she practices, prescribes the format for certain advertisements and disclosures and sets forth certain exceptions to such requirements.** This bill also prohibits a health care professional who is a physician or osteopathic physician from using the term “board certified” unless he or she discloses the name of the board by which he or she is certified and the board: (1) is a member board of the American Board of Medical Specialties or the American Osteopathic Association; or (2) meets certain other requirements. This bill further provides that a health care professional who violates the provisions of this bill is subject to disciplinary action.

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *Except as otherwise provided in subsection ~~2~~ 3:*

(a) An advertisement for health care services that names a health care professional must identify the type of license or certificate held by the health care professional and must not contain any deceptive or misleading information. If an advertisement for health care services is in writing, the information concerning licensure and board certification that is required pursuant to this section must be prominently displayed in the advertisement using a font size and style to make the information readily apparent.

(b) Except as otherwise provided in subsection 4, a health care professional who provides health care services in this State shall affirmatively communicate his or her specific licensure or certification to all current and prospective patients. Such communication must include, without limitation, a written patient disclosure statement that is conspicuously displayed in the office of the health care professional and which clearly identifies the type of license or certificate held by the health care professional. The statement must be in a font size sufficient to make the information reasonably visible.

(c) A health care professional shall, during the course of providing health care services other than sterile procedures in a health care facility,

wear a name tag which indicates his or her specific licensure or certification.

~~(b)~~ (d) A physician or osteopathic physician shall not hold himself or herself out to the public as board certified in a specialty or subspecialty, and an advertisement for health care services must not include a statement that a physician or osteopathic physician is board certified in a specialty or subspecialty, unless the physician or osteopathic physician discloses the full and correct name of the board by which he or she is certified, and the board:

(1) Is a member board of the American Board of Medical Specialties or the American Osteopathic Association; or

(2) Requires for certification in a specialty or subspecialty:

(I) Successful completion of a postgraduate training program which is approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association and which provides complete training in the specialty or subspecialty;

(II) Prerequisite certification by the American Board of Medical Specialties or the American Osteopathic Association in the specialty or subspecialty; and

(III) Successful completion of an examination in the specialty or subspecialty.

~~(c)~~ (e) A health care professional who violates any provision of this section is guilty of unprofessional conduct and is subject to disciplinary action by the board, agency or other entity in this State by which he or she is licensed, certified or regulated.

2. A health care professional who practices in more than one office shall comply with the requirements set forth in this section in each office in which he or she practices.

3. The provisions of this section do not apply to:

(a) A veterinarian or other person licensed under chapter 638 of NRS.

(b) A person who works in or is licensed to operate, conduct, issue a report from or maintain a medical laboratory under chapter 652 of NRS, unless the person provides services directly to a patient or the public.

~~3~~ 4. The provisions of paragraph (b) of subsection 1 do not apply to a health care professional who provides health care services in a medical facility licensed pursuant to chapter 449 of NRS or a hospital established pursuant to chapter 450 of NRS.

5. As used in this section:

(a) “Advertisement” means any printed, electronic or oral communication or statement that names a health care professional in relation to the practice, profession or institution in which the health care professional is employed, volunteers or otherwise provides health care

services. The term includes, without limitation, any business card, letterhead, patient brochure, pamphlet, newsletter, telephone directory, electronic mail, Internet website, physician database, audio or video transmission, direct patient solicitation, billboard and any other communication or statement used in the course of business.

(b) “Deceptive or misleading information” means any information that falsely describes or misrepresents the profession, skills, training, expertise, education, board certification or licensure of a health care professional.

(c) “Health care facility” has the meaning ascribed to it in NRS 449.2414.

~~(b)~~ (d) “Health care professional” means any person who engages in acts related to the treatment of human ailments or conditions and who is subject to licensure, certification or regulation by the provisions of this title.

~~(c)~~ (e) “Medical laboratory” has the meaning ascribed to it in NRS 652.060.

~~(d)~~ (f) “Osteopathic physician” has the meaning ascribed to it in NRS 633.091.

~~(e)~~ (g) “Physician” has the meaning ascribed to it in NRS 630.014.

Sec. 3. (Deleted by amendment.)

Sec. 4. This act becomes effective on January 1, 2014.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 772 to Assembly Bill No. 456.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

The amendment does three things. One, it requires that a health care services advertisement identify the type of licenses held by the health care professional and prohibits such an advertisement from containing deceptive or misleading information. Two, it requires the health care professional to provide a written patient disclosure statement which must be conspicuously displayed in the office—this does not apply to a health care professional of health care services provided in a medical facility licensed pursuant to Chapter 449 of NRS or a county or public hospital pursuant to Chapter 450. Finally, it exempts a health care professional from wearing a name tag when he or she is performing sterile procedures.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 494.

The following Senate amendment was read:

Amendment No. 655.

AN ACT relating to the Nevada State Funeral Board; revising the name of the Board and provisions governing the powers, duties and membership of the Board; requiring the Board to submit certain reports to the Sunset Subcommittee of the Legislative Commission; requiring the expiration of the

term of any member of the Board serving on October 1, 2013; requiring the termination of the employment of any employee of the Board employed on October 1, 2013; requiring the Board to maintain a principal office in this State; establishing a regulatory fee per ~~funeral conducted~~ **written and signed agreement for funeral services to be furnished** in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada State Funeral Board licenses and regulates funeral directors, embalmers, apprentice embalmers, the owners of funeral establishments and certain persons who conduct cremations and burials. (Chapter 642 of NRS) The Board also licenses and regulates the operators of crematories and cemeteries, and regulates certain aspects of the operation of cemeteries. (NRS 451.635, 451.640, 452.026, 452.310-452.590)

Section 1 of this bill renames the Board as the Nevada Funeral and Cemetery Services Board and revises the composition of the Board.

Existing law requires the Board to meet at least once every year and authorizes the Board to hold special meetings if the proper discharge of its duties requires. (NRS 642.050) **Section 2** of this bill instead requires the Board to meet at least once every calendar quarter.

Existing law authorizes the Board to maintain offices in as many localities in this State as it finds necessary and to employ attorneys, investigators and other professional consultants and clerical personnel necessary to discharge its duties. (NRS 642.055) **Section 3** of this bill requires the Board to: (1) maintain a principal office in this State; (2) employ an Executive Director and inspectors in addition to the personnel that the Board is required by existing law to employ; (3) maintain certain documents in its principal office; (4) establish minimum qualifications for the Executive Director, attorneys, investigators, inspectors and other employees of the Board; and (5) maintain an Internet website and post on the website the minutes of its meetings, notices and any other documents prepared by the Board for public information purposes.

Section 5 of this bill requires the Board to charge and collect a regulatory fee for each ~~funeral conducted~~ **written and signed agreement for funeral services to be furnished** in this State ~~for~~, **payable only once with respect to the remains of a deceased person.**

Section 6 of this bill provides that the term of any current member of the Board expires on October 1, 2013, and provides for the appointment of new membership. **Section 6** also provides for the termination of the employment of any person employed by the Board on October 1, 2013, and requires the employment by the Board of new staff on or before December 31, 2013.

Section 7 of this bill requires the Board to prepare and submit a written report of its activities to the Sunset Subcommittee of the Legislative

Commission every 6 months until the 78th Session of the Nevada Legislature convenes.

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

Section 1. NRS 642.020 is hereby amended to read as follows:

642.020 1. The Nevada ~~[State]~~ *Funeral and Cemetery Services* Board ~~consisting of [five]~~ seven members appointed by the Governor, is hereby created.

2. The Governor shall appoint: ~~[Board consists of seven members appointed as follows:]~~

(a) ~~[One member]~~ *Two members* who ~~[is]~~ *are* actively engaged as a funeral director ~~[and] or~~ embalmer ~~is appointed by the Governor.~~

(b) One member who is actively engaged as an operator of a cemetery ~~is appointed by the Governor.~~

(c) One member who is actively engaged in the operation of a crematory ~~is appointed by the Governor.~~

(d) ~~[Two]~~ *Three members* ~~[One member]~~ who are representatives ~~[is a representative]~~ of the general public ~~is appointed by the Governor.~~

~~(e) One member who is a representative of the general public, appointed by the Majority Leader of the Senate.~~

~~(f) One member who is a representative of the general public, appointed by the Speaker of the Assembly.~~

3. No member *of the Board* who is a representative of the general public may:

(a) Be the holder of a license or certificate issued by the Board or be an applicant or former applicant for such a license or certificate.

(b) Be related within the third degree of consanguinity or affinity to the holder of a license or certificate issued by the Board.

(c) Be employed by the holder of a license or certificate issued by the Board.

4. After the initial terms, members of the Board serve terms of 4 years, except when appointed to fill unexpired terms.

5. The Chair of the Board must be chosen from the members of the Board who are representatives of the general public.

Sec. 2. NRS 642.050 is hereby amended to read as follows:

642.050 1. The Board shall meet at least once every ~~[year]~~ *calendar quarter*, and may also hold special meetings, if the proper discharge of its duties requires, at a time and place to be fixed by the rules and bylaws of the Board. The rules and bylaws of the Board must provide for the giving of timely notice of all special meetings to all members of the Board and to all applicants for licenses or certificates.

2. Four of the members of the Board at any meeting may organize and constitute a quorum for the transaction of business.

Sec. 3. NRS 642.055 is hereby amended to read as follows:

642.055 The Board ~~may~~ **shall**:

1. Maintain **a principal office in this State, and such other** offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter and chapters 451 and 452 of NRS.

2. Employ **an Executive Director and** attorneys, investigators , **inspectors** and other professional consultants and clerical personnel necessary to the discharge of its duties.

3. **Maintain all financial records, records relating to licenses, certificates and permits, meeting minutes, notices and other public documents of the Board in its principal office.**

4. **Establish minimum qualifications for the Executive Director, attorneys, investigators, inspectors, and other professional consultants and clerical personnel employed by the Board.**

5. **Maintain an Internet website and post on that Internet website the minutes of its meetings, notices and any other documents prepared by the Board for public information purposes.**

Sec. 4. NRS 642.067 is hereby amended to read as follows:

642.067 The Board ~~may inspect any premises in which the business of funeral directing is conducted or where embalming is practiced and, for that purpose, may~~ **shall** employ ~~a licensed embalmer of the State of Nevada as~~ an inspector to aid in the enforcement of this chapter and chapters 451 and 452 of NRS and the regulations adopted pursuant thereto, whose compensation and expenses ~~shall~~ **must** be paid out of the fees collected by the Board. **The inspector shall, at least once every 2 years and at the direction of the Board, conduct an inspection of every premises in this State at which the business of funeral directing is conducted or embalming is practiced. A member of the Board shall not conduct any such inspection.**

Sec. 5. NRS 642.0696 is hereby amended to read as follows:

642.0696 **L.** In addition to the fees that the Board is authorized or required to collect pursuant to the provisions of a specific statute, the Board shall charge and collect the following fees:

Application for a license, certificate or permit.....	\$375
Examination for a license, certificate or permit.....	375
Renewal of a license, certificate or permit.....	200
Late renewal of a license, certificate or permit.....	275
Placement of a license on inactive status.....	175
Reactivation of a license to active status.....	175
Reinstatement of a lapsed license.....	300
Transfer of a license, certificate or permit to another location ...	225

Issuance of a duplicate license, certificate or permit..... 75
 Provision of an administrative service..... 75
Regulatory fee, per ~~funeral conducted~~ written and signed
 agreement for funeral services to be furnished in this
 State..... 10

2. The regulatory fee of \$10 prescribed in subsection 1 may only be charged once with respect to the remains of a deceased person and only at such time as an agreement for funeral services is fully executed, regardless of:

- (a) The number of funeral services furnished;
- (b) Whether such funeral services are furnished by more than one holder of a license, certificate or permit issued by the Board; or
- (c) Whether a subsequent agreement for funeral services is executed.

3. As used in this section, "funeral services" means those services performed normally by funeral directors or funeral or mortuary parlors, including, without limitation, crematory and embalming services.

Sec. 6. 1. The term of any member of the Nevada State Funeral Board appointed pursuant to subsection 2 of NRS 642.020 serving on October 1, 2013, expires on that date.

2. As soon as practicable on or after October 1, 2013, ~~the~~ **the** Governor shall appoint to the Nevada Funeral and Cemetery Services Board the members required to be appointed pursuant to ~~paragraphs (a) to (d), inclusive, of~~ subsection 2 of NRS 642.020, as amended by section 1 of this act.

~~[(b) The Majority Leader of the Senate shall appoint to the Nevada Funeral and Cemetery Services Board the member required to be appointed by paragraph (c) of subsection 2 of NRS 642.020, as amended by section 1 of this act.~~

~~[(c) The Speaker of the Assembly shall appoint to the Nevada Funeral and Cemetery Services Board the member required to be appointed by paragraph (f) of subsection 2 of NRS 642.020, as amended by section 1 of this act.]~~

3. The employment of any person employed by the Nevada State Funeral Board pursuant to subsection 2 of NRS 642.055 on October 1, 2013, must be terminated on that date.

4. The Nevada Funeral and Cemetery Services Board shall employ new staff pursuant to subsection 2 of NRS 642.055, as amended by section 3 of this act, on or before December 31, 2013.

Sec. 7. The Nevada Funeral and Cemetery Services Board created pursuant to NRS 642.020, as amended by section 1 of this act, shall, not later than 6 months after the appointment of all the members of the Board pursuant to section 6 of this act, and every 6 months thereafter until the 78th Session of the Nevada Legislature convenes, prepare and submit a written

report of its activities, including the inspection of any premises at which the business of funeral directing is conducted or embalming is practiced, to the Sunset Subcommittee of the Legislative Commission created by NRS 232B.210. The report must include, without limitation, any minutes of meetings of the Board, any records kept and any documentation pertaining to the inspection of any premises at which the business of funeral directing is conducted or embalming is practiced.

Sec. 8. 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.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 655 to Assembly Bill No. 494.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

The amendment requires the Governor to appoint members who are representatives of the general public, and it requires the Nevada Funeral and Cemetery Services Board to charge and collect a regulatory fee of \$10 for each written and signed agreement for funeral services to be furnished in the state, payable only once with respect to the remains of a deceased person. Madam Speaker, let's go ahead and just put this one down.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Carlton moved that the Assembly do not recede from its action on Assembly Amendment No. 791 to Senate Bill No. 185, that a conference be requested, and that Madam Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Carlton.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Benitez-Thompson, Sprinkle, and Stewart as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 185.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 87.

The following Senate amendment was read:

Amendment No. 613.

AN ACT relating to public schools; requiring consistency in zoning ordinances with respect to certain standards and specifications for the construction or alteration of public schools in certain counties; requiring ~~the approval of the board of trustees of~~ **that such standards and specifications be developed in conjunction with** the school district ~~[of such standards and specifications];~~ **of that county;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in a county whose population is less than 700,000 (currently all counties other than Clark County), certain plans, designs and specifications for the erection of any new school building or for any addition to or alteration of an existing school building must be submitted by the board of trustees of the school district to the building department of the county or other appropriate local government for approval. (NRS 393.110) **Section 1.3** of this bill requires that in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County), the standards and specifications for the erection of any new school building or for any addition to or alteration of an existing school building in any ordinance relating to zoning adopted or amended by the governing body of the county and the governing body of any city in the county which address the height of the building, the setback of the building, the landscaping and the amount of parking space must be: (1) consistent in all such ordinances; and (2) ~~[approved by the board of trustees of]~~ **developed in conjunction with** the school district of that county. **Section 3** of this bill requires such ordinances to be adopted on or before February 28, 2014.

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

Section 1. (Deleted by amendment.)

Sec. 1.3. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

In a county whose population is 100,000 or more but less than 700,000, the standards and specifications for the erection of any new school building or for any addition to or alteration of an existing school building in any ordinance relating to zoning adopted or amended by the governing body of the county and the governing body of any city in the county which address the height of the building, the setback of the building, the landscaping and the amount of parking space must be:

1. *Consistent in all such ordinances; and*
2. ~~[Approved by the board of trustees of]~~ **Developed in conjunction with the school district of that county.**

Sec. 1.7. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and section 1.3 of this act*, unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. (Deleted by amendment.)

Sec. 3. 1. On or before February 28, 2014, in a county whose population is 100,000 or more but less than 700,000, the governing body of the county and the governing body of each city in the county shall each adopt by ordinance standards and specifications for the erection of any new school building or for any addition to or alteration of any existing school building which address the height of the building, the setback of the building, the landscaping and the amount of parking space that:

(a) Are consistent in all such ordinances; and

(b) Have been ~~approved by the board of trustees of~~ **developed in conjunction with** the school district of the county.

2. As used in this section, “governing body” has the meaning ascribed to it in NRS 278.015.

Sec. 4. This act becomes effective on July 1, 2013.

Assemblywoman Benitez-Thompson moved that the Assembly concur in the Senate Amendment No. 613 to Assembly Bill No. 87.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

The amendment provides that the standards and specifications set forth in zoning ordinances for the construction or alteration of public schools in counties whose population are 100,000 to 700,000, currently Washoe County, must be developed in conjunction with the school rather than approved by the board of trustees of the school district.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 99.

The following Senate amendment was read:

Amendment No. 614.

SUMMARY—Revises ~~[the Uniform Law on Notarial Acts.]~~ **provisions relating to notarial acts.** (BDR 19-1)

AN ACT relating to notarial acts; revising certain provisions of the Uniform Law on Notarial Acts; **revising certain provisions governing notaries public;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law contains the Uniform Law on Notarial Acts, which provides the manner in which notarial acts must be performed. (NRS 240.161-240.169) Existing law also allows the Secretary of State to appoint electronic notaries public and provides for the performance of notarial acts on electronic records by electronic notaries public. (NRS 240.181-240.206)

Under existing law, to become an electronic notary public, a person must already be a notarial officer in Nevada and must successfully complete a course of study on electronic notarization, enter into a bond, pay an application fee and take an oath. (NRS 240.192)

This bill revises various provisions of the Uniform Law on Notarial Acts and maintains existing law relating to the performance of notarial acts on electronic records by electronic notaries public. **Sections 10 and 33** of this bill prohibit a notarial officer from performing a notarial act with respect to a record to which the officer or the officer's spouse or domestic partner is a party or in which either of them has a direct beneficial interest.

Under existing law, a notary public is required to maintain a journal in which he or she records certain information concerning each notarial act he or she performs. A notary public is required to have a person whose signature he or she notarizes sign the journal unless the notary public has performed a notarial act for the person within the previous 6 months and has personal knowledge of the identity of the person. (NRS 240.120) Section 34 of this bill adds the further conditions that the person must also be an employer or coworker of the notary public and that the notarial act must relate to a transaction performed in the ordinary course of the person's business.

Section 13 of this bill establishes a standard for determining whether a notarial officer has personal knowledge of the identity of a person appearing before the notarial officer. **Section 35.3** of this bill specifically authorizes a notarial act to be performed in this State by a person authorized to perform that specific notarial act by the law of a federally recognized Indian tribe or nation. **Section 35.5** of this bill revises provisions governing notarial acts performed within the jurisdiction of a foreign nation or a multinational or international organization.

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

Section 1. Chapter 240 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 to 28, inclusive, of this act.

Sec. 1.5. *“Domestic partners” has the meaning ascribed to it in NRS 122A.030.*

Sec. 2. *“Notary public” means a person appointed to perform a notarial act by the Secretary of State pursuant to NRS 240.010.*

Sec. 3. (Deleted by amendment.)

Sec. 4. *“Person” means a natural person.*

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. *“State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.*

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. 1. *A notarial officer may perform a notarial act authorized by NRS 240.001 to 240.169, inclusive, and sections 1.5 to 28, inclusive, of this act or by law of this State other than NRS 240.001 to 240.169, inclusive, and sections 1.5 to 28, inclusive, of this act.*

2. *A notarial officer other than a notary public may not perform a notarial act with respect to a document to which the officer or the officer’s spouse or domestic partner is a party, or in which either of them has a direct beneficial interest. A notary public may not perform a notarial act if the notarial act is prohibited by NRS 240.001 to 240.169, inclusive, and sections 1.5 to 28, inclusive, of this act. A notarial act performed in violation of this subsection is voidable.*

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. *For the purposes of NRS 240.001 to 240.169, inclusive, and sections 1.5 to 28, inclusive, of this act, a notarial officer has personal knowledge of the identity of a person appearing before the officer if the person is personally known to the officer through dealings sufficient to provide reasonable certainty that the person has the identity claimed.*

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. NRS 240.001 is hereby amended to read as follows:

240.001 As used in NRS 240.001 to 240.206, inclusive, *and sections 1.5 to 28, inclusive, of this act*, unless the context otherwise requires, the words

and terms defined in NRS 240.002 to 240.0055, inclusive, **and sections 1.5, 2, 4 and 7 of this act** have the meanings ascribed to them in those sections.

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. NRS 240.065 is hereby amended to read as follows:

240.065 1. A notary public may not perform a notarial act if:

(a) The notary public executed or is named in the instrument acknowledged, ~~to~~ sworn to ~~by~~ **or witnessed or attested;**

(b) Except as otherwise provided in subsection 2, the notary public has or will receive directly from a transaction relating to the instrument or pleading a commission, fee, advantage, right, title, interest, property or other consideration in excess of the fee authorized pursuant to NRS 240.100 for the notarial act; ~~to~~

(c) The **notary public and the** person whose signature is to be acknowledged, ~~to~~ sworn to **or witnessed or attested are domestic partners;**
or

(d) The person whose signature is to be acknowledged, sworn to or witnessed or attested is a relative of the domestic partner of the notary public or a relative of the notary public by marriage or consanguinity.

2. A notary public who is an attorney licensed to practice law in this State may perform a notarial act on an instrument or pleading if the notary public has or will receive directly from a transaction relating to the instrument or pleading a fee for providing legal services in excess of the fee authorized pursuant to NRS 240.100 for the notarial act.

3. As used in this section, "relative" includes, without limitation:

(a) A spouse ~~to~~ **or domestic partner**, parent, grandparent or stepparent;

(b) A natural born child, stepchild or adopted child;

(c) A grandchild, brother, sister, half brother, half sister, stepbrother or stepsister;

(d) A grandparent, parent, brother, sister, half brother, half sister, stepbrother or stepsister of the spouse **or domestic partner** of the notary public; and

(e) A natural born child, stepchild or adopted child of a sibling or half sibling of the notary public or of a sibling or half sibling of the spouse **or domestic partner** of the notary public.

Sec. 34. NRS 240.120 is hereby amended to read as follows:

240.120 1. Except as otherwise provided in subsection 2, each notary public shall keep a journal in his or her office in which the notary public shall enter for each notarial act performed, at the time the act is performed:

(a) The fees charged, if any;

(b) The title of the document;

- (c) The date on which the notary public performed the ~~service;~~ **act**;
 - (d) Except as otherwise provided in subsection 3, the name and signature of the person whose signature is being notarized;
 - (e) Subject to the provisions of subsection 4, a description of the evidence used by the notary public to verify the identification of the person whose signature is being notarized;
 - (f) An indication of whether the notary public administered an oath; and
 - (g) The type of certificate used to evidence the notarial act, as required pursuant to NRS 240.1655.
2. A notary public may make one entry in the journal which documents more than one notarial act if the notarial acts documented are performed:
- (a) For the same person and at the same time; and
 - (b) On one document or on similar documents.
3. When ~~taking an acknowledgment~~ **performing a notarial act** for a person, a notary public need not require the person to sign the journal if ~~the~~ **the** **;**
- (a) The** notary public has performed a notarial act for the person within the previous 6 months ~~and the~~ **;**
 - (b) The** notary public has personal knowledge of the identity of the person ~~;~~ **;** **and**
 - (c) The person is an employer or coworker of the notary public and the notarial act relates to a transaction performed in the ordinary course of the person's business.**
4. If, pursuant to subsection 3, a notary public does not require a person to sign the journal, the notary public shall enter "known personally" as the description required to be entered into the journal pursuant to paragraph (e) of subsection 1.
5. If the notary verifies the identification of the person whose signature is being notarized on the basis of a credible witness, the notary public shall:
- (a) Require the witness to sign the journal in the space provided for the description of the evidence used; and
 - (b) Make a notation in the journal that the witness is a credible witness.
6. The journal must:
- (a) Be open to public inspection.
 - (b) Be in a bound volume with preprinted page numbers.
7. A notary public shall, upon request and payment of the fee set forth in NRS 240.100, provide a certified copy of an entry in his or her journal.
8. A notary public shall keep his or her journal in a secure location during any period in which the notary public is not making an entry or notation in the journal pursuant to this section.

9. A notary public shall retain each journal that the notary public has kept pursuant to this section until 7 years after the date on which he or she ceases to be a notary public.

10. A notary public shall file a report with the Secretary of State and the appropriate law enforcement agency if the journal of the notary public is lost or stolen.

11. The provisions of this section do not apply to a person who is authorized to perform a notarial act pursuant to paragraph (b), (c), ~~(d)~~ *or* (e) of subsection 1 of NRS 240.1635.

Sec. 35. (Deleted by amendment.)

Sec. 35.3. NRS 240.1635 is hereby amended to read as follows:

240.1635 1. A notarial act may be performed within this State by the following persons:

- (a) A notary public of this State;
- (b) A judge, clerk or deputy clerk of any court of this State;
- (c) A justice of the peace; ~~(d)~~
- (d) Any other person authorized to perform the specific act by the law of this State ~~(d)~~; *or*
- (e) *A person authorized to perform the specific act by the law of a federally recognized Indian tribe or nation.*

2. Notarial acts performed within this State under federal authority as provided in NRS 240.1645 have the same effect as if performed by a notarial officer of this State.

3. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

Sec. 35.5. NRS 240.165 is hereby amended to read as follows:

240.165 1. A notarial act has the same effect under the law of this State as if performed by a notarial officer of this State if performed within the jurisdiction of and under authority of a foreign nation or its constituent units or a multinational or international organization by the following persons:

- (a) A notary public;
- (b) A judge, clerk or deputy clerk of a court of record; ~~(d)~~
- (c) A person authorized by the law of that jurisdiction to perform notarial acts ~~(d)~~;
- (d) *A person authorized by federal law to perform notarial acts; or*
- (e) *A person authorized by the law of a federally recognized Indian tribe or nation to perform notarial acts.*

2. A certificate by an officer of the foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by an officer of the foreign service or consular officer of that nation stationed in the United States, conclusively

establishes a matter relating to the authenticity or validity of the notarial act set forth in the certificate.

3. An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.

4. An official stamp or seal of an officer listed in paragraph (a) or (b) of subsection 1 is prima facie evidence that a person with the indicated title has authority to perform notarial acts.

5. If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

Sec. 35.7. NRS 240.1655 is hereby amended to read as follows:

240.1655 1. A notarial act must be evidenced by a certificate that:

(a) Identifies the county, including, without limitation, Carson City, in this State in which the notarial act was performed in substantially the following form:

State of Nevada
County of

(b) Except as otherwise provided in this paragraph, includes the name of the person whose signature is being notarized. If the certificate is for certifying a copy of a document, the certificate must include the name of the person presenting the document. If the certificate is for the jurat of a subscribing witness, the certificate must include the name of the subscribing witness.

(c) Is signed and dated in ink by the notarial officer performing the notarial act. ***The certificate must be signed in the same manner as the signature of the notarial officer that is on file with the Secretary of State.***

(d) If the notarial officer performing the notarial act is a notary public, includes the statement imprinted with the stamp of the notary public, as described in NRS 240.040.

(e) If the notarial officer performing the notarial act is not a notary public, includes the title of the office of the notarial officer and may include the official stamp or seal of that office. If the officer is a commissioned officer on active duty in the military service of the United States, the certificate must also include the officer's rank.

2. ~~{A}~~ ***Except as otherwise provided in subsection 8, a notarial officer shall:***

(a) In taking an acknowledgment, determine, from personal knowledge or satisfactory evidence, that the person making the acknowledgment is the

person whose signature is on the document. The person who signed the document shall present the document to the notarial officer in person.

(b) In administering an oath or affirmation, determine, from personal knowledge or satisfactory evidence, the identity of the person taking the oath or affirmation.

(c) In certifying a copy of a document, photocopy the entire document and certify that the photocopy is a true and correct copy of the document that was presented to the notarial officer.

(d) In making or noting a protest of a negotiable instrument, verify compliance with the provisions of subsection 2 of NRS 104.3505.

(e) In executing a jurat, administer an oath or affirmation to the affiant and determine, from personal knowledge or satisfactory evidence, that the affiant is the person named in the document. The affiant shall sign the document in the presence of the notarial officer. The notarial officer shall administer the oath or affirmation required pursuant to this paragraph in substantially the following form:

Do you (solemnly swear, or affirm) that the statements in this document are true, (so help you God)?

3. A certificate of a notarial act is sufficient if it meets the requirements of subsections 1 and 2 and it:

- (a) Is in the short form set forth in NRS 240.166 to 240.169, inclusive;
- (b) Is in a form otherwise prescribed by the law of this State;
- (c) Is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or
- (d) Sets forth the actions of the notarial officer and those are sufficient to meet the requirements of the designated notarial act.

4. For the purposes of paragraphs (a), (b) and (e) of subsection 2, a notarial officer has satisfactory evidence that a person is the person whose signature is on a document if the person:

- (a) Is personally known to the notarial officer;
- (b) Is identified upon the oath or affirmation of a credible witness ~~[-]~~ **who personally appears before the notarial officer;**
- (c) Is identified on the basis of an identifying document which contains a signature and a photograph;
- (d) Is identified on the basis of a consular identification card;
- (e) Is identified upon an oath or affirmation of a subscribing witness who is personally known to the notarial officer; or
- (f) In the case of a person who is 65 years of age or older and cannot satisfy the requirements of paragraphs (a) to (e), inclusive, is identified upon the basis of an identification card issued by a governmental agency or a senior citizen center.

5. An oath or affirmation administered pursuant to paragraph (b) of subsection 4 must be in substantially the following form

Do you (solemnly swear, or affirm) that you personally know(name of person who signed the document)....., (so help you God)?

6. A notarial officer shall not affix his or her signature over printed material.

7. By executing a certificate of a notarial act, the notarial officer certifies that the notarial officer has complied with all the requirements of this section.

8. ***If a person is physically unable to sign a document that is presented to a notarial officer pursuant to this section, the person may direct a person other than the notarial officer to sign the person’s name on the document. The notarial officer shall insert “Signature affixed by (insert name of other person) at the direction of (insert name of person)” or words of similar import.***

9. As used in this section, unless the context otherwise requires, “consular identification card” means an identification card issued by a consulate of a foreign government, which consulate is located within the State of Nevada.

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. (Deleted by amendment.)

Sec. 43. (Deleted by amendment.)

Sec. 44. (Deleted by amendment.)

Sec. 45. (Deleted by amendment.)

Sec. 46. (Deleted by amendment.)

Sec. 47. (Deleted by amendment.)

Sec. 48. The amendatory provisions of this act apply to a notarial act performed on or after January 1, 2014.

Sec. 49. This act becomes effective on January 1, 2014.

Assemblywoman Benitez-Thompson moved that the Assembly concur in the Senate Amendment No. 614 to Assembly Bill No. 99.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

The amendment provides that a notary public is not required to have the person for whom he or she performs a notarial act sign a journal if he or she has performed a notarial act for the same person within the last six months, has personal knowledge of the person, is an employee or

coworker of the person, and the notarial act relates to a transaction performed in the ordinary course of the person's business.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 172.

The following Senate amendment was read:

Amendment No. 615.

AN ACT relating to public works; revising provisions relating to preferences in bidding for contracts for certain public works projects; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that a contractor, applicant to serve as a construction manager at risk or design-build team that wishes to receive a preference in bidding for a contract for a public work submit an affidavit to the public body sponsoring or financing the public work certifying that: (1) at least 50 percent of all workers employed on the public work will hold a valid Nevada driver's license or identification card; (2) all vehicles used primarily for the public work will be either registered in this State or partially apportioned to this State; (3) at least 50 percent of all design professionals working on the public work will hold a valid Nevada driver's license or identification card; (4) at least 25 percent of the suppliers of the materials used for the public work will be located in this State unless the public body requires the acquisition of materials or equipment that cannot be obtained from a supplier located in this State; and (5) certain records will be maintained and made available for inspection within this State. (NRS 338.0117) **Section 1** of this bill revises the requirements for such a preference in bidding by: (1) limiting the requirement for design professionals to design-build teams; and (2) eliminating the requirement that a percentage of suppliers of the materials used for the public work be located in this State. **Section 1** clarifies that the driver's licenses and identification cards used to satisfy the statutory requirements must be issued by the Department of Motor Vehicles of the State of Nevada. **Section 1** requires a contractor to meet those requirements only if the contractor was awarded the contract for a public work as a result of the preference in bidding. ~~[Section]~~ **Sections 1** ~~[restricts]~~ **, 5 and 7 of this bill restrict** who can file a written objection alleging a violation of those requirements to only persons who submitted a bid on the public work ~~[]~~ **or entities.**

Existing law prohibits a contractor from being qualified to bid on certain state and local public works if the contractor has failed to comply with certain requirements within the preceding year for a contract for a public work that cost more than \$25,000,000 and prohibits a contractor who has

failed to comply with certain requirements for a contract for a public work which exceeds \$5,000,000 from receiving a preference in bidding for public works for 5 years. (NRS 338.1379, 338.1382, 338.1389, 338.1415, 338.147, 408.333) **Sections 3-8** of this bill instead condition those prohibitions on a material breach of a contract for a public work which exceeds \$25,000,000 or \$5,000,000, as applicable.

Section 9 of this bill provides that the revised requirements for a preference in bidding on a contract for a public work apply to any public work that is first advertised for bid after July 1, 2013. **Section 9** also declares that any contract for such a public work that fails to comply with this bill is void.

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

Section 1. NRS 338.0117 is hereby amended to read as follows:

338.0117 1. To qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.1389, subsection 2 of NRS 338.147, subsection 3 of NRS 338.1693, subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, a contractor, an applicant or a design-build team, respectively, must submit to the public body sponsoring or financing a public work a signed affidavit which certifies that, for the duration of the project ~~[-]~~, **collectively, and not on any specific day:**

(a) At least 50 percent of ~~all~~ **the** workers employed on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will hold a valid driver's license or identification card issued by the Department of Motor Vehicles ~~[-]~~ **of the State of Nevada;**

(b) All vehicles used primarily for the public work will be:

(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Registered in this State;

(c) ~~At~~ **If applying to receive a preference in bidding pursuant to subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, at** least 50 percent of the design professionals working on the public work, including, without limitation, ~~any~~ employees of the ~~contractor, applicant or~~ design-build team and of any subcontractor **or consultant** engaged ~~on~~ **in the design of** the public work, will have a valid driver's license or identification card issued by the Department of Motor Vehicles ~~[-]~~ **of the State of Nevada;**
and

(d) ~~At least 25 percent of the suppliers of the materials used for the public work will be located in this State unless the public body requires the~~

acquisition of materials or equipment that cannot be obtained from a supplier located in this State; and

—(e)} The contractor, applicant or design-build team and any subcontractor engaged on the public work will maintain and make available for inspection within this State his or her records concerning payroll relating to the public work.

2. Any contract for a public work *that is* awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 ~~and who receives~~ **as a result of the contractor, applicant or design-build team receiving** a preference in bidding described in subsection 1 must:

(a) Include a provision in the contract that substantially incorporates the requirements of paragraphs (a) to ~~{(e)}~~ (d), inclusive, of subsection 1; and

(b) Provide that a failure to comply with any requirement of paragraphs (a) to ~~{(e)}~~ (d), inclusive, of subsection 1 ~~is a material breach of the contract and~~ entitles the public body to ~~liquidated damages~~ **a penalty** only as provided in subsections 5 and 6.

3. A person ~~for entity~~ **who submitted a bid on the public work or an entity** who believes that a contractor, applicant or design-build team has obtained a preference in bidding as described in subsection 1 but has failed to comply with a requirement of paragraphs (a) to ~~{(e)}~~ (d), inclusive, of subsection 1 may file, **before the substantial completion of the public work**, a written objection with the public body for which the contractor, applicant or design-build team is performing the public work. A written objection authorized pursuant to this subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to ~~{(e)}~~ (d), inclusive, of subsection 1.

4. If a public body receives a written objection pursuant to subsection 3, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection. If the public body determines that the objection is accompanied by the required proof or substantiating evidence or if the public body determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of paragraphs (a) to ~~{(e)}~~ (d), inclusive, of subsection 1 exists, the public body shall determine whether the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to ~~{(e)}~~ (d), inclusive, of subsection 1 and the public body or its authorized representative may proceed to award the contract accordingly or, if the

contract has already been awarded, seek the remedy authorized in subsection 5.

5. A public body may recover, by civil action against the party responsible for a failure to comply with a requirement of paragraphs (a) to ~~[(e)]~~ (d), inclusive, of subsection 1, ~~Liquidated damages~~ **a penalty** as described in subsection 6 for ~~[a breach of a contract for a public work caused by]~~ a failure to comply with a requirement of paragraphs (a) to ~~[(e)]~~ (d), inclusive, of subsection 1. If a public body recovers ~~Liquidated damages~~ **a penalty** pursuant to this subsection, ~~[for a breach of a contract for a public work]~~ the public body shall report to the State Contractors' Board the date of the ~~[breach]~~ **failure to comply**, the name of each entity which ~~[breached the contract]~~ **failed to comply** and the cost of the contract ~~[]~~ **to which the entity that failed to comply was a party**. The Board shall maintain this information for not less than 6 years. Upon request, the Board shall provide this information to any public body or its authorized representative.

6. If a contractor, applicant or design-build team submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded the contract ~~[]~~ **as a result of that preference**, the contract between the contractor, applicant or design-build team and the public body, each contract between the contractor, applicant or design-build team and a subcontractor ~~[or supplier]~~ and each contract between a subcontractor and a **lower tier** subcontractor ~~[or supplier]~~ must provide that:

(a) If a party to the contract causes ~~[a material breach of the contract between]~~ the contractor, applicant or design-build team ~~[and the public body as a result of a failure]~~ **to fail** to comply with a requirement of paragraphs (a) to ~~[(e)]~~ (d), inclusive, of subsection 1, the party is liable to the public body for ~~Liquidated damages~~ **a penalty** in the amount of 1 percent of the cost of the largest contract to which he or she is a party;

(b) The right to recover the amount determined pursuant to paragraph (a) by the public body pursuant to subsection 5 may be enforced by the public body directly against the party that ~~[causes the material breach]~~ **caused the failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1**; and

(c) No other party to the contract is liable to the public body for ~~Liquidated damages~~ **a penalty**.

7. A public body that awards a contract for a public work to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 shall, on or before July 31 of each year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. The report must include information on each contract for a public work awarded to a contractor, applicant or design-build

team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1, including, without limitation, the name of the contractor, applicant or design-build team who was awarded the contract, the cost of the contract, a brief description of the public work and a description of the degree to which the contractor, applicant or design-build team and each subcontractor complied with the requirements of paragraphs (a) to ~~((c))~~ (d), inclusive, of subsection 1.

8. As used in this section:

(a) ***“Lower tier subcontractor” means a subcontractor who contracts with another subcontractor to provide labor, materials or services to the other subcontractor for a construction project.***

(b) ***“Vehicle used primarily for the public work” does not include any vehicle that is present at the site of the public work only occasionally and for a purpose incidental to the public work including, without limitation, the delivery of materials. Notwithstanding the provisions of the paragraph, the term includes any vehicle which is:***

(1) Owned or operated by the contractor or any subcontractor who is engaged on the public work; and

(2) Present at the site of the public work.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 338.1379 is hereby amended to read as follows:

338.1379 1. Except as otherwise provided in NRS 338.1382, a contractor who wishes to qualify as a bidder on a contract for a public work must submit an application to the Division or the local government.

2. Upon receipt of an application pursuant to subsection 1, the Division or the local government shall:

(a) Investigate the applicant to determine whether the applicant is qualified to bid on a contract; and

(b) After conducting the investigation, determine whether the applicant is qualified to bid on a contract. The determination must be made within 45 days after receipt of the application.

3. The Division or the local government shall notify each applicant in writing of its determination. If an application is denied, the notice must set forth the reasons for the denial and inform the applicant of the right to a hearing pursuant to NRS 338.1381.

4. The Division or the local government may determine an applicant is qualified to bid:

(a) On a specific project; or

(b) On more than one project over a period of time to be determined by the Division or the local government.

5. Except as otherwise provided in subsection 8, the Division shall not use any criteria other than criteria adopted by regulation pursuant to NRS 338.1375 in determining whether to approve or deny an application.

6. Except as otherwise provided in subsection 8, the local government shall not use any criteria other than the criteria described in NRS 338.1377 in determining whether to approve or deny an application.

7. Except as otherwise provided in NRS 239.0115, financial information and other data pertaining to the net worth of an applicant which is gathered by or provided to the Division or a local government to determine the financial ability of an applicant to perform a contract is confidential and not open to public inspection.

8. The Division or the local government shall deny an application and revoke any existing qualification to bid if it finds that the applicant has, within the preceding year, *materially* breached a contract for a public work for which the cost exceeds \$25,000,000 . ~~[by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117.]~~

Sec. 4. NRS 338.1382 is hereby amended to read as follows:

338.1382 In lieu of adopting criteria pursuant to NRS 338.1377 and determining the qualification of bidders pursuant to NRS 338.1379, a governing body may deem a person to be qualified to bid on:

1. Contracts for public works of the local government if the person has not, within the preceding year, *materially* breached a contract for a public work for which the cost exceeds \$25,000,000 , ~~[by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117.]~~ and has been determined by:

(a) The Division pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of the State pursuant to criteria adopted pursuant to NRS 338.1375; or

(b) Another governing body pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of that local government pursuant to the criteria set forth in NRS 338.1377.

2. A contract for a public work of the local government if:

(a) The person has been determined by the Department of Transportation pursuant to NRS 408.333 to be qualified to bid on the contract for the public work;

(b) The public work will be owned, operated or maintained by the Department of Transportation after the public work is constructed by the local government; and

(c) The Department of Transportation requested that bidders on the contract for the public work be qualified to bid on the contract pursuant to NRS 408.333.

Sec. 5. NRS 338.1389 is hereby amended to read as follows:

338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds \$250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a responsive and responsible contractor who:

(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(2) At the time the contractor submits his or her bid, ~~has~~ *provides* a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) ~~[At the time the contractor submits his or her bid,]~~ ***Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative,*** submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not ~~have,~~ *provide*, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, ~~[at the time he or she submits the bid,]~~ ***within 2 hours after the completion of the opening of the bids by the public body or its authorized representative,*** a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to ~~[(e)]~~ ***(d)***, inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

↪ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately

preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, *materially* breached a contract for a public work for which the cost exceeds \$5,000,000, ~~by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117,~~ the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may ~~be deemed the best bid~~ **receive a preference in bidding** only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person ~~for entity~~ **who submitted a bid on the public work ~~and~~ or an entity** who believes that ~~the~~ **the contractor who was awarded the contract for the public work** wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 6. NRS 338.1415 is hereby amended to read as follows:

338.1415 A local government or its authorized representative shall not accept a bid on a contract for a public work if the contractor who submits the bid has, within the preceding year, **materially** breached a contract for a public work for which the cost exceeds \$25,000,000 . ~~By failing to comply with a~~

~~requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117.]~~

Sec. 7. NRS 338.147 is hereby amended to read as follows:

338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446, a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds \$250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a contractor who:

(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;

(2) At the time the contractor submits his or her bid, ~~has~~ *provides* a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) ~~[At the time the contractor submits his or her bid.]~~ ***Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative,*** submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not ~~have,~~ *provide*, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, ~~[at the time he or she submits the bid,]~~ ***within 2 hours after the completion of the opening of the bids by the public body or its authorized representative,*** a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to ~~[(e),]~~ *(d)*, inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

↪ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal

Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, **materially** breached a contract for a public work for which the cost exceeds \$5,000,000, ~~by failing to comply with a requirement of paragraphs (a) to (e), inclusive,~~

~~of subsection 1 of NRS 338.0117,~~ the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may ~~be deemed a best bid~~ **receive a preference in bidding** only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person ~~for entity~~ **who submitted a bid on the public work ~~and~~ or an entity** who believes that ~~a~~ **the contractor who was awarded the contract for the public work** wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.

14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.

Sec. 8. NRS 408.333 is hereby amended to read as follows:

408.333 Except as otherwise provided in NRS 408.3875 to 408.3887, inclusive:

1. Before furnishing any person proposing to bid on any advertised work with the plans and specifications for such work, the Director shall require from the person a statement, verified under oath, in the form of answers to questions contained in a standard form of questionnaire and financial statement, which must include a complete statement of the person's financial ability and experience in performing public work of a similar nature.

2. Such statements must be filed with the Director in ample time to permit the Department to verify the information contained therein in advance of furnishing proposal forms, plans and specifications to any person proposing to bid on the advertised public work, in accordance with the regulations of the Department.

3. Whenever the Director is not satisfied with the sufficiency of the answers contained in the questionnaire and financial statement, the Director may refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. If the Director determines that the person has, within the preceding year, *materially* breached a contract for a public work for which the cost exceeds \$25,000,000, ~~by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117,~~ the Director shall refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. Any bid of any person to whom plans and specifications and the official proposal forms have not been issued in accordance with this section must be disregarded, and the certified check, cash or undertaking of such a bidder returned forthwith.

4. Any person who is disqualified by the Director, in accordance with the provisions of this section, may request, in writing, a hearing before the Director and present again the person's check, cash or undertaking and such further evidence with respect to the person's financial responsibility, organization, plant and equipment, or experience, as might tend to justify, in his or her opinion, issuance to him or her of the plans and specifications for the work.

5. Such a person may appeal the decision of the Director to the Board no later than 5 days before the opening of the bids on the project. If the appeal is sustained by the Board, the person must be granted the rights and privileges of all other bidders.

Sec. 9. 1. The amendatory provisions of this act apply to all public works for which bids are first advertised after July 1, 2013.

2. Any contract awarded for a public work to which the amendatory provisions of this act apply pursuant to subsection 1 and:

(a) Which was not advertised in compliance with the amendatory provisions of this act;

(b) For which bids were not accepted in compliance with the amendatory provisions of this act; or

(c) For which the contract was not awarded in compliance with the amendatory provisions of this act,

↳ is void.

3. As used in this section, “contract” and “public work” have the meanings ascribed to them in NRS 338.010.

Sec. 10. This act becomes effective on July 1, 2013.

Assemblywoman Benitez-Thompson moved that the Assembly concur in the Senate Amendment No. 615 to Assembly Bill No. 172.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

The amendment revises the bill to provide that either a person who submitted a bid on a public work, or an entity who believes that a contractor who was awarded a contract for the public work was wrongfully awarded a certificate of eligibility may challenge the validity of the certification of eligibility.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 126.

The following Senate amendment was read:

Amendment No. 692.

AN ACT relating to food; requiring certain restaurants or similar retail food establishments to disclose certain nutritional information about the food offered for sale by those restaurants or establishments; providing **for a civil** penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under federal law, a restaurant or similar retail food establishment that: (1) is part of a chain with 20 or more locations doing business under the same name and offering for sale substantially the same menu items; or (2) elects to be subject to the disclosure requirements, is required to disclose certain nutritional information about the menu items offered for sale by the restaurant or establishment. (21 U.S.C. § 343(q)(5)(H)) **Section 1** of this bill requires the owner or operator of any restaurant or similar retail food establishment that is part of a chain with 15 or more locations doing business within this State to disclose the same nutritional information that federal law requires a chain with 20 or more locations to disclose. **Section 2** of this bill provides a **civil** penalty for the owner or operator of any restaurant or similar retail food establishment who fails to make the required disclosure of nutritional information.

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

Section 1. Chapter 585 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The owner or operator of a restaurant or similar retail food establishment shall comply with the requirements set forth in 21 U.S.C. § 343(q)(5)(H) and any federal regulations adopted pursuant thereto if the restaurant or similar retail food establishment:

(a) Is part of a chain with 15 or more locations doing business within this State under the same name, regardless of the type of ownership of the locations, and offering for sale substantially the same menu items;

(b) Is part of a chain with 20 or more locations doing business under the same name, regardless of the type of ownership of the locations, and offering for sale substantially the same menu items; or

(c) Elects for the restaurant or similar retail food establishment to be subject to the requirements of 21 U.S.C. § 343(q)(5)(H).

2. An owner or operator of a restaurant or similar retail food establishment who is required to comply with the requirements set forth in 21 U.S.C. § 343(q)(5)(H) and any federal regulations adopted pursuant thereto pursuant to subsection 1 shall post a notice in a conspicuous place in the restaurant or similar retail food establishment stating where a person may report any violation of this section.

3. The provisions of this section may be enforced by the health authority or the appropriate local law enforcement agency.

4. As used in this section:

(a) "Health authority" has the meaning ascribed to it in NRS 446.050.

(b) "Restaurant food" means food that is served in restaurants or other establishments in which food is served for immediate human consumption.

(c) "Restaurant or similar retail food establishment":

(1) Except as otherwise provided in subparagraph 2, means a retail establishment that offers for sale restaurant or restaurant-type food ; ~~where the establishment presents itself or has presented itself publicly as a restaurant, or a total of more than 50 percent of the gross floor area of the establishment is used for the preparation, purchase, service, consumption or storage of food;~~ or

(2) If the term is defined in federal regulations for the purposes of 21 U.S.C. § 343(q)(5)(H), has the meaning ascribed to it in such federal regulations.

(d) "Restaurant-type food" means a type of restaurant food offered for sale but not for immediate consumption that is processed and prepared primarily in a retail establishment and not offered for sale outside of the establishment.

Sec. 2. NRS 585.550 is hereby amended to read as follows:

585.550 1. A person who manufactures, compounds, processes or packages any drug in a factory, warehouse, laboratory or other location in this state without a license required by NRS 585.245 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. ~~The~~ An owner or operator of a restaurant or similar retail food establishment who violates section 1 of this act is ~~guilty of a misdemeanor and shall be punished~~ liable for a civil penalty in the following amounts:

(a) For the first ~~offense~~ violation within the immediately preceding 5 years, ~~by a fine of~~ not less than \$50 but not more than \$500;

(b) For the second ~~offense~~ violation within the immediately preceding 5 years, ~~by a fine of~~ not less than \$100 but not more than \$1,000; and

(c) For the third or subsequent ~~offense~~ violation within the immediately preceding 5 years, ~~by a fine of~~ not less than \$250 but not more than \$2,500.

↪ For the purposes of this subsection, any number of ~~offenses~~ violations discovered in a single day constitute a single ~~offense~~ violation.

3. ~~In lieu of prosecution for a misdemeanor pursuant to subsection 2, the~~ Except as otherwise provided in this subsection, the health authority, as defined in NRS 446.050, within whose jurisdiction the violation of section 1 of this act occurs shall collect the civil penalty and may commence a civil proceeding for that purpose. The health authority may delegate to an independent hearing officer or hearing board the authority to determine violations and levy ~~administrative~~ civil penalties in an amount not to exceed the amounts set forth in subsection 2 for violations of the provisions of section 1 of this act.

4. A person who violates any other provision of this chapter is guilty of a gross misdemeanor.

Assemblywoman Dondero Loop moved that the Assembly concur in the Senate Amendment No. 692 to Assembly Bill No. 126.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

This amendment replaces the criminal penalty with a civil penalty for failure to disclose nutritional information and clarifies definitions used in this bill.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 200.

The following Senate amendment was read:

Amendment No. 633.

AN ACT relating to food establishments; allowing farms to hold farm-to-fork events in certain circumstances without being considered a food

establishment for purposes of inspections by the health authority and other regulations; requiring such farms to register with the health authority; ~~[providing a similar exemption from requirements applicable to a food establishment for certain farms which manufacture or prepare certain food items for sale or which offer or display such food items under certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to obtain a permit to operate a food establishment and to comply with various other requirements in the operation of the food establishment. (NRS 446.870) Existing law defines the term "food establishment" for those purposes and specifically excludes certain entities from the definition, including private homes where the food that is prepared or manufactured in the home is not provided for compensation or other consideration of any kind. (NRS 446.020)

Section 5 of this bill adds to the list of entities that are excluded from the definition of "food establishment" a farm holding a farm-to-fork event. **Section 2** of this bill defines the term "farm-to-fork event" as an event where prepared food from a farm is provided for immediate consumption by paying guests at the farm. **Section 3** of this bill authorizes a farm to hold a farm-to-fork event without being subject to the requirements of a food establishment provided that: (1) any rabbit meat or poultry served is raised and prepared on the farm, and is butchered and processed on the farm pursuant to certain permit and inspection requirements of NRS; (2) other food items served are prepared from ingredients substantially produced on the farm; and (3) each guest is provided with ~~[and acknowledges receipt of]~~ a notice which states that no inspection was conducted by a state or local health department of the farm or the food to be consumed, except as to the butchering and processing of the meat or poultry. **Section 3** further provides that a farm which holds more than two events in any month becomes a food establishment subject to all the requirements of a food establishment for the remainder of the calendar year. **Section 3.5** requires a farm that wishes to hold farm-to-fork events to register with the health authority by providing certain information and paying a fee. The health authority is prohibited from inspecting the farm, except in certain circumstances. ~~[Section 5 also adds to the list of entities that are excluded from the definition of "food establishment" a farm that manufactures or prepares certain food items for sale or which offers or displays for sale or serves those food items under certain circumstances. Section 4 of this bill specifies which food items qualify a farm for that exemption.]~~

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

Section 1. Chapter 446 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3, 3.5 and 4 of this act.

Sec. 2. *“Farm-to-fork event” means an event organized on a farm where prepared food is provided for immediate consumption to paying guests and that meets the requirements of section 3 of this act.*

Sec. 3. 1. *Except as otherwise provided in subsection 3, a farm is not a “food establishment” for purposes of holding a farm-to-fork event provided that:*

(a) Any poultry and meat from a rabbit that is served at the farm-to-fork event is raised and prepared on the farm and is butchered and processed on the farm pursuant to the requirements of chapter 583 of NRS; and

(b) Any other food item that is served at the farm-to-fork event, including, without limitation, salads, side dishes and desserts, are prepared on the farm from ingredients that are substantially produced on the farm.

2. *A farm which holds a farm-to-fork event shall ~~+~~*

~~*(a) Before, before a guest consumes any food, provide each guest with a notice which states that no inspection was conducted by a state or local health department of the farm or the food to be consumed, except as otherwise provided in subsection 1. ~~+~~ and*~~

~~*(b) Obtain from each guest a signed acknowledgment of receipt of the notice.*~~

3. *A farm which holds more than two events in any month that would otherwise qualify as farm-to-fork events becomes a food establishment for the remainder of that calendar year subject to all of the requirements of this chapter and any regulations adopted pursuant thereto concerning food establishments.*

Sec. 3.5. 1. *A farm that wishes to hold farm-to-fork events must register with the health authority by submitting such information as the health authority deems appropriate, including, without limitation:*

(a) The name, address and contact information of the owner of the farm;

(b) The name under which the farm operates; and

(c) The address of the farm.

2. *The health authority may charge a fee for the registration of a farm pursuant to this section in an amount not to exceed the actual cost of the health authority to establish and maintain a registry of farms holding farm-to-fork events.*

3. *The health authority shall not inspect a farm that holds a farm-to-fork event, except as otherwise provided in subsection 3 of section 3 of this act and except that the health authority may inspect a farm following a farm-to-fork event to investigate a food item that may be deemed to be adulterated pursuant to NRS 585.300 to 585.360, inclusive, or an outbreak*

or suspected outbreak of illness known or suspected to be caused by a contaminated food item served at the farm-to-fork event. A farm shall cooperate with the health authority in any such inspection.

4. If, as a result of an inspection conducted pursuant to subsection 3, the health authority determines that the farm has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the health authority may charge and collect from the farm a fee in an amount not to exceed the actual cost of the health authority to conduct the investigation.

Sec. 4. ~~[1. A farm which manufactures or prepares a food item by any manner or means whatever for sale, or which offers or displays a food item for sale, is not a "food establishment" pursuant to paragraph (h) of subsection 2 of NRS 446.020 if each such food item is:~~

~~—(a) Made substantially from ingredients that were grown or produced on the farm;~~

~~—(b) Sold at the farm or at a farmers' market licensed pursuant to chapter 244 or 268 of NRS;~~

~~—(c) Sold to a natural person for his or her consumption and not for resale;~~

~~—(d) Affixed with a label which complies with the federal labeling requirements set forth in 21 U.S.C. § 343(w) and 9 C.F.R. Part 317 and 21 C.F.R. Part 101 and which has been approved by the health authority if the food item is sold at a farmers' market;~~

~~—(e) Labeled with "NOT FOR RESALE PROCESSED AND PREPARED IN A FACILITY WHICH DOES NOT HAVE A PERMIT AND WHICH HAS NOT BEEN INSPECTED BY A STATE OR COUNTY HEALTH AUTHORITY" printed prominently on the label for the food item; and~~

~~—(f) Prepackaged in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers.~~

~~2. As used in this section:~~

~~—(a) "Farm" means land used for an agricultural purpose, including, without limitation, the production of crops and the on site storage, preparation and sale of agricultural products principally produced on the land.~~

~~—(b) "Food item" means any food that is not potentially hazardous, does not require time or temperature controls for safety and has a pH of 4.6 or less.] (Deleted by amendment.)~~

Sec. 5. NRS 446.020 is hereby amended to read as follows:

446.020 1. Except as otherwise limited by subsection 2, "food establishment" means any place, structure, premises, vehicle or vessel, or any

part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale or served.

2. The term does not include:

(a) Private homes, unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind;

(b) Fraternal or social clubhouses at which attendance is limited to members of the club;

(c) Vehicles operated by common carriers engaged in interstate commerce;

(d) Any establishment in which religious, charitable and other nonprofit organizations sell food occasionally to raise money or in which charitable organizations receive salvaged food in bulk quantities for free distribution, unless the establishment is open on a regular basis to sell food to members of the general public;

(e) Any establishment where animals are slaughtered which is regulated and inspected by the State Department of Agriculture;

(f) Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under chapter 584 of NRS; ~~for~~

(g) The premises of a wholesale dealer of alcoholic beverages licensed under chapter 369 of NRS who handles only alcoholic beverages which are in sealed containers ~~for~~; or

~~(h) A farm that meets the requirements of section 4 of this act with respect to a food item as defined in that section; or~~

~~(i) A farm for purposes of holding a farm-to-fork event.~~

Sec. 6. This act becomes effective on July 1, 2013.

Assemblywoman Dondero Loop moved that the Assembly concur in the Senate Amendment No. 633 to Assembly Bill No. 200.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

This amendment removes the provision to require “farm-to-fork” guests to sign an acknowledgment form and revises definitions in the bill.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 348.

The following Senate amendment was read:

Amendment No. 694.

AN ACT relating to foster care; establishing certain requirements for the operation of a foster care agency; requiring a foster care agency to create and maintain reports on its programs and services; allowing a foster care agency

to encourage and assist a potential foster home to apply for a license; requiring a contract between a foster care agency and a provider of foster care with which the foster care agency places a child; requiring a foster care agency to provide certain services to each foster home in which the foster care agency places children; providing for the operation of independent living foster homes; ~~allowing a licensing authority to suspend or revoke the license of a provider of foster care in certain circumstances;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Division of Child and Family Services of the Department of Health and Human Services is required to adopt regulations relating to the licensure and operation of foster homes and foster care agencies. (NRS 424.020, 424.093) **Sections 4-6** of this bill establish certain requirements for the governance of a foster care agency. **Sections 8-14** of this bill establish certain requirements for owners, members of the governing body, employees, paid consultants, contractors, volunteers and vendors of a foster care agency. **Section 15** of this bill requires a foster care agency to create and maintain an annual report on each program or service the agency provides. **Section 16** of this bill allows a foster care agency to identify potential foster homes and encourage a potential foster home to apply for licensure. **Section 17** of this bill requires a foster care agency to coordinate the submission of applications for licensure as a foster home to the licensing authority and to conduct a home study of each applicant. **Section 18** of this bill requires a foster care agency to execute a contract containing certain provisions with each provider of foster care with whom the foster care agency places a child and to make each such contract available to the licensing authority upon request. **Sections 19 and 20** of this bill require a foster care agency which places children in a specialized foster home or an independent living foster home to develop and implement certain provisions relating to the care the foster home provides. **Section 21** of this bill requires a foster care agency to provide support to and to review and evaluate its contracted foster homes. **Sections 22 and 23** of this bill require a foster care agency to make crisis intervention available to its contracted foster homes and to report certain potential violations to the licensing authority. **Section 24** of this bill: (1) prohibits a foster care agency from accepting certain children for placement in certain circumstances; and (2) requires a foster care agency to give priority to assisting with the placement of children from an agency which provides child welfare services or a juvenile court. **Section 25** of this bill requires a foster care agency to monitor and evaluate its programs and services and implement any necessary improvements to its programs and services revealed by its evaluations. **Section 26** of this bill allows the

licensing authority to charge and collect certain fees from a foster care agency.

Section 35 of this bill prohibits a foster home from accepting a child placed by a juvenile court without the approval of the licensing authority. **Section 35** also requires a specialized foster home or a group foster home to maintain a policy of general liability insurance. **Section 36** of this bill revises the crimes that preclude a person from being employed by or being a resident of a foster home. **Section 44** of this bill allows a licensing authority to release certain information at the request of a provider of foster care upon the payment of a fee to cover the costs of the licensing authority in gathering that information. ~~[Section 45 of this bill allows a licensing authority to suspend or revoke the license of a provider of foster care in certain circumstances.]~~

Sections 2, 34, 35, 38, 41, 42, 48, 50 and 54 of this bill provide for the licensing and regulation of independent living foster homes.

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

Section 1. Chapter 424 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 26, inclusive, of this act.

Sec. 2. *“Independent living foster home” means a foster home which provides assistance with the transition to independent living for children who have entered into an agreement to transition to independent living and for children who:*

- 1. Are at least 16 years of age but less than 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;*
- 2. Are not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and*
- 3. Are received, cared for and maintained for compensation or otherwise, including the provision of free care.*

Sec. 3. *“Juvenile court” has the meaning ascribed to it in NRS 62A.180.*

Sec. 4. 1. *A foster care agency must:*

(a) Be organized as a business entity that is registered with the Secretary of State and holds a valid state business license pursuant to chapter 76 of NRS;

(b) Have a governing body, at least one member of which has knowledge of and experience in the programs and services offered by the foster care agency; and

(c) Operate under articles of incorporation.

2. The governing body of a foster care agency must have a written constitution or bylaws which prescribe the responsibility for the operation

and maintenance of the foster care agency and which must include, without limitation, provisions that:

(a) Define the qualifications for and types of membership on the governing body;

(b) Specify the process for selecting members of the governing body, the terms of office for the members and officers of the governing body and orientation for new members of the governing body;

(c) Specify how frequently the governing body must meet; and

(d) Specify prohibited conflicts of interest of members of the governing body and employees, volunteers and independent contractors of the foster care agency.

3. The governing body of a foster care agency shall appoint a person to provide oversight of the foster care agency who meets the qualifications described in section 8 of this act.

4. If the foster care agency is organized in another state, the governing body must meet at least once each year within this State or have a subcommittee whose members are residents of this State, one of whom is a member of the governing body, which is responsible to the governing body for ensuring that the foster care agency complies with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 5. The governing body of a foster care agency must be responsible for:

1. Ensuring that the foster care agency is and remains fiscally sound;

2. Overseeing the management and operations of the programs and services offered by the foster care agency;

3. Ensuring that the foster care agency remains in compliance with the rules and policies of the governing body; and

4. Ensuring that the foster care agency complies with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 6. The governing body shall submit annually to the licensing authority or its designee:

1. The name, address, contact information, position held on the governing body and any other information required by the licensing authority of each member of the governing body;

2. A copy of the articles of incorporation, constitution and bylaws of the foster care agency;

3. Evidence satisfactory to the licensing authority that the foster care agency has the ability to financially support and sustain its activities, which may include, without limitation, financial statements and budgets;

4. A report from an independent auditor of the complete financial information for the foster care agency for the immediately preceding fiscal year;

5. *A statement of purpose; and*

6. *An organizational chart or other chart that sets forth the structure of the foster care agency which includes, without limitation, a job description for each position listed in the chart.*

Sec. 7. (Deleted by amendment.)

Sec. 8. 1. *The person appointed to provide oversight of a foster care agency by the governing body of the foster care agency pursuant to section 4 of this act must have:*

(a) *A bachelor's degree or more advanced degree from an accredited college or university; and*

(b) *At least 7 years of experience in an agency or program which provides social services, including at least 3 years of experience as an administrator, supervisor or consultant.*

2. *The person appointed to provide oversight of a foster care agency is responsible for the day-to-day operations of the foster care agency, including, without limitation, employing such staff as he or she deems necessary to provide administrative services and services to families and children. The staff may include, without limitation:*

(a) *Program supervisors who are responsible for the supervision of members of the staff and activities relating to foster care and for assisting in formulating and carrying out the policies and programs of the foster care agency. Each program supervisor must have a bachelor's degree or more advanced degree from an accredited college or university and at least 3 years of experience in providing services to children and their families, including at least 1 year of experience as an administrator or supervisor.*

(b) *Caseworkers who support the operations of the foster care agency, including, without limitation, to work with children and families, perform home studies, support service plans for individualized cases and treatments, prepare and maintain records and coordinate services for children and families. Each caseworker must have:*

(1) *A bachelor's degree from an accredited college or university in the field of social work or a field related to social work, which may include, without limitation, psychology, sociology, education or counseling; or*

(2) *A bachelor's degree from an accredited college or university in any field and at least 2 years of experience in providing services to children and their families.*

Sec. 9. 1. *The foster care agency may accept volunteers to provide certain specified services for the foster care agency. The foster care agency shall not rely solely upon volunteers to provide any service.*

2. *If the foster care agency accepts volunteers pursuant to subsection 1, the foster care agency must have a written plan for the selection, training, supervision and assignment of volunteers, and each volunteer who*

performs an activity that would otherwise be performed by a member of the staff must meet the same qualifications that would be required for the member of the staff.

Sec. 10. 1. The foster care agency shall develop and carry out a written plan for the orientation, training, supervision and evaluation of members of the staff.

2. The orientation must include, without limitation, information on the policies and procedures of the foster care agency, goals for the programs and services of the foster care agency, the responsibilities of members of the staff and the provisions of this chapter and the regulations adopted pursuant to thereto that relate to licensing. The training must include, without limitation, any training required by the licensing authority. Each member of the staff must be evaluated at least once each year.

3. The foster care agency shall maintain comprehensive written policies and procedures for the personnel, services and programs of the foster care agency and make the policies and procedures readily available to the members of the staff and to the licensing authority.

4. The foster care agency shall maintain comprehensive records for personnel that, upon request, must be made available to the licensing authority.

Sec. 11. 1. The licensing authority or a person designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for or holder of a license to conduct a foster care agency and each owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of that applicant or licensee who may come into direct contact with a child placed by the foster care agency, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:

- (a) Murder, voluntary manslaughter or mayhem;*
- (b) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon;*
- (c) Assault with intent to kill or to commit sexual assault or mayhem;*
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime or a felony relating to prostitution;*
- (e) Abuse or neglect of a child or contributory delinquency;*
- (f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;*
- (g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any*

provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;

(i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor, including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

3. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person is completed.

4. The licensing authority or its designee shall conduct an investigation of each holder of a license to conduct a foster care agency and each owner, member of a governing body, employee, paid consultant, contractor, volunteer or vendor who may come into direct contact with a child placed by the foster care agency pursuant to this section at least once every 5 years after the initial investigation.

Sec. 12. 1. Each applicant for or holder of a license to conduct a foster care agency, and each owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of that applicant or licensee who may come into direct contact with a child placed by the foster care agency, must submit to the licensing authority or its approved designee:

(a) A complete set of fingerprints and written permission authorizing the licensing authority or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report to enable the licensing authority or its approved designee to conduct an investigation pursuant to section 11 of this act; and

(b) Written permission to conduct a child abuse and neglect screening.

2. For each person who submits the documentation required pursuant to subsection 1, the licensing authority or its approved designee shall conduct a child abuse and neglect screening of the person in every state in which the person has resided during the immediately preceding 5 years.

3. The licensing authority or its approved designee may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

4. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the licensing authority or its approved designee.

5. Upon receiving a report pursuant to this section, the licensing authority or its approved designee shall determine whether the person has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act.

6. The licensing authority shall immediately inform the foster care agency whether an owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of the foster care agency who may come into direct contact with a child placed by the foster care agency has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act.

Sec. 13. 1. Upon receiving information from the licensing authority or its approved designee pursuant to section 12 of this act or evidence from any other source that an owner, member of the governing body, employee, consultant, contractor, volunteer or vendor of a foster care agency who may come into direct contact with a child placed by the foster care agency has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act, the foster care agency shall terminate the employment, contract or volunteer activities of the person after

allowing the person time to correct the information as required pursuant to subsection 2.

2. If a person believes that the information provided about him or her pursuant to subsection 1 is incorrect, the person must inform the foster care agency immediately. A foster care agency that is so informed shall give the person 30 days to correct the information.

3. During the period in which a person seeks to correct information pursuant to subsection 2, it is within the discretion of the foster care agency whether to allow the person to continue to be associated with the foster care agency, except that the person must not have contact with a child in any foster home without supervision during any such period.

Sec. 14. *A member of the governing body, employee, consultant, contractor, volunteer or vendor of a foster care agency may not:*

1. Be a provider of foster care who has a contract with the foster care agency for the placement of children unless approved by the licensing authority; or

2. Be a biological parent of a child in the custody of an agency which provides child welfare services or of a child placed by a juvenile court in a foster home operated by the foster care agency.

Sec. 15. *1. A foster care agency shall create and maintain an annual report concerning each program or service provided by the foster care agency.*

2. The report must include, without limitation, a description of each program or service provided by the foster care agency, the goals for the program or service relating to family foster homes, specialized foster homes, independent living foster homes and group foster homes and information relating to any special populations of children served, including, without limitation, children who require special care for physical, mental or emotional issues or who were placed in a foster home by a juvenile court.

Sec. 16. *1. A foster care agency may identify potential foster homes and encourage a potential foster home to apply to the licensing authority for a license to conduct a foster home.*

2. A foster care agency shall ensure that each person with whom it contracts as a provider of foster care receives any training required by the provisions of this chapter or by the licensing authority, including, without limitation, specific training to meet the needs of a population that requires specific services.

Sec. 17. *1. A foster care agency shall coordinate the submission of applications for the licensing of prospective foster homes with the licensing authority.*

2. *A foster care agency shall conduct a fair and impartial investigation of the home and standards of care for each prospective foster home.*

3. *Upon receiving a completed application for a prospective foster home from a foster care agency, the licensing authority must review the qualifications of the prospective foster home to be licensed pursuant to NRS 424.030.*

4. *The licensing authority may provide any training it determines to be necessary to a foster care agency for the foster care agency to fulfill the provisions of this section.*

Sec. 18. 1. *A foster care agency may not assist an agency which provides child welfare services or a juvenile court in the placement of a child in foster care unless a contract exists between the foster care agency and the provider of foster care for the placement of children. Such a contract must include, without limitation, provisions that:*

(a) Allow the provider of foster care to change its affiliation with the foster care agency or to terminate its affiliation with the foster care agency and become affiliated with a different foster care agency.

(b) Specify the type of foster home and related services that the provider of foster care will provide on behalf of the foster care agency, including, without limitation, the services that each party agrees to provide for foster children, biological families and foster families.

(c) Specify the financial responsibilities of each party, including, without limitation, payment for both foster care and for any other expenses or services rendered, including, without limitation, providing clothing for children in its care.

(d) Waive the right of the provider of foster care to confidentiality relating to any investigations for licensing or child protective services and allow the agency which provides child welfare services and the licensing authority to share any related information about an investigation with the foster care agency after the investigation is completed.

(e) State how emergencies which occur during and outside regular business hours will be handled.

(f) Require arrangements to be made for foster children to have visitation with their biological families.

(g) Describe expectations which ensure that children will receive appropriate medical, dental, mental health, psychological and psychiatric treatment, including, without limitation, how transportation will be provided.

(h) Require the provider of foster care to adhere to the provisions of this chapter and the regulations adopted pursuant thereto relating to licensing.

(i) State that the parties agree that the licensing authority maintains the responsibility to protect the best interests of each child, which may include

removing a child from the placement with the provider of foster care if the licensing authority determines that removal is in the best interests of the child.

(j) Include the acknowledgment by the parties of any provisions determined to be appropriate by the licensing authority.

2. The foster care agency, upon request, shall make each such contract available to the licensing authority within a reasonable period after receiving its request.

Sec. 19. 1. A foster care agency which places children in a specialized foster home shall develop and carry out written policies and procedures relating to children placed in specialized foster homes which must include, without limitation:

(a) The service and treatment philosophy of the foster care agency for children with physical, mental or emotional issues and children who are placed in a specialized foster home by a juvenile court;

(b) Specific treatment techniques that the foster care agency plans to approve for use with children described in paragraph (a) and their families;

(c) Specific strategies for behavior management that the foster care agency will allow providers of foster care to use with children described in paragraph (a); and

(d) Adequate staffing to provide the intensity of services required when caring for children described in paragraph (a).

2. A foster care agency shall require a provider of foster care to serve as an active participant in the treatment or care plan of a child who is placed in a specialized foster home. The foster care agency shall:

(a) Provide services to support the provider of foster care in reducing barriers in caring for and supporting any children placed in a specialized foster home;

(b) Arrange or provide support for the provider of foster care to arrange for the child to receive appropriate clinical services, including, without limitation, psychiatric, psychological and medication management services; and

(c) Ensure cooperation between the employees of the foster care agency, the provider of foster care, the child and the biological family of the child in meeting the goals of the child's treatment plan.

3. A foster care agency which places children in a specialized foster home shall have a written plan for alternative care in the event of an emergency if the placement of the child into a specialized foster home disrupts that specialized foster home.

Sec. 20. 1. A foster care agency which places children in an independent living foster home shall develop and implement written

policies and procedures relating to children placed in independent living foster homes which must include, without limitation:

(a) A process for ensuring that a potential location for an independent living arrangement meets any standards required by the licensing authority and is evaluated on a regular basis to ensure that it continues to meet such standards;

(b) A procedure for approving a location for an independent living arrangement;

(c) Criteria and procedures for intake and admission into the independent living foster home and discharge from the independent living foster home, including, without limitation, procedures to ensure that the child will be discharged into the care of his or her legal guardian if he or she is less than 18 years of age at the time of his or her discharge;

(d) The conditions under which a child may be discharged from the independent living foster home, including, without limitation, criteria and procedures for implementing an emergency discharge of the child;

(e) Criteria and procedures for terminating the approval of a location for an independent living arrangement;

(f) A detailed plan for determining and maintaining the supervision and visitation of each child after he or she has been placed in a location for an independent living arrangement; and

(g) The types of services that the provider of foster care will obtain or provide to meet the needs of the child during the placement.

2. A foster care agency which places children in an independent living foster home shall coordinate with the provider of foster care to:

(a) Ensure that each child is enrolled in academic, vocational education or career and technical education services appropriate to meet the needs of the child;

(b) Monitor the educational progress of each child as often as necessary;

(c) Assist each child in obtaining routine and emergency medical care and dental care;

(d) Evaluate the needs of each child for financial assistance upon intake and monthly thereafter or more often if necessary;

(e) Provide the resources to meet the basic needs of each child, including, without limitation, clothing, food and shelter;

(f) Provide assistance to each child in locating, securing and maintaining employment;

(g) Provide training in life skills to meet the needs of each child;

(h) Support each child who remains under the jurisdiction of a court pursuant to NRS 432B.594; and

(i) *Obtain and provide a system for responding to a crisis that is accessible to the child 24 hours a day, 7 days a week, including holidays, and provide training to each child on how to access and use the system.*

3. *A foster care agency which places children in an independent living foster home shall provide an orientation and training to each child admitted to its program for independent living.*

Sec. 21. 1. *A foster care agency shall provide support to each foster home with which the foster care agency has a contract for the placement of children in arranging for and accessing medical, dental, mental health, psychological and psychiatric treatment for children. The foster care agency shall ensure that each child placed in a foster home with which the foster care agency has a contract for the placement of children receives appropriate treatment and may exercise any rights granted pursuant to this chapter or chapter 432B of NRS that are necessary to discharge this duty. The foster care agency shall ensure that the provider of foster care provides medical records and any related documentation to the licensing authority or its designee.*

2. *A foster care agency shall ensure that each child in its care has his or her own supply of clothing appropriate for indoors and outdoors that is in good condition and suitable for the season.*

3. *When a foster home with which the foster care agency has a contract for the placement of children does not have any children placed in the home, the foster care agency must visit the home at least once every 60 days to review whether it remains in compliance with the requirements of this chapter and any regulations adopted pursuant thereto and, when necessary, notify the licensing authority of any potential violations.*

4. *In addition to any other review that a foster care agency performs of a foster home with which the foster care agency has a contract for the placement of children, a foster care agency shall conduct a review of the foster home any time a critical event occurs in that home and report the event to the licensing authority. As used in this subsection, "critical event" includes, without limitation:*

- (a) The death or disability of a family member;*
- (b) The sudden onset of a health condition that may impair the ability of a provider of foster care to care for the child;*
- (c) A change in marital status;*
- (d) A change in home address;*
- (e) A sudden or substantial loss of income; and*
- (f) The birth of a child.*

5. *A foster care agency shall conduct an evaluation of each foster home with which the foster care agency has a contract for the placement of*

children at least once each year and submit the results of the evaluation to the licensing authority or its designee. The evaluation must include:

(a) An interview with the provider of foster care and an assessment of the ability of the provider of foster care to relate to children, to help children reach their personal and educational goals, to work with children with particular issues and needs, to establish and maintain a consistent and stable environment with children and to work with biological families to support reunification to the extent that reunification is determined to be consistent with the plan for the permanent placement of the child pursuant to NRS 432B.393.

(b) An interview with each child placed in the foster home that includes a description of the relationship between each child placed in the foster home and each family member; and

(c) A detailed review of each instance where a child was placed in the foster home and subsequently removed from the home and a description of the reasons for the removal.

Sec. 22. 1. *A foster care agency shall provide crisis intervention and assistance 24 hours a day, 7 days a week, including holidays, to each foster home with which the foster care agency has a contract for the placement of children.*

2. *Employees of the foster care agency who provide crisis intervention and assistance must be trained in and competent to handle a crisis situation and to provide necessary services to children and families to ensure child safety, permanency and well-being. The foster care agency shall train and encourage each provider of foster care to use techniques to support positive behavior that emphasize principles and methods to help children achieve desired behavior in a constructive and safe manner.*

Sec. 23. 1. *A provider of foster care shall not use physical restraint on a child placed with the provider unless the child presents an imminent threat of danger of harm to himself or herself or others.*

2. *A foster care agency shall notify the licensing authority or its designee when any serious incident, accident or injury occurs to a child in its care within 24 hours after the incident, accident or injury. The foster care agency shall provide a written report to the licensing authority or its designee as soon as practicable after notifying the licensing authority or its designee. The written report must include, without limitation, the date and time of the incident, accident or injury, any action taken as a result of the incident, accident or injury, the name of the employee of the foster care agency who completed the written report and the name of the employee of the licensing authority or its designee who was notified.*

3. *A foster care agency shall report any potential violation of the provisions of this chapter or any regulations adopted pursuant thereto*

relating to licensing to the licensing authority within 24 hours after an employee of the foster care agency becomes aware of the potential violation. A foster care agency shall cooperate with the licensing authority in its review of such reports and support each foster home with which the foster care agency has a contract for the placement of children in completing any action required to correct a violation.

4. A foster care agency shall fully comply with any investigation of a report of the abuse or neglect of a child pursuant to NRS 432B.220.

Sec. 24. 1. A foster care agency shall notify the licensing authority before the foster care agency authorizes the placement of a child who is not being placed through the licensing authority or a juvenile court.

2. A foster care agency may not agree to place a child who is relocating from another state unless the foster care agency first consults the licensing authority to determine whether the provisions of the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive, or the Interstate Compact for Juveniles pursuant to NRS 62I.015 apply. If the licensing authority determines that the provisions of either Compact apply, the foster care agency may not agree to place the child unless the placement would not violate the provisions of the Compact.

3. A foster care agency shall give priority to assisting with the placement of a child by an agency which provides child welfare services or a juvenile court.

Sec. 25. 1. Each foster care agency shall develop and carry out a written plan to monitor and evaluate the quality and effectiveness of its programs and services on a systemic and ongoing basis.

2. The written plan must describe the methods for the collection, summarization and analysis of data and information and include factors defined by the licensing authority for assessing the effectiveness of the programs and services provided.

3. If the findings of an evaluation suggest that improvements to its programs and services should be made, the foster care agency shall implement any necessary improvements.

Sec. 26. If, after investigation, a complaint regarding the licensing of a foster home with which the foster care agency has a contract for the placement of children or a report of the abuse or neglect of a child by the foster care agency or a foster home with which the foster care agency has a contract for the placement of children is determined to be substantiated or supported by evidence and any action is taken against the licensee, including, without limitation, the issuance of a plan of corrective action, the licensing authority may charge and collect from a foster care agency a reasonable fee for the cost of investigating the complaint or report. Any fee

so charged must be based on the actual costs of the licensing authority in investigating the complaint or report.

Sec. 27. NRS 424.010 is hereby amended to read as follows:

424.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 424.012 to 424.018, inclusive, **and sections 2 and 3 of this act** have the meanings ascribed to them in those sections.

Sec. 28. NRS 424.013 is hereby amended to read as follows:

424.013 “Family foster home” means a family home in which one to six children who are under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594 and who are not related within the first degree of consanguinity or affinity to the person or persons maintaining the home are received, cared for and maintained, for compensation or otherwise, including the provision of ~~permanent~~ free care. The term includes a family home in which such a child is received, cared for and maintained pending completion of proceedings for the adoption of the child by the person or persons maintaining the home.

Sec. 29. NRS 424.0135 is hereby amended to read as follows:

424.0135 “Foster care agency” means a ~~nonprofit corporation, for-profit corporation or sole proprietorship~~ **business entity** that ~~assists~~ **recruits and enters into contracts with foster homes to assist** an agency which provides child welfare services **and juvenile courts** in the placement of children in **such** foster ~~care~~ **homes**.

Sec. 30. NRS 424.014 is hereby amended to read as follows:

424.014 “Foster home” **means a home that receives, nurtures, supervises and ensures routine educational services and medical, dental and mental health treatment for children. The term** includes a family foster home, specialized foster home , **independent living foster home** and group foster home.

Sec. 31. NRS 424.015 is hereby amended to read as follows:

424.015 “Group foster home” means a ~~natural person, partnership, firm, corporation or association who~~ **foster home which** provides full-time care **and services** for 7 to 15 children who are:

1. Under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;
2. Not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and
3. Received, cared for and maintained for compensation or otherwise, including the provision of ~~permanent~~ free care.

Sec. 32. NRS 424.017 is hereby amended to read as follows:

424.017 “Provider of ~~family~~ foster care” means a person who is licensed to conduct a ~~family~~ foster home pursuant to NRS 424.030.

Sec. 33. NRS 424.018 is hereby amended to read as follows:

424.018 “Specialized foster home” means a ~~family~~ *foster* home which provides full-time care and services for one to six children who:

1. Require special care for physical, mental or emotional issues;
2. Are under ~~21~~ **18** years of age ~~;~~ **or who remain under the jurisdiction of a court pursuant to NRS 432B.594;**
3. Are not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; **and**
4. Are received, cared for and maintained for compensation ~~;~~ **and**
- ~~5. Are in the custody of and placed in the home by an agency which provides child welfare services.] or otherwise, including the provision of free care.~~

Sec. 34. NRS 424.020 is hereby amended to read as follows:

424.020 1. The Division, in consultation with each licensing authority in a county whose population is 100,000 or more, shall adopt regulations to:

- (a) Establish procedures and requirements for the licensure of family foster homes, specialized foster homes , **independent living foster homes** and group foster homes; and
- (b) Monitor such licensure.

2. The Division, in cooperation with the State Board of Health and the State Fire Marshal, shall:

- (a) Establish reasonable minimum standards for family foster homes, specialized foster homes , **independent living foster homes** and group foster homes.
- (b) Prescribe rules for the regulation of family foster homes, specialized foster homes , **independent living foster homes** and group foster homes.

3. All family foster homes, specialized foster homes , **independent living foster homes** and group foster homes licensed pursuant to this chapter must conform to the standards established and the rules prescribed in subsection 2.

Sec. 35. NRS 424.030 is hereby amended to read as follows:

424.030 1. No person may conduct a family foster home, a specialized foster home , **an independent living foster home** or a group foster home without receiving a license to do so from the licensing authority.

2. No license may be issued to a family foster home, a specialized foster home , **an independent living foster home** or a group foster home until a fair and impartial investigation of the home and its standards of care has been made by the licensing authority or its designee.

3. Any family foster home, specialized foster home , **independent living foster home** or group foster home that conforms to the established standards

of care and prescribed rules must receive a regular license from the licensing authority, which may be in force for 2 years after the date of issuance. On reconsideration of the standards maintained, the license may be renewed upon expiration.

4. If a family foster home, a specialized foster home, *an independent living foster home* or a group foster home does not meet minimum licensing standards but offers values and advantages to a particular child or children and will not jeopardize the health and safety of the child or children placed therein, the family foster home, specialized foster home, *independent living foster home* or group foster home may be issued a special license, which must be in force for 1 year after the date of issuance and may be renewed annually. No foster children other than those specified on the license may be cared for in the home.

5. *A family foster home, a specialized foster home, an independent living foster home or a group foster home may not accept the placement of a child by a juvenile court unless licensed by the licensing authority to accept children placed by a juvenile court or otherwise approved to accept the placement by the licensing authority. A foster home that accepts the placement of such a child shall work cooperatively with the juvenile court, the licensing authority, any other children placed in the foster home and the legal guardian or other person or agency with legal authority over the child to ensure the safety of all children placed in the foster home. Nothing in this subsection shall be construed to allow the placement of a child that would otherwise be prohibited by subsection 7 of NRS 432B.390.*

6. *A license must not be issued to a specialized foster home or a group foster home unless the specialized foster home or group foster home maintains a policy of general liability insurance in an amount determined to be sufficient by the licensing authority.*

7. The license must show:

(a) The name of the persons licensed to conduct the family foster home, specialized foster home, *independent living foster home* or group foster home.

(b) The exact location of the family foster home, specialized foster home, *independent living foster home* or group foster home.

(c) The number of children that may be received and cared for at one time.

(d) If the license is a special license issued pursuant to subsection 4, the name of the child or children for whom the family foster home, specialized foster home, *independent living foster home* or group foster home is licensed to provide care.

~~{6-}~~ (e) *Whether the family foster home, specialized foster home, independent living foster home or group foster home is approved to receive and care for children placed by a juvenile court.*

8. No family foster home, specialized foster home, *independent living foster home* or group foster home may receive for care more children than are specified in the license.

~~[7.]~~ 9. In consultation with each licensing authority in a county whose population is 100,000 or more, the Division may adopt regulations regarding the issuance of ~~[provisional and]~~ special licenses.

Sec. 36. NRS 424.031 is hereby amended to read as follows:

424.031 1. The licensing authority or a person or entity designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, and resident of a foster home who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, to determine whether the person investigated has been arrested for, *has charges pending for* or *has been* convicted of:

- (a) Murder, voluntary manslaughter or mayhem;
- (b) Any other felony involving the use *or threatened use of force or violence against the victim or the use* of a firearm or other deadly weapon;
- (c) Assault with intent to kill or to commit sexual assault or mayhem;
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime ~~[;]~~ *or a felony relating to prostitution;*
- (e) Abuse or neglect of a child or contributory delinquency;
- (f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;
- (g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; ~~[or]~~
- (h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years ~~[;]~~;
- (i) *Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;*
- (j) *Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;*
- (k) *A crime involving domestic violence that is punishable as a felony;*

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

3. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person has been conducted.

4. The licensing authority or its designee shall conduct an investigation of each *licensee*, employee and resident pursuant to this section at least once every 5 years after the initial investigation.

Sec. 37. NRS 424.036 is hereby amended to read as follows:

424.036 Before issuing a license to conduct a ~~family~~ foster home pursuant to NRS 424.030, the licensing authority shall discuss with the applicant and, to the extent possible, ensure that the applicant understands:

1. The role of a provider of ~~family~~ foster care, the licensing authority and the members of the immediate family of a child placed in a ~~family~~ foster home; and

2. The personal skills which are required of a provider of ~~family~~ foster care and the other residents of a ~~family~~ foster home to provide effective foster care.

Sec. 38. NRS 424.0365 is hereby amended to read as follows:

424.0365 1. A licensee that operates a *family foster home*, a specialized foster home, an *independent living foster home* or a group foster home shall ensure that each employee who comes into direct contact with children in the home receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:

- (a) Controlling the behavior of children;
- (b) Policies and procedures concerning the use of force and restraint on children;
- (c) The rights of children in the home;
- (d) Suicide awareness and prevention;
- (e) The administration of medication to children;
- (f) Applicable state and federal constitutional and statutory rights of children in the home;
- (g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the home; and
- (h) Such other matters as required by the licensing authority or pursuant to regulations of the Division.

2. The Division shall adopt regulations necessary to carry out the provisions of this section.

Sec. 39. NRS 424.037 is hereby amended to read as follows:

424.037 1. Before placing a child with a provider of ~~family~~ foster care, the licensing authority shall inform the provider of the plans, if any, which the licensing authority has developed relating to the provision of care required for that child. If the plan for the child changes, the licensing authority shall inform the provider of ~~family~~ foster care of the changes and the reasons for those changes.

2. The licensing authority shall consult with a provider of ~~family~~ foster care concerning the care to be provided to a child placed with the provider, including appropriate disciplinary actions that may be taken.

3. If issues concerning the health, safety or care of a child occur during the placement of the child with a provider of ~~family~~ foster care, the licensing authority shall:

(a) Consider the daily routine of the provider when determining how to respond to those issues; and

(b) To the extent possible, respond to those issues in a manner which is the least disruptive to that daily routine, unless that response would not be in the best interest of the child.

Sec. 40. NRS 424.038 is hereby amended to read as follows:

424.038 1. Before placing, and during the placement of, a child in a ~~family~~ foster home, the licensing authority shall provide to the provider of ~~family~~ foster care such information relating to the child as is necessary to ensure the health and safety of the child and the other residents of the ~~family~~ foster home. This information must include the medical history and previous behavior of the child to the extent that such information is available.

2. The provider of ~~family~~ foster care may, at any time before, during or after the placement of the child in the ~~family~~ foster home, request information about the child from the licensing authority. After the child has

left the care of the provider, the licensing authority shall provide the information requested by the provider, unless the information is otherwise declared to be confidential by law or the licensing authority determines that providing the information is not in the best interests of the child.

3. The provider of ~~family~~ foster care shall maintain the confidentiality of information obtained pursuant to this section under the terms and conditions otherwise required by law.

4. The Division shall adopt regulations specifying the procedure and format for the provision of information pursuant to this section, which may include the provision of a summary of certain information. If a summary is provided pursuant to this section, the provider of ~~family~~ foster care may also obtain the information set forth in subsections 1 and 2.

Sec. 41. NRS 424.0385 is hereby amended to read as follows:

424.0385 1. A licensee that operates a specialized foster home , *an independent living foster home* or a group foster home shall adopt a policy concerning the manner in which to:

- (a) Document the orders of the treating physician of a child;
- (b) Administer medication to a child;
- (c) Store, handle and dispose of medication;
- (d) Document the administration of medication and any errors in the administration of medication;
- (e) Minimize errors in the administration of medication; and
- (f) Address errors in the administration of medication.

2. The licensee shall ensure that each employee of the specialized foster home , *independent living foster home* or group foster home who will administer medication to a child at the specialized foster home , *independent living foster home* or group foster home receives a copy of and understands the policy adopted pursuant to subsection 1.

Sec. 42. NRS 424.040 is hereby amended to read as follows:

424.040 A licensing authority or its designee shall visit every licensed family foster home, specialized foster home , *independent living foster home* and group foster home as often as necessary to ensure that proper care is given to the children.

Sec. 43. NRS 424.045 is hereby amended to read as follows:

424.045 1. The Division shall establish, by regulation, a procedure for hearing grievances related to the reissuance, suspension or revocation of a license to conduct a ~~family~~ foster home.

2. A provider of ~~family~~ foster care may be represented by legal counsel in any proceeding related to:

- (a) The reissuance, suspension or revocation of the license of the provider to conduct a ~~family~~ foster home; and
- (b) The care given to a child by that provider.

Sec. 44. NRS 424.047 is hereby amended to read as follows:

424.047 1. A licensing authority shall, upon request, provide to a provider of ~~family~~ foster care access to all information, except references, in the records maintained by the licensing authority concerning that provider.

2. After reasonable notice and by appointment, a provider of ~~family~~ foster care may inspect the information kept in those records.

3. *A licensing authority may, upon request of the provider of foster care, release to an agency which provides child welfare services or a child-placing agency, as defined in NRS 127.220, all information, except references, in the records maintained by the licensing authority concerning that provider, including, without limitation, a study conducted to determine whether to grant a license to the provider or a study of the home of the provider. The licensing authority may charge and collect from a provider of foster care a fee for providing such information in an amount determined to cover the actual costs of the licensing authority to conduct the study or prepare the information requested by the provider to be released.*

Sec. 45. NRS 424.075 is hereby amended to read as follows:

424.075 1. A provider of ~~family~~ foster care may:

(a) Refuse to accept the placement of a child in the ~~family~~ foster home;

or

(b) Request that a child placed in the ~~family~~ foster home be removed,

↳ unless the provider has a written agreement with the licensing authority to the contrary.

2. ~~If *[Except as otherwise provided in subsection 3, if]* a provider of ~~family~~ foster care refuses to accept the placement of a child in, or requests the removal of a child from, a ~~family~~ foster home, the licensing authority may not, based solely on that refusal or request:~~

(a) Revoke the license of the provider to conduct a ~~family~~ foster home;

(b) Remove any other child placed in the ~~family~~ foster home;

(c) Refuse to consider future placements of children in the ~~family~~ foster home; or

(d) Refuse or deny any other rights of the provider as may be provided by the provisions of this chapter and any regulations adopted pursuant thereto.

~~*3. The licensing authority may suspend or revoke the license of a provider of foster care if the provider refuses to accept the placement of a child or unreasonably or excessively requests the removal of a child placed with the provider of foster care when the child generally meets any preferences outlined in the fair and impartial investigation of the home and its standards of care that was conducted for the provider of foster care pursuant to NRS 424.030 or section 17 of this act.*~~

Sec. 46. NRS 424.077 is hereby amended to read as follows:

424.077 1. The Division shall, in consultation with each licensing authority in a county whose population is 100,000 or more, adopt regulations for the establishment of a program pursuant to which a provider of ~~family~~ foster care may receive respite from the stresses and responsibilities that result from the daily care of children placed in the ~~family~~ foster home.

2. The licensing authority shall establish and operate a program that complies with the regulations adopted pursuant to subsection 1 to provide respite, training and support to a provider of ~~family~~ foster care in order to develop and enhance the skills of the provider to provide foster care.

Sec. 47. NRS 424.079 is hereby amended to read as follows:

424.079 Upon the request of a provider of ~~family~~ foster care, the licensing authority shall allow the provider to visit a child after the child leaves the care of the provider if:

1. The child agrees to the visitation; and
2. The licensing authority determines that the visitation is in the best interest of the child.

Sec. 48. NRS 424.085 is hereby amended to read as follows:

424.085 1. Except as otherwise provided by specific statute, a person who is licensed by the licensing authority pursuant to NRS 424.030 to conduct a family foster home, a specialized foster home, *an independent living foster home* or a group foster home is not liable for any act of a child in his or her foster care unless the person licensed by the licensing authority took an affirmative action that contributed to the act of the child.

2. The immunity from liability provided pursuant to this section includes, without limitation, immunity from any fine, penalty, debt or other liability incurred as a result of the act of the child.

Sec. 49. NRS 424.090 is hereby amended to read as follows:

424.090 The provisions of NRS 424.020 to 424.090, inclusive, do not apply to homes in which:

1. Care is provided only for a neighbor's or friend's child on an irregular or occasional basis for a brief period, not to exceed 90 days.
2. Care is provided by the legal guardian.
3. Care is provided for an exchange student.
4. Care is provided to enable a child to take advantage of educational facilities that are not available in his or her home community.
5. Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as otherwise provided in regulations adopted by the Division.
6. Except as otherwise provided in regulations adopted by the Division, care is voluntarily provided to a minor child who is ~~f-~~

~~—(a) Related~~ *related* to the caregiver by blood, adoption or marriage . ~~};~~
and

~~—(b) Not in the custody of an agency which provides child welfare services.}~~

7. Care is provided to a minor child who is in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS *or a juvenile court pursuant to title 5 of NRS* if:

(a) The caregiver is related to the child within the fifth degree of consanguinity; and

(b) The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive.

Sec. 50. NRS 424.093 is hereby amended to read as follows:

424.093 The Division shall:

1. Establish reasonable minimum standards for foster care agencies.

2. In consultation with foster care agencies and each agency which provides child welfare services, adopt:

(a) Regulations concerning ~~the operation of a~~ foster care ~~agency,~~ *agencies*, including, without limitation, a foster care agency which provides family foster care, specialized foster care , *independent living foster care* or group foster care for children placed by an agency which provides child welfare services ~~};~~ *or a juvenile court.*

(b) ~~Regulations regarding the issuance of nonrenewable provisional licenses to operate a foster care agency. The regulations must provide that a provisional license is valid for not more than 1 year.~~

~~—(e)}~~ Regulations regarding the issuance and renewal of a license to operate a foster care agency.

~~[(d)]~~ (c) Any other regulations necessary to carry out its powers and duties regarding the placement of children for foster care, including, without limitation, such regulations necessary to ensure compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 51. NRS 424.094 is hereby amended to read as follows:

424.094 1. A licensing authority may license foster care agencies within its jurisdiction in accordance with the regulations adopted by the Division pursuant to NRS 424.093.

2. Except as otherwise provided in this section, if a licensing authority licenses foster care agencies, a person shall not operate a foster care agency within the jurisdiction of the licensing authority or otherwise assist an agency which provides child welfare services in placing or in arranging the placement of any child in foster care until the foster care agency has obtained a license pursuant to NRS 424.095.

3. This section does not prohibit a parent or guardian of a child from placing or arranging the placement of, or assisting in placing or arranging the placement of, the child in foster care.

4. A licensing authority that licenses foster care agencies pursuant to this section may charge a *reasonable* fee ~~[of not more than \$150]~~ for the issuance ~~[of a provisional license, not more than \$300 for the issuance of a license and not more than \$150 for the]~~ or renewal of a license. Any fee so charged must ~~[not exceed the actual cost incurred by the authority for providing or renewing]~~ **be set at an amount determined to cover the costs of the licensing authority to issue or renew** the license.

Sec. 52. NRS 424.095 is hereby amended to read as follows:

424.095 1. An application for a license to operate a foster care agency must be in a form prescribed by the Division and submitted to the appropriate licensing authority. Such a license is effective for 2 years after the date of its issuance and may be renewed upon expiration.

2. An applicant must provide reasonable and satisfactory assurance to the licensing authority that the applicant will conform to the ~~[standards established]~~ **provisions of NRS 424.093 to 424.097, inclusive, and sections 4 to 26, inclusive, of this act** and the regulations adopted by the Division pursuant ~~[to NRS 424.093.]~~ **thereto.**

3. Upon application for renewal, the licensing authority may renew a license if the licensing authority determines that the licensee conforms to the ~~[standards established]~~ **provisions of NRS 424.093 to 424.097, inclusive, and sections 4 to 26, inclusive, of this act** and the regulations adopted by the Division pursuant ~~[to NRS 424.093.]~~

~~4. A licensing authority may issue a nonrenewable provisional license in accordance with the regulations adopted by the Division pursuant to NRS 424.093.]~~ **thereto.**

Sec. 53. NRS 424.096 is hereby amended to read as follows:

424.096 1. After notice and hearing, a licensing authority may:

(a) Deny an application for a license to operate a foster care agency if the licensing authority determines that the applicant does not ~~[meet the standards established and]~~ comply with the **provisions of NRS 424.093 to 424.097, inclusive, and sections 4 to 26, inclusive, of this act and the** regulations adopted by the Division pursuant ~~[to NRS 424.093.]~~ **thereto.**

(b) Upon a finding of deficiency, require a foster care agency to prepare a plan of corrective action and, within 90 days or a shorter period prescribed by the licensing authority require the foster care agency to complete the plan of corrective action.

(c) Refuse to renew a license or may revoke a license ~~[for provisional license]~~ if the licensing authority finds that the foster care agency has refused

or failed to meet any of the established standards or has violated any of the regulations adopted by the Division pursuant to NRS 424.093.

2. A notice of the time and place of the hearing must be mailed to the last known address of the applicant or licensee at least 15 days before the date fixed for the hearing.

3. When an order of a licensing authority is appealed to the district court, the trial may be de novo.

Sec. 54. NRS 424.097 is hereby amended to read as follows:

424.097 A licensed foster care agency may provide such assistance to an agency which provides child welfare services *or juvenile court* as authorized by the agency which provides child welfare services ~~{ }~~ *or juvenile court*. Such services may include, without limitation:

1. Screening, recruiting ~~{ licensing }~~ and training of persons to provide family foster care, specialized foster care , *independent living foster care* and group foster care;

2. Case management services;

3. Referral services;

4. Supportive services for persons providing foster care to meet the needs of children in foster care;

5. Coordination of case plans and treatment plans; and

6. Services, or facilitating the provision of such services, to children placed in foster care.

Sec. 55. NRS 432.515 is hereby amended to read as follows:

432.515 “Provider of ~~{ family }~~ foster care” has the meaning ascribed to it in NRS 424.017.

Sec. 56. NRS 432.540 is hereby amended to read as follows:

432.540 1. A provider of ~~{ family }~~ foster care that places a child in a foster home shall:

(a) Inform the child of his or her rights set forth in NRS 432.525, 432.530 and 432.535;

(b) Provide the child with a written copy of those rights; and

(c) Provide an additional written copy of those rights to the child upon request.

2. A group foster home shall post a written copy of the rights set forth in NRS 432.525, 432.530 and 432.535 in a conspicuous place inside the group foster home.

Sec. 57. NRS 432.545 is hereby amended to read as follows:

432.545 A provider of ~~{ family }~~ foster care may impose reasonable restrictions on the time, place and manner in which a child may exercise his or her rights set forth in NRS 432.525, 432.530 and 432.535 if the provider of ~~{ family }~~ foster care determines that such restrictions are necessary to preserve the order, discipline or safety of the foster home.

Sec. 58. NRS 432.550 is hereby amended to read as follows:

432.550 If a child believes that his or her rights set forth in NRS 432.525, 432.530 and 432.535 have been violated, the child may raise and redress a grievance with, without limitation:

1. A provider of foster care;
2. An employee of a ~~[family foster home, as defined in NRS 424.013, group foster home or specialized]~~ foster home;
3. An agency which provides child welfare services to the child, and any employee thereof;
4. A juvenile court with jurisdiction over the child;
5. A guardian ad litem for the child; or
6. An attorney for the child.

Sec. 59. NRS 432B.180 is hereby amended to read as follows:

432B.180 The Division of Child and Family Services shall:

1. Administer any money granted to the State by the Federal Government.
2. Request appropriations from the Legislature in amounts sufficient to:
 - (a) Provide block grants to an agency which provides child welfare services in a county whose population is 100,000 or more pursuant to NRS 432B.2185; and
 - (b) Administer a program to provide additional incentive payments to such an agency pursuant to NRS 432B.2165.
3. Monitor the performance of an agency which provides child welfare services in a county whose population is 100,000 or more through data collection, evaluation of services and the review and approval of agency improvement plans pursuant to NRS 432B.2165.
4. Provide child welfare services directly or arrange for the provision of those services in a county whose population is less than 100,000.
5. Coordinate its activities with and assist the efforts of any law enforcement agency, a court of competent jurisdiction, an agency which provides child welfare services and any public or private organization which provides social services for the prevention, identification and treatment of abuse or neglect of children and for permanent placement of children.
6. Involve communities in the improvement of child welfare services.
7. Evaluate all child welfare services provided throughout the State and, if an agency which provides child welfare services is not in substantial compliance with any federal or state law relating to the provision of child welfare services, regulations adopted pursuant to those laws or statewide plans or policies relating to the provision of child welfare services, require corrective action of the agency which provides child welfare services.
8. Coordinate with and assist:

(a) Each agency which provides child welfare services in recruiting, training and licensing providers of ~~family~~ foster care as defined in NRS 424.017;

(b) Each foster care agency licensed pursuant to NRS 424.093 to 424.097, inclusive, *and sections 4 to 26, inclusive, of this act* in screening, recruiting, licensing and training providers of ~~family~~ foster care as defined in NRS 424.017; and

(c) A nonprofit or community-based organization in recruiting and training providers of ~~family~~ foster care as defined in NRS 424.017 if the Division determines that the organization provides a level of training that is equivalent to the level of training provided by an agency which provides child welfare services.

Sec. 60. NRS 432B.623 is hereby amended to read as follows:

432B.623 1. As a condition to the provision of assistance pursuant to the Program:

(a) A child must:

(1) Have been removed from his or her home:

(I) Pursuant to a written agreement voluntarily entered by the parent or guardian of the child and an agency which provides child welfare services; or

(II) By a court which has determined that it is in the best interests of the child for the child to remain in protective custody or to be placed in temporary or permanent custody outside his or her home;

(2) For not less than 6 consecutive months, have been eligible to receive maintenance pursuant to Part E of Title IV of the Social Security Act, 42 U.S.C. §§ 670 et seq., while residing with the relative of the child;

(3) Not have as an option for permanent placement the return to the home or the adoption of the child;

(4) Demonstrate a strong attachment to the relative;

(5) If the child is 14 years of age or older, be consulted regarding the guardianship arrangement; and

(6) Meet any other requirements for eligibility set forth in 42 U.S.C. §§ 671 and 673.

(b) A relative of the child must:

(1) Demonstrate a strong commitment to caring for the child permanently;

(2) Be a provider of ~~family~~ foster care as defined in NRS 424.017;

(3) Enter into a written agreement for assistance with an agency which provides child welfare services before the relative is appointed as the legal guardian of the child;

(4) Be appointed as the legal guardian of the child by a court of competent jurisdiction and comply with any requirements imposed by the court; and

(5) Meet any other requirements for eligibility set forth in 42 U.S.C. §§ 671 and 673.

2. If the sibling of a child who is eligible for assistance pursuant to the Program is not eligible for such assistance, the sibling may be placed with the child who is eligible for assistance upon approval of the agency which provides child welfare services and the relative. In such a case, payments may be made for the sibling so placed as if the sibling is eligible for the Program.

Sec. 61. NRS 392.210 is hereby amended to read as follows:

392.210 1. Except as otherwise provided in subsection 2, a parent, guardian or other person who has control or charge of any child and to whom notice has been given of the child's truancy as provided in NRS 392.130 and 392.140, and who fails to prevent the child's subsequent truancy within that school year, is guilty of a misdemeanor.

2. A person who is licensed pursuant to NRS 424.030 to conduct a ~~family foster home, a specialized foster home or a group~~ foster home is liable pursuant to subsection 1 for a child in his or her foster care only if the person has received notice of the truancy of the child as provided in NRS 392.130 and 392.140, and negligently fails to prevent the subsequent truancy of the child within that school year.

Sec. 62. NRS 442.405 is hereby amended to read as follows:

442.405 1. The agency which provides child welfare services shall inquire, during its initial contact with a natural parent of a child who is to be placed in a family foster home, about consumption of alcohol or substance abuse by the mother of the child during pregnancy. The information obtained from the inquiry must be:

(a) Provided to the provider of ~~family~~ foster care pursuant to NRS 424.038; and

(b) Reported to the Health Division on a form prescribed by the Health Division. The report must not contain any identifying information and may be used only for statistical purposes.

2. As used in this section, "family foster home" has the meaning ascribed to it in NRS 424.013.

Sec. 63. NRS 477.030 is hereby amended to read as follows:

477.030 1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:

(a) The prevention of fire.

(b) The storage and use of:

(1) Combustibles, flammables and fireworks; and

(2) Explosives in any commercial construction, but not in mining or the control of avalanches,

↳ under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose. As used in this paragraph, “public assembly” means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

(d) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.

↳ Except as otherwise provided in subsection 12, the regulations of the State Fire Marshal apply throughout the State, but except with respect to state-owned or state-occupied buildings, the State Fire Marshal’s authority to enforce them or conduct investigations under this chapter does not extend to a school district except as otherwise provided in NRS 393.110, or a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where the State Fire Marshal is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.

2. The State Fire Marshal may:

(a) Set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this State, including the threads used on fire hose couplings and hydrant fittings; and

(b) Adopt regulations based on nationally recognized standards setting forth the requirements for fire departments to provide training to firefighters using techniques or exercises that involve the use of fire or any device that produces or may be used to produce fire.

3. The State Fire Marshal shall cooperate with the State Forester Firewarden in the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of NRS 472.040 and the mitigation of the risk of a fire hazard from vegetation

in counties within or partially within the Lake Tahoe Basin and the Lake Mead Basin.

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from ~~[family foster homes, specialized foster homes and group]~~ foster homes.

5. The State Fire Marshal shall coordinate all activities conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United States pursuant to that act.

6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

(a) Investigate any fire which occurs in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature.

(b) Investigate any fire which occurs in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.

(c) Cooperate with the Commissioner of Insurance, the Attorney General and the Fraud Control Unit established pursuant to NRS 228.412 in any investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.

(d) Cooperate with any local fire department in the investigation of any report received pursuant to NRS 629.045.

(e) Provide specialized training in investigating the causes of fires if requested to do so by the chief officer of an organized fire department.

7. The State Fire Marshal shall put the National Fire Incident Reporting System into effect throughout the State and publish at least annually a summary of data collected under the System.

8. The State Fire Marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.

9. The State Fire Marshal shall:

(a) Except as otherwise provided in subsection 12 and NRS 393.110, assist in checking plans and specifications for construction;

(b) Provide specialized training to local fire departments; and

(c) Assist local governments in drafting regulations and ordinances,

↪ on request or as the State Fire Marshal deems necessary.

10. Except as otherwise provided in this subsection, in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of the State Fire Marshal's authority or duties if the local government's personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.

11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:

- (a) Commercial trucking;
- (b) Environmental crimes;
- (c) Explosives and pyrotechnics;
- (d) Drugs or other controlled substances; or
- (e) Any similar activity specified by the State Fire Marshal.

12. Except as otherwise provided in this subsection, any regulations of the State Fire Marshal concerning matters relating to building codes, including, without limitation, matters relating to the construction, maintenance or safety of buildings, structures and property in this State:

(a) Do not apply in a county whose population is 700,000 or more which has adopted a code at least as stringent as the International Fire Code and the International Building Code, published by the International Code Council. To maintain the exemption from the applicability of the regulations of the State Fire Marshal pursuant to this subsection, the code of the county must be at least as stringent as the most recently published edition of the International Fire Code and the International Building Code within 1 year after publication of such an edition.

(b) Apply in a county described in paragraph (a) with respect to state-owned or state-occupied buildings or public schools in the county and in those local jurisdictions in the county in which the State Fire Marshal is requested to exercise that authority by the chief executive officer of that jurisdiction. As used in this paragraph, "public school" has the meaning ascribed to it in NRS 385.007.

Assemblywoman Dondero Loop moved that the Assembly concur in the Senate Amendment No. 694 to Assembly Bill No. 348.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

The amendment removes language allowing a licensing authority to suspend or revoke the license of a provider of foster care in certain circumstances and clarifies the placement of a child by juvenile courts.

Motion carried.

The following Senate amendment was read:

Amendment No. 839.

AN ACT relating to foster care; establishing certain requirements for the operation of a foster care agency; requiring a foster care agency to create and maintain reports on its programs and services; allowing a foster care agency to encourage and assist a potential foster home to apply for a license; requiring a contract between a foster care agency and a provider of foster care with which the foster care agency places a child; requiring a foster care agency to provide certain services to each foster home in which the foster care agency places children; providing for the operation of independent living foster homes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Division of Child and Family Services of the Department of Health and Human Services is required to adopt regulations relating to the licensure and operation of foster homes and foster care agencies. (NRS 424.020, 424.093) **Sections 4-6** of this bill establish certain requirements for the governance of a foster care agency. **Sections 8-14** of this bill establish certain requirements for owners, members of the governing body, employees, paid consultants, contractors, volunteers and vendors of a foster care agency. **Section 15** of this bill requires a foster care agency to create and maintain an annual report on each program or service the agency provides. **Section 16** of this bill allows a foster care agency to identify potential foster homes and encourage a potential foster home to apply for licensure. **Section 17** of this bill requires a foster care agency to coordinate the submission of applications for licensure as a foster home to the licensing authority and to conduct a home study of each applicant. **Section 18** of this bill requires a foster care agency to execute a contract containing certain provisions with each provider of foster care with whom the foster care agency places a child and to make each such contract available to the licensing authority upon request. **Sections 19 and 20** of this bill require a foster care agency which places children in a specialized foster home or an independent living foster home to develop and implement certain provisions relating to the care the foster home provides. **Section 21** of this bill requires a foster care agency to provide support to and to review and evaluate its contracted foster homes. **Sections 22 and 23** of this bill require a foster care agency to make crisis intervention available to its contracted foster homes and to report certain potential violations to the licensing authority. **Section 24**

of this bill: (1) prohibits a foster care agency from accepting certain children for placement in certain circumstances; and (2) requires a foster care agency to give priority to assisting with the placement of children from an agency which provides child welfare services or a juvenile court. **Section 25** of this bill requires a foster care agency to monitor and evaluate its programs and services and implement any necessary improvements to its programs and services revealed by its evaluations. ~~[Section 26 of this bill allows the licensing authority to charge and collect certain fees from a foster care agency.]~~

Section 35 of this bill prohibits a foster home from accepting a child placed by a juvenile court without the approval of the licensing authority. **Section 35** also requires a specialized foster home or a group foster home to maintain a policy of general liability insurance. **Section 36** of this bill revises the crimes that preclude a person from being employed by or being a resident of a foster home. **Section 44** of this bill allows a licensing authority to release certain information at the request of a provider of foster care. ~~[upon the payment of a fee to cover the costs of the licensing authority in gathering that information.]~~

Sections 2, 34, 35, 38, 41, 42, 48, 50 and 54 of this bill provide for the licensing and regulation of independent living foster homes.

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

Section 1. Chapter 424 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 26, inclusive, of this act.

Sec. 2. *“Independent living foster home” means a foster home which provides assistance with the transition to independent living for children who have entered into an agreement to transition to independent living and for children who:*

- 1. Are at least 16 years of age but less than 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;*
- 2. Are not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and*
- 3. Are received, cared for and maintained for compensation or otherwise, including the provision of free care.*

Sec. 3. *“Juvenile court” has the meaning ascribed to it in NRS 62A.180.*

Sec. 4. 1. *A foster care agency must:*

- (a) Be organized as a business entity that is registered with the Secretary of State and holds a valid state business license pursuant to chapter 76 of NRS;*

(b) Have a governing body, at least one member of which has knowledge of and experience in the programs and services offered by the foster care agency; and

(c) Operate under articles of incorporation.

2. The governing body of a foster care agency must have a written constitution or bylaws which prescribe the responsibility for the operation and maintenance of the foster care agency and which must include, without limitation, provisions that:

(a) Define the qualifications for and types of membership on the governing body;

(b) Specify the process for selecting members of the governing body, the terms of office for the members and officers of the governing body and orientation for new members of the governing body;

(c) Specify how frequently the governing body must meet; and

(d) Specify prohibited conflicts of interest of members of the governing body and employees, volunteers and independent contractors of the foster care agency.

3. The governing body of a foster care agency shall appoint a person to provide oversight of the foster care agency who meets the qualifications described in section 8 of this act.

4. If the foster care agency is organized in another state, the governing body must meet at least once each year within this State or have a subcommittee whose members are residents of this State, one of whom is a member of the governing body, which is responsible to the governing body for ensuring that the foster care agency complies with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 5. The governing body of a foster care agency must be responsible for:

1. Ensuring that the foster care agency is and remains fiscally sound;

2. Overseeing the management and operations of the programs and services offered by the foster care agency;

3. Ensuring that the foster care agency remains in compliance with the rules and policies of the governing body; and

4. Ensuring that the foster care agency complies with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 6. The governing body shall submit annually to the licensing authority or its designee:

1. The name, address, contact information, position held on the governing body and any other information required by the licensing authority of each member of the governing body;

2. A copy of the articles of incorporation, constitution and bylaws of the foster care agency;

3. *Evidence satisfactory to the licensing authority that the foster care agency has the ability to financially support and sustain its activities, which may include, without limitation, financial statements and budgets;*

4. *A report from an independent auditor of the complete financial information for the foster care agency for the immediately preceding fiscal year;*

5. *A statement of purpose; and*

6. *An organizational chart or other chart that sets forth the structure of the foster care agency which includes, without limitation, a job description for each position listed in the chart.*

Sec. 7. (Deleted by amendment.)

Sec. 8. 1. *The person appointed to provide oversight of a foster care agency by the governing body of the foster care agency pursuant to section 4 of this act must have:*

(a) *A bachelor's degree or more advanced degree from an accredited college or university; and*

(b) *At least 7 years of experience in an agency or program which provides social services, including at least 3 years of experience as an administrator, supervisor or consultant.*

2. *The person appointed to provide oversight of a foster care agency is responsible for the day-to-day operations of the foster care agency, including, without limitation, employing such staff as he or she deems necessary to provide administrative services and services to families and children. The staff may include, without limitation:*

(a) *Program supervisors who are responsible for the supervision of members of the staff and activities relating to foster care and for assisting in formulating and carrying out the policies and programs of the foster care agency. Each program supervisor must have a bachelor's degree or more advanced degree from an accredited college or university and at least 3 years of experience in providing services to children and their families, including at least 1 year of experience as an administrator or supervisor.*

(b) *Caseworkers who support the operations of the foster care agency, including, without limitation, to work with children and families, perform home studies, support service plans for individualized cases and treatments, prepare and maintain records and coordinate services for children and families. Each caseworker must have:*

(1) *A bachelor's degree from an accredited college or university in the field of social work or a field related to social work, which may include, without limitation, psychology, sociology, education or counseling; or*

(2) *A bachelor's degree from an accredited college or university in any field and at least 2 years of experience in providing services to children and their families.*

Sec. 9. 1. The foster care agency may accept volunteers to provide certain specified services for the foster care agency. The foster care agency shall not rely solely upon volunteers to provide any service.

2. If the foster care agency accepts volunteers pursuant to subsection 1, the foster care agency must have a written plan for the selection, training, supervision and assignment of volunteers, and each volunteer who performs an activity that would otherwise be performed by a member of the staff must meet the same qualifications that would be required for the member of the staff.

Sec. 10. 1. The foster care agency shall develop and carry out a written plan for the orientation, training, supervision and evaluation of members of the staff.

2. The orientation must include, without limitation, information on the policies and procedures of the foster care agency, goals for the programs and services of the foster care agency, the responsibilities of members of the staff and the provisions of this chapter and the regulations adopted pursuant to thereto that relate to licensing. The training must include, without limitation, any training required by the licensing authority. Each member of the staff must be evaluated at least once each year.

3. The foster care agency shall maintain comprehensive written policies and procedures for the personnel, services and programs of the foster care agency and make the policies and procedures readily available to the members of the staff and to the licensing authority.

4. The foster care agency shall maintain comprehensive records for personnel that, upon request, must be made available to the licensing authority.

Sec. 11. 1. The licensing authority or a person designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for or holder of a license to conduct a foster care agency and each owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of that applicant or licensee who may come into direct contact with a child placed by the foster care agency, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:

- (a) Murder, voluntary manslaughter or mayhem;*
- (b) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon;*
- (c) Assault with intent to kill or to commit sexual assault or mayhem;*
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime or a felony relating to prostitution;*

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;

(i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor, including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

~~2. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.~~

~~3.~~ Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person is completed.

~~4.3.~~ 3. *The licensing authority or its designee shall conduct an investigation of each holder of a license to conduct a foster care agency and each owner, member of a governing body, employee, paid consultant, contractor, volunteer or vendor who may come into direct contact with a child placed by the foster care agency pursuant to this section at least once every 5 years after the initial investigation.*

Sec. 12. 1. *Each applicant for or holder of a license to conduct a foster care agency, and each owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of that applicant or licensee who may come into direct contact with a child placed by the foster care agency, must submit to the licensing authority or its approved designee:*

(a) A complete set of fingerprints and written permission authorizing the licensing authority or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report to enable the licensing authority or its approved designee to conduct an investigation pursuant to section 11 of this act; and

(b) Written permission to conduct a child abuse and neglect screening.

2. *For each person who submits the documentation required pursuant to subsection 1, the licensing authority or its approved designee shall conduct a child abuse and neglect screening of the person in every state in which the person has resided during the immediately preceding 5 years.*

3. *The licensing authority or its approved designee may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.*

4. *When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the licensing authority or its approved designee.*

5. *Upon receiving a report pursuant to this section, the licensing authority or its approved designee shall determine whether the person has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act.*

6. *The licensing authority shall immediately inform the foster care agency whether an owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of the foster care agency who may come into direct contact with a child placed by the foster care agency has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act.*

Sec. 13. 1. *Upon receiving information from the licensing authority or its approved designee pursuant to section 12 of this act or evidence from any other source that an owner, member of the governing body, employee,*

consultant, contractor, volunteer or vendor of a foster care agency who may come into direct contact with a child placed by the foster care agency has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act, the foster care agency shall terminate the employment, contract or volunteer activities of the person after allowing the person time to correct the information as required pursuant to subsection 2.

2. If a person believes that the information provided about him or her pursuant to subsection 1 is incorrect, the person must inform the foster care agency immediately. A foster care agency that is so informed shall give the person 30 days to correct the information.

3. During the period in which a person seeks to correct information pursuant to subsection 2, it is within the discretion of the foster care agency whether to allow the person to continue to be associated with the foster care agency, except that the person must not have contact with a child in any foster home without supervision during any such period.

Sec. 14. A member of the governing body, employee, consultant, contractor, volunteer or vendor of a foster care agency may not:

1. Be a provider of foster care who has a contract with the foster care agency for the placement of children unless approved by the licensing authority; or

2. Be a biological parent of a child in the custody of an agency which provides child welfare services or of a child placed by a juvenile court in a foster home operated by the foster care agency.

Sec. 15. 1. A foster care agency shall create and maintain an annual report concerning each program or service provided by the foster care agency.

2. The report must include, without limitation, a description of each program or service provided by the foster care agency, the goals for the program or service relating to family foster homes, specialized foster homes, independent living foster homes and group foster homes and information relating to any special populations of children served, including, without limitation, children who require special care for physical, mental or emotional issues or who were placed in a foster home by a juvenile court.

Sec. 16. 1. A foster care agency may identify potential foster homes and encourage a potential foster home to apply to the licensing authority for a license to conduct a foster home.

2. A foster care agency shall ensure that each person with whom it contracts as a provider of foster care receives any training required by the provisions of this chapter or by the licensing authority, including, without

limitation, specific training to meet the needs of a population that requires specific services.

Sec. 17. 1. *A foster care agency shall coordinate the submission of applications for the licensing of prospective foster homes with the licensing authority.*

2. A foster care agency shall conduct a fair and impartial investigation of the home and standards of care for each prospective foster home.

3. Upon receiving a completed application for a prospective foster home from a foster care agency, the licensing authority must review the qualifications of the prospective foster home to be licensed pursuant to NRS 424.030.

4. The licensing authority may provide any training it determines to be necessary to a foster care agency for the foster care agency to fulfill the provisions of this section.

Sec. 18. 1. *A foster care agency may not assist an agency which provides child welfare services or a juvenile court in the placement of a child in foster care unless a contract exists between the foster care agency and the provider of foster care for the placement of children. Such a contract must include, without limitation, provisions that:*

(a) Allow the provider of foster care to change its affiliation with the foster care agency or to terminate its affiliation with the foster care agency and become affiliated with a different foster care agency.

(b) Specify the type of foster home and related services that the provider of foster care will provide on behalf of the foster care agency, including, without limitation, the services that each party agrees to provide for foster children, biological families and foster families.

(c) Specify the financial responsibilities of each party, including, without limitation, payment for both foster care and for any other expenses or services rendered, including, without limitation, providing clothing for children in its care.

(d) Waive the right of the provider of foster care to confidentiality relating to any investigations for licensing or child protective services and allow the agency which provides child welfare services and the licensing authority to share any related information about an investigation with the foster care agency after the investigation is completed.

(e) State how emergencies which occur during and outside regular business hours will be handled.

(f) Require arrangements to be made for foster children to have visitation with their biological families.

(g) Describe expectations which ensure that children will receive appropriate medical, dental, mental health, psychological and psychiatric

treatment, including, without limitation, how transportation will be provided.

(h) Require the provider of foster care to adhere to the provisions of this chapter and the regulations adopted pursuant thereto relating to licensing.

(i) State that the parties agree that the licensing authority maintains the responsibility to protect the best interests of each child, which may include removing a child from the placement with the provider of foster care if the licensing authority determines that removal is in the best interests of the child.

(j) Include the acknowledgment by the parties of any provisions determined to be appropriate by the licensing authority.

2. The foster care agency, upon request, shall make each such contract available to the licensing authority within a reasonable period after receiving its request.

Sec. 19. 1. A foster care agency which places children in a specialized foster home shall develop and carry out written policies and procedures relating to children placed in specialized foster homes which must include, without limitation:

(a) The service and treatment philosophy of the foster care agency for children with physical, mental or emotional issues and children who are placed in a specialized foster home by a juvenile court;

(b) Specific treatment techniques that the foster care agency plans to approve for use with children described in paragraph (a) and their families;

(c) Specific strategies for behavior management that the foster care agency will allow providers of foster care to use with children described in paragraph (a); and

(d) Adequate staffing to provide the intensity of services required when caring for children described in paragraph (a).

2. A foster care agency shall require a provider of foster care to serve as an active participant in the treatment or care plan of a child who is placed in a specialized foster home. The foster care agency shall:

(a) Provide services to support the provider of foster care in reducing barriers in caring for and supporting any children placed in a specialized foster home;

(b) Arrange or provide support for the provider of foster care to arrange for the child to receive appropriate clinical services, including, without limitation, psychiatric, psychological and medication management services; and

(c) Ensure cooperation between the employees of the foster care agency, the provider of foster care, the child and the biological family of the child in meeting the goals of the child's treatment plan.

3. A foster care agency which places children in a specialized foster home shall have a written plan for alternative care in the event of an emergency if the placement of the child into a specialized foster home disrupts that specialized foster home.

Sec. 20. 1. A foster care agency which places children in an independent living foster home shall develop and implement written policies and procedures relating to children placed in independent living foster homes which must include, without limitation:

(a) A process for ensuring that a potential location for an independent living arrangement meets any standards required by the licensing authority and is evaluated on a regular basis to ensure that it continues to meet such standards;

(b) A procedure for approving a location for an independent living arrangement;

(c) Criteria and procedures for intake and admission into the independent living foster home and discharge from the independent living foster home, including, without limitation, procedures to ensure that the child will be discharged into the care of his or her legal guardian if he or she is less than 18 years of age at the time of his or her discharge;

(d) The conditions under which a child may be discharged from the independent living foster home, including, without limitation, criteria and procedures for implementing an emergency discharge of the child;

(e) Criteria and procedures for terminating the approval of a location for an independent living arrangement;

(f) A detailed plan for determining and maintaining the supervision and visitation of each child after he or she has been placed in a location for an independent living arrangement; and

(g) The types of services that the provider of foster care will obtain or provide to meet the needs of the child during the placement.

2. A foster care agency which places children in an independent living foster home shall coordinate with the provider of foster care to:

(a) Ensure that each child is enrolled in academic, vocational education or career and technical education services appropriate to meet the needs of the child;

(b) Monitor the educational progress of each child as often as necessary;

(c) Assist each child in obtaining routine and emergency medical care and dental care;

(d) Evaluate the needs of each child for financial assistance upon intake and monthly thereafter or more often if necessary;

(e) Provide the resources to meet the basic needs of each child, including, without limitation, clothing, food and shelter;

(f) Provide assistance to each child in locating, securing and maintaining employment;

(g) Provide training in life skills to meet the needs of each child;

(h) Support each child who remains under the jurisdiction of a court pursuant to NRS 432B.594; and

(i) Obtain and provide a system for responding to a crisis that is accessible to the child 24 hours a day, 7 days a week, including holidays, and provide training to each child on how to access and use the system.

3. A foster care agency which places children in an independent living foster home shall provide an orientation and training to each child admitted to its program for independent living.

Sec. 21. 1. A foster care agency shall provide support to each foster home with which the foster care agency has a contract for the placement of children in arranging for and accessing medical, dental, mental health, psychological and psychiatric treatment for children. The foster care agency shall ensure that each child placed in a foster home with which the foster care agency has a contract for the placement of children receives appropriate treatment and may exercise any rights granted pursuant to this chapter or chapter 432B of NRS that are necessary to discharge this duty. The foster care agency shall ensure that the provider of foster care provides medical records and any related documentation to the licensing authority or its designee.

2. A foster care agency shall ensure that each child in its care has his or her own supply of clothing appropriate for indoors and outdoors that is in good condition and suitable for the season.

3. When a foster home with which the foster care agency has a contract for the placement of children does not have any children placed in the home, the foster care agency must visit the home at least once every 60 days to review whether it remains in compliance with the requirements of this chapter and any regulations adopted pursuant thereto and, when necessary, notify the licensing authority of any potential violations.

4. In addition to any other review that a foster care agency performs of a foster home with which the foster care agency has a contract for the placement of children, a foster care agency shall conduct a review of the foster home any time a critical event occurs in that home and report the event to the licensing authority. As used in this subsection, "critical event" includes, without limitation:

(a) The death or disability of a family member;

(b) The sudden onset of a health condition that may impair the ability of a provider of foster care to care for the child;

(c) A change in marital status;

(d) A change in home address;

- (e) A sudden or substantial loss of income; and*
- (f) The birth of a child.*

5. A foster care agency shall conduct an evaluation of each foster home with which the foster care agency has a contract for the placement of children at least once each year and submit the results of the evaluation to the licensing authority or its designee. The evaluation must include:

(a) An interview with the provider of foster care and an assessment of the ability of the provider of foster care to relate to children, to help children reach their personal and educational goals, to work with children with particular issues and needs, to establish and maintain a consistent and stable environment with children and to work with biological families to support reunification to the extent that reunification is determined to be consistent with the plan for the permanent placement of the child pursuant to NRS 432B.393.

(b) An interview with each child placed in the foster home that includes a description of the relationship between each child placed in the foster home and each family member; and

(c) A detailed review of each instance where a child was placed in the foster home and subsequently removed from the home and a description of the reasons for the removal.

Sec. 22. 1. A foster care agency shall provide crisis intervention and assistance 24 hours a day, 7 days a week, including holidays, to each foster home with which the foster care agency has a contract for the placement of children.

2. Employees of the foster care agency who provide crisis intervention and assistance must be trained in and competent to handle a crisis situation and to provide necessary services to children and families to ensure child safety, permanency and well-being. The foster care agency shall train and encourage each provider of foster care to use techniques to support positive behavior that emphasize principles and methods to help children achieve desired behavior in a constructive and safe manner.

Sec. 23. 1. A provider of foster care shall not use physical restraint on a child placed with the provider unless the child presents an imminent threat of danger of harm to himself or herself or others.

2. A foster care agency shall notify the licensing authority or its designee when any serious incident, accident or injury occurs to a child in its care within 24 hours after the incident, accident or injury. The foster care agency shall provide a written report to the licensing authority or its designee as soon as practicable after notifying the licensing authority or its designee. The written report must include, without limitation, the date and time of the incident, accident or injury, any action taken as a result of the incident, accident or injury, the name of the employee of the foster care

agency who completed the written report and the name of the employee of the licensing authority or its designee who was notified.

3. A foster care agency shall report any potential violation of the provisions of this chapter or any regulations adopted pursuant thereto relating to licensing to the licensing authority within 24 hours after an employee of the foster care agency becomes aware of the potential violation. A foster care agency shall cooperate with the licensing authority in its review of such reports and support each foster home with which the foster care agency has a contract for the placement of children in completing any action required to correct a violation.

4. A foster care agency shall fully comply with any investigation of a report of the abuse or neglect of a child pursuant to NRS 432B.220.

Sec. 24. 1. A foster care agency shall notify the licensing authority before the foster care agency authorizes the placement of a child who is not being placed through the licensing authority or a juvenile court.

2. A foster care agency may not agree to place a child who is relocating from another state unless the foster care agency first consults the licensing authority to determine whether the provisions of the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive, or the Interstate Compact for Juveniles pursuant to NRS 621.015 apply. If the licensing authority determines that the provisions of either Compact apply, the foster care agency may not agree to place the child unless the placement would not violate the provisions of the Compact.

3. A foster care agency shall give priority to assisting with the placement of a child by an agency which provides child welfare services or a juvenile court.

Sec. 25. 1. Each foster care agency shall develop and carry out a written plan to monitor and evaluate the quality and effectiveness of its programs and services on a systemic and ongoing basis.

2. The written plan must describe the methods for the collection, summarization and analysis of data and information and include factors defined by the licensing authority for assessing the effectiveness of the programs and services provided.

3. If the findings of an evaluation suggest that improvements to its programs and services should be made, the foster care agency shall implement any necessary improvements.

~~*Sec. 26. [If, after investigation, a complaint regarding the licensing of a foster home with which the foster care agency has a contract for the placement of children or a report of the abuse or neglect of a child by the foster care agency or a foster home with which the foster care agency has a contract for the placement of children is determined to be substantiated or supported by evidence and any action is taken against the licensee,*~~

~~including, without limitation, the issuance of a plan of corrective action, the licensing authority may charge and collect from a foster care agency a reasonable fee for the cost of investigating the complaint or report. Any fee so charged must be based on the actual costs of the licensing authority in investigating the complaint or report.~~ (Deleted by amendment.)

Sec. 27. NRS 424.010 is hereby amended to read as follows:

424.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 424.012 to 424.018, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 28. NRS 424.013 is hereby amended to read as follows:

424.013 “Family foster home” means a family home in which one to six children who are under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594 and who are not related within the first degree of consanguinity or affinity to the person or persons maintaining the home are received, cared for and maintained, for compensation or otherwise, including the provision of ~~permanent~~ free care. The term includes a family home in which such a child is received, cared for and maintained pending completion of proceedings for the adoption of the child by the person or persons maintaining the home.

Sec. 29. NRS 424.0135 is hereby amended to read as follows:

424.0135 “Foster care agency” means a ~~nonprofit corporation, for profit corporation or sole proprietorship~~ *business entity* that ~~assists~~ *recruits and enters into contracts with foster homes to assist* an agency which provides child welfare services *and juvenile courts* in the placement of children in ~~such foster care~~ *homes*.

Sec. 30. NRS 424.014 is hereby amended to read as follows:

424.014 “Foster home” *means a home that receives, nurtures, supervises and ensures routine educational services and medical, dental and mental health treatment for children. The term* includes a family foster home, specialized foster home, *independent living foster home* and group foster home.

Sec. 31. NRS 424.015 is hereby amended to read as follows:

424.015 “Group foster home” means a ~~natural person, partnership, firm, corporation or association who~~ *foster home which* provides full-time care *and services* for 7 to 15 children who are:

1. Under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;
2. Not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and
3. Received, cared for and maintained for compensation or otherwise, including the provision of ~~permanent~~ free care.

Sec. 32. NRS 424.017 is hereby amended to read as follows:

424.017 “Provider of ~~family~~ foster care” means a person who is licensed to conduct a ~~family~~ foster home pursuant to NRS 424.030.

Sec. 33. NRS 424.018 is hereby amended to read as follows:

424.018 “Specialized foster home” means a ~~family~~ *foster* home which provides full-time care and services for one to six children who:

1. Require special care for physical, mental or emotional issues;
2. Are under ~~21~~ **18** years of age ~~;~~ **or who remain under the jurisdiction of a court pursuant to NRS 432B.594;**
3. Are not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; **and**
4. Are received, cared for and maintained for compensation ~~;~~ **and**
- ~~5. Are in the custody of and placed in the home by an agency which provides child welfare services.]~~ **or otherwise, including the provision of free care.**

Sec. 34. NRS 424.020 is hereby amended to read as follows:

424.020 1. The Division, in consultation with each licensing authority in a county whose population is 100,000 or more, shall adopt regulations to:

- (a) Establish procedures and requirements for the licensure of family foster homes, specialized foster homes , ***independent living foster homes*** and group foster homes; and
- (b) Monitor such licensure.

2. The Division, in cooperation with the State Board of Health and the State Fire Marshal, shall:

- (a) Establish reasonable minimum standards for family foster homes, specialized foster homes , ***independent living foster homes*** and group foster homes.
- (b) Prescribe rules for the regulation of family foster homes, specialized foster homes , ***independent living foster homes*** and group foster homes.

3. All family foster homes, specialized foster homes , ***independent living foster homes*** and group foster homes licensed pursuant to this chapter must conform to the standards established and the rules prescribed in subsection 2.

Sec. 35. NRS 424.030 is hereby amended to read as follows:

424.030 1. No person may conduct a family foster home, a specialized foster home , ***an independent living foster home*** or a group foster home without receiving a license to do so from the licensing authority.

2. No license may be issued to a family foster home, a specialized foster home , ***an independent living foster home*** or a group foster home until a fair and impartial investigation of the home and its standards of care has been made by the licensing authority or its designee.

3. Any family foster home, specialized foster home , ***independent living foster home*** or group foster home that conforms to the established standards

of care and prescribed rules must receive a regular license from the licensing authority, which may be in force for 2 years after the date of issuance. On reconsideration of the standards maintained, the license may be renewed upon expiration.

4. If a family foster home, a specialized foster home, *an independent living foster home* or a group foster home does not meet minimum licensing standards but offers values and advantages to a particular child or children and will not jeopardize the health and safety of the child or children placed therein, the family foster home, specialized foster home, *independent living foster home* or group foster home may be issued a special license, which must be in force for 1 year after the date of issuance and may be renewed annually. No foster children other than those specified on the license may be cared for in the home.

5. *A family foster home, a specialized foster home, an independent living foster home or a group foster home may not accept the placement of a child by a juvenile court unless licensed by the licensing authority to accept children placed by a juvenile court or otherwise approved to accept the placement by the licensing authority. A foster home that accepts the placement of such a child shall work cooperatively with the juvenile court, the licensing authority, any other children placed in the foster home and the legal guardian or other person or agency with legal authority over the child to ensure the safety of all children placed in the foster home. Nothing in this subsection shall be construed to allow the placement of a child that would otherwise be prohibited by subsection 7 of NRS 432B.390.*

6. *A license must not be issued to a specialized foster home or a group foster home unless the specialized foster home or group foster home maintains a policy of general liability insurance in an amount determined to be sufficient by the licensing authority.*

7. The license must show:

(a) The name of the persons licensed to conduct the family foster home, specialized foster home, *independent living foster home* or group foster home.

(b) The exact location of the family foster home, specialized foster home, *independent living foster home* or group foster home.

(c) The number of children that may be received and cared for at one time.

(d) If the license is a special license issued pursuant to subsection 4, the name of the child or children for whom the family foster home, specialized foster home, *independent living foster home* or group foster home is licensed to provide care.

~~{6-}~~ (e) *Whether the family foster home, specialized foster home, independent living foster home or group foster home is approved to receive and care for children placed by a juvenile court.*

8. No family foster home, specialized foster home, *independent living foster home* or group foster home may receive for care more children than are specified in the license.

~~7.~~ 9. In consultation with each licensing authority in a county whose population is 100,000 or more, the Division may adopt regulations regarding the issuance of ~~provisional and~~ special licenses.

Sec. 36. NRS 424.031 is hereby amended to read as follows:

424.031 1. The licensing authority or a person or entity designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, and resident of a foster home who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, to determine whether the person investigated has been arrested for, *has charges pending for* or *has been* convicted of:

- (a) Murder, voluntary manslaughter or mayhem;
- (b) Any other felony involving the use *or threatened use of force or violence against the victim or the use* of a firearm or other deadly weapon;
- (c) Assault with intent to kill or to commit sexual assault or mayhem;
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime ~~;~~ *or a felony relating to prostitution;*
- (e) Abuse or neglect of a child or contributory delinquency;
- (f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;
- (g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; ~~or~~
- (h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years ~~;~~;
- (i) *Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;*
- (j) *Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;*
- (k) *A crime involving domestic violence that is punishable as a felony;*

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

3. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person has been conducted.

4. The licensing authority or its designee shall conduct an investigation of each *licensee*, employee and resident pursuant to this section at least once every 5 years after the initial investigation.

Sec. 37. NRS 424.036 is hereby amended to read as follows:

424.036 Before issuing a license to conduct a ~~family~~ foster home pursuant to NRS 424.030, the licensing authority shall discuss with the applicant and, to the extent possible, ensure that the applicant understands:

1. The role of a provider of ~~family~~ foster care, the licensing authority and the members of the immediate family of a child placed in a ~~family~~ foster home; and

2. The personal skills which are required of a provider of ~~family~~ foster care and the other residents of a ~~family~~ foster home to provide effective foster care.

Sec. 38. NRS 424.0365 is hereby amended to read as follows:

424.0365 1. A licensee that operates a *family foster home*, a specialized foster home, an *independent living foster home* or a group foster home shall ensure that each employee who comes into direct contact with children in the home receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:

- (a) Controlling the behavior of children;
- (b) Policies and procedures concerning the use of force and restraint on children;
- (c) The rights of children in the home;
- (d) Suicide awareness and prevention;
- (e) The administration of medication to children;
- (f) Applicable state and federal constitutional and statutory rights of children in the home;
- (g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the home; and
- (h) Such other matters as required by the licensing authority or pursuant to regulations of the Division.

2. The Division shall adopt regulations necessary to carry out the provisions of this section.

Sec. 39. NRS 424.037 is hereby amended to read as follows:

424.037 1. Before placing a child with a provider of ~~family~~ foster care, the licensing authority shall inform the provider of the plans, if any, which the licensing authority has developed relating to the provision of care required for that child. If the plan for the child changes, the licensing authority shall inform the provider of ~~family~~ foster care of the changes and the reasons for those changes.

2. The licensing authority shall consult with a provider of ~~family~~ foster care concerning the care to be provided to a child placed with the provider, including appropriate disciplinary actions that may be taken.

3. If issues concerning the health, safety or care of a child occur during the placement of the child with a provider of ~~family~~ foster care, the licensing authority shall:

(a) Consider the daily routine of the provider when determining how to respond to those issues; and

(b) To the extent possible, respond to those issues in a manner which is the least disruptive to that daily routine, unless that response would not be in the best interest of the child.

Sec. 40. NRS 424.038 is hereby amended to read as follows:

424.038 1. Before placing, and during the placement of, a child in a ~~family~~ foster home, the licensing authority shall provide to the provider of ~~family~~ foster care such information relating to the child as is necessary to ensure the health and safety of the child and the other residents of the ~~family~~ foster home. This information must include the medical history and previous behavior of the child to the extent that such information is available.

2. The provider of ~~family~~ foster care may, at any time before, during or after the placement of the child in the ~~family~~ foster home, request information about the child from the licensing authority. After the child has

left the care of the provider, the licensing authority shall provide the information requested by the provider, unless the information is otherwise declared to be confidential by law or the licensing authority determines that providing the information is not in the best interests of the child.

3. The provider of ~~family~~ foster care shall maintain the confidentiality of information obtained pursuant to this section under the terms and conditions otherwise required by law.

4. The Division shall adopt regulations specifying the procedure and format for the provision of information pursuant to this section, which may include the provision of a summary of certain information. If a summary is provided pursuant to this section, the provider of ~~family~~ foster care may also obtain the information set forth in subsections 1 and 2.

Sec. 41. NRS 424.0385 is hereby amended to read as follows:

424.0385 1. A licensee that operates a specialized foster home , *an independent living foster home* or a group foster home shall adopt a policy concerning the manner in which to:

- (a) Document the orders of the treating physician of a child;
- (b) Administer medication to a child;
- (c) Store, handle and dispose of medication;
- (d) Document the administration of medication and any errors in the administration of medication;
- (e) Minimize errors in the administration of medication; and
- (f) Address errors in the administration of medication.

2. The licensee shall ensure that each employee of the specialized foster home , *independent living foster home* or group foster home who will administer medication to a child at the specialized foster home , *independent living foster home* or group foster home receives a copy of and understands the policy adopted pursuant to subsection 1.

Sec. 42. NRS 424.040 is hereby amended to read as follows:

424.040 A licensing authority or its designee shall visit every licensed family foster home, specialized foster home , *independent living foster home* and group foster home as often as necessary to ensure that proper care is given to the children.

Sec. 43. NRS 424.045 is hereby amended to read as follows:

424.045 1. The Division shall establish, by regulation, a procedure for hearing grievances related to the reissuance, suspension or revocation of a license to conduct a ~~family~~ foster home.

2. A provider of ~~family~~ foster care may be represented by legal counsel in any proceeding related to:

- (a) The reissuance, suspension or revocation of the license of the provider to conduct a ~~family~~ foster home; and
- (b) The care given to a child by that provider.

Sec. 44. NRS 424.047 is hereby amended to read as follows:

424.047 1. A licensing authority shall, upon request, provide to a provider of ~~family~~ foster care access to all information, except references, in the records maintained by the licensing authority concerning that provider.

2. After reasonable notice and by appointment, a provider of ~~family~~ foster care may inspect the information kept in those records.

3. *A licensing authority may, upon request of the provider of foster care, release to an agency which provides child welfare services or a child-placing agency, as defined in NRS 127.220, all information, except references, in the records maintained by the licensing authority concerning that provider, including, without limitation, a study conducted to determine whether to grant a license to the provider or a study of the home of the provider. ~~[The licensing authority may charge and collect from a provider of foster care a fee for providing such information in an amount determined to cover the actual costs of the licensing authority to conduct the study or prepare the information requested by the provider to be released.]~~*

Sec. 45. NRS 424.075 is hereby amended to read as follows:

424.075 1. A provider of ~~family~~ foster care may:

(a) Refuse to accept the placement of a child in the ~~family~~ foster home;

or

(b) Request that a child placed in the ~~family~~ foster home be removed,

↳ unless the provider has a written agreement with the licensing authority to the contrary.

2. If a provider of ~~family~~ foster care refuses to accept the placement of a child in, or requests the removal of a child from, a ~~family~~ foster home, the licensing authority may not, based solely on that refusal or request:

(a) Revoke the license of the provider to conduct a ~~family~~ foster home;

(b) Remove any other child placed in the ~~family~~ foster home;

(c) Refuse to consider future placements of children in the ~~family~~ foster home; or

(d) Refuse or deny any other rights of the provider as may be provided by the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 46. NRS 424.077 is hereby amended to read as follows:

424.077 1. The Division shall, in consultation with each licensing authority in a county whose population is 100,000 or more, adopt regulations for the establishment of a program pursuant to which a provider of ~~family~~ foster care may receive respite from the stresses and responsibilities that result from the daily care of children placed in the ~~family~~ foster home.

2. The licensing authority shall establish and operate a program that complies with the regulations adopted pursuant to subsection 1 to provide

respite, training and support to a provider of ~~family~~ foster care in order to develop and enhance the skills of the provider to provide foster care.

Sec. 47. NRS 424.079 is hereby amended to read as follows:

424.079 Upon the request of a provider of ~~family~~ foster care, the licensing authority shall allow the provider to visit a child after the child leaves the care of the provider if:

1. The child agrees to the visitation; and
2. The licensing authority determines that the visitation is in the best interest of the child.

Sec. 48. NRS 424.085 is hereby amended to read as follows:

424.085 1. Except as otherwise provided by specific statute, a person who is licensed by the licensing authority pursuant to NRS 424.030 to conduct a family foster home, a specialized foster home, *an independent living foster home* or a group foster home is not liable for any act of a child in his or her foster care unless the person licensed by the licensing authority took an affirmative action that contributed to the act of the child.

2. The immunity from liability provided pursuant to this section includes, without limitation, immunity from any fine, penalty, debt or other liability incurred as a result of the act of the child.

Sec. 49. NRS 424.090 is hereby amended to read as follows:

424.090 The provisions of NRS 424.020 to 424.090, inclusive, do not apply to homes in which:

1. Care is provided only for a neighbor's or friend's child on an irregular or occasional basis for a brief period, not to exceed 90 days.
2. Care is provided by the legal guardian.
3. Care is provided for an exchange student.
4. Care is provided to enable a child to take advantage of educational facilities that are not available in his or her home community.

5. Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as otherwise provided in regulations adopted by the Division.

6. Except as otherwise provided in regulations adopted by the Division, care is voluntarily provided to a minor child who is ~~[-~~

~~-(a) Related] related~~ to the caregiver by blood, adoption or marriage. ~~[-~~
and

~~-(b) Not in the custody of an agency which provides child welfare services.]~~

7. Care is provided to a minor child who is in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS *or a juvenile court pursuant to title 5 of NRS* if:

- (a) The caregiver is related to the child within the fifth degree of consanguinity; and

(b) The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive.

Sec. 50. NRS 424.093 is hereby amended to read as follows:

424.093 The Division shall:

1. Establish reasonable minimum standards for foster care agencies.
2. In consultation with foster care agencies and each agency which provides child welfare services, adopt:

(a) Regulations concerning ~~the operation of a~~ foster care ~~agency,~~ **agencies**, including, without limitation, a foster care agency which provides family foster care, specialized foster care, *independent living foster care* or group foster care for children placed by an agency which provides child welfare services ~~or a juvenile court.~~

(b) ~~Regulations regarding the issuance of nonrenewable provisional licenses to operate a foster care agency. The regulations must provide that a provisional license is valid for not more than 1 year.~~

~~(c)~~ Regulations regarding the issuance and renewal of a license to operate a foster care agency.

~~(d)~~ (c) Any other regulations necessary to carry out its powers and duties regarding the placement of children for foster care, including, without limitation, such regulations necessary to ensure compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 51. ~~NRS 424.094 is hereby amended to read as follows:~~

~~424.094 1. A licensing authority may license foster care agencies within its jurisdiction in accordance with the regulations adopted by the Division pursuant to NRS 424.093.~~

~~2. Except as otherwise provided in this section, if a licensing authority licenses foster care agencies, a person shall not operate a foster care agency within the jurisdiction of the licensing authority or otherwise assist an agency which provides child welfare services in placing or in arranging the placement of any child in foster care until the foster care agency has obtained a license pursuant to NRS 424.095.~~

~~3. This section does not prohibit a parent or guardian of a child from placing or arranging the placement of, or assisting in placing or arranging the placement of, the child in foster care.~~

~~4. A licensing authority that licenses foster care agencies pursuant to this section may charge a *reasonable* fee [of not more than \$150] for the issuance [of a provisional license, not more than \$300 for the issuance of a license and not more than \$150 for the] *or* renewal of a license. Any fee so charged must [not exceed the actual cost incurred by the authority for providing or renewing] *be set at an amount determined to cover the costs of the licensing authority to issue or renew the license.* (Deleted by amendment.)~~

Sec. 52. NRS 424.095 is hereby amended to read as follows:

424.095 1. An application for a license to operate a foster care agency must be in a form prescribed by the Division and submitted to the appropriate licensing authority. Such a license is effective for 2 years after the date of its issuance and may be renewed upon expiration.

2. An applicant must provide reasonable and satisfactory assurance to the licensing authority that the applicant will conform to the ~~standards established~~ **provisions of NRS 424.093 to 424.097, inclusive, and sections 4 to 26, inclusive, of this act** and the regulations adopted by the Division pursuant ~~to NRS 424.093.~~ **thereto.**

3. Upon application for renewal, the licensing authority may renew a license if the licensing authority determines that the licensee conforms to the ~~standards established~~ **provisions of NRS 424.093 to 424.097, inclusive, and sections 4 to 26, inclusive, of this act** and the regulations adopted by the Division pursuant ~~to NRS 424.093.~~

~~4. A licensing authority may issue a nonrenewable provisional license in accordance with the regulations adopted by the Division pursuant to NRS 424.093.~~ **thereto.**

Sec. 53. NRS 424.096 is hereby amended to read as follows:

424.096 1. After notice and hearing, a licensing authority may:

(a) Deny an application for a license to operate a foster care agency if the licensing authority determines that the applicant does not ~~meet the standards established and~~ **comply with the provisions of NRS 424.093 to 424.097, inclusive, and sections 4 to 26, inclusive, of this act and the** regulations adopted by the Division pursuant ~~to NRS 424.093.~~ **thereto.**

(b) Upon a finding of deficiency, require a foster care agency to prepare a plan of corrective action and, within 90 days or a shorter period prescribed by the licensing authority require the foster care agency to complete the plan of corrective action.

(c) Refuse to renew a license or may revoke a license ~~for provisional license~~ if the licensing authority finds that the foster care agency has refused or failed to meet any of the established standards or has violated any of the regulations adopted by the Division pursuant to NRS 424.093.

2. A notice of the time and place of the hearing must be mailed to the last known address of the applicant or licensee at least 15 days before the date fixed for the hearing.

3. When an order of a licensing authority is appealed to the district court, the trial may be de novo.

Sec. 54. NRS 424.097 is hereby amended to read as follows:

424.097 A licensed foster care agency may provide such assistance to an agency which provides child welfare services **or juvenile court** as authorized

by the agency which provides child welfare services ~~{ }~~ *or juvenile court*. Such services may include, without limitation:

1. Screening, recruiting ~~{, licensing}~~ and training of persons to provide family foster care, specialized foster care , *independent living foster care* and group foster care;
2. Case management services;
3. Referral services;
4. Supportive services for persons providing foster care to meet the needs of children in foster care;
5. Coordination of case plans and treatment plans; and
6. Services, or facilitating the provision of such services, to children placed in foster care.

Sec. 55. NRS 432.515 is hereby amended to read as follows:

432.515 “Provider of ~~{family}~~ foster care” has the meaning ascribed to it in NRS 424.017.

Sec. 56. NRS 432.540 is hereby amended to read as follows:

432.540 1. A provider of ~~{family}~~ foster care that places a child in a foster home shall:

- (a) Inform the child of his or her rights set forth in NRS 432.525, 432.530 and 432.535;
- (b) Provide the child with a written copy of those rights; and
- (c) Provide an additional written copy of those rights to the child upon request.

2. A group foster home shall post a written copy of the rights set forth in NRS 432.525, 432.530 and 432.535 in a conspicuous place inside the group foster home.

Sec. 57. NRS 432.545 is hereby amended to read as follows:

432.545 A provider of ~~{family}~~ foster care may impose reasonable restrictions on the time, place and manner in which a child may exercise his or her rights set forth in NRS 432.525, 432.530 and 432.535 if the provider of ~~{family}~~ foster care determines that such restrictions are necessary to preserve the order, discipline or safety of the foster home.

Sec. 58. NRS 432.550 is hereby amended to read as follows:

432.550 If a child believes that his or her rights set forth in NRS 432.525, 432.530 and 432.535 have been violated, the child may raise and redress a grievance with, without limitation:

1. A provider of foster care;
2. An employee of a ~~{family foster home, as defined in NRS 424.013, group foster home or specialized}~~ foster home;
3. An agency which provides child welfare services to the child, and any employee thereof;
4. A juvenile court with jurisdiction over the child;

5. A guardian ad litem for the child; or
6. An attorney for the child.

Sec. 59. NRS 432B.180 is hereby amended to read as follows:

432B.180 The Division of Child and Family Services shall:

1. Administer any money granted to the State by the Federal Government.
2. Request appropriations from the Legislature in amounts sufficient to:
 - (a) Provide block grants to an agency which provides child welfare services in a county whose population is 100,000 or more pursuant to NRS 432B.2185; and
 - (b) Administer a program to provide additional incentive payments to such an agency pursuant to NRS 432B.2165.
3. Monitor the performance of an agency which provides child welfare services in a county whose population is 100,000 or more through data collection, evaluation of services and the review and approval of agency improvement plans pursuant to NRS 432B.2165.
4. Provide child welfare services directly or arrange for the provision of those services in a county whose population is less than 100,000.
5. Coordinate its activities with and assist the efforts of any law enforcement agency, a court of competent jurisdiction, an agency which provides child welfare services and any public or private organization which provides social services for the prevention, identification and treatment of abuse or neglect of children and for permanent placement of children.
6. Involve communities in the improvement of child welfare services.
7. Evaluate all child welfare services provided throughout the State and, if an agency which provides child welfare services is not in substantial compliance with any federal or state law relating to the provision of child welfare services, regulations adopted pursuant to those laws or statewide plans or policies relating to the provision of child welfare services, require corrective action of the agency which provides child welfare services.
8. Coordinate with and assist:
 - (a) Each agency which provides child welfare services in recruiting, training and licensing providers of ~~family~~ foster care as defined in NRS 424.017;
 - (b) Each foster care agency licensed pursuant to NRS 424.093 to 424.097, inclusive, **and sections 4 to 26, inclusive, of this act** in screening, recruiting, licensing and training providers of ~~family~~ foster care as defined in NRS 424.017; and
 - (c) A nonprofit or community-based organization in recruiting and training providers of ~~family~~ foster care as defined in NRS 424.017 if the Division determines that the organization provides a level of training that is

equivalent to the level of training provided by an agency which provides child welfare services.

Sec. 60. NRS 432B.623 is hereby amended to read as follows:

432B.623 1. As a condition to the provision of assistance pursuant to the Program:

(a) A child must:

(1) Have been removed from his or her home:

(I) Pursuant to a written agreement voluntarily entered by the parent or guardian of the child and an agency which provides child welfare services; or

(II) By a court which has determined that it is in the best interests of the child for the child to remain in protective custody or to be placed in temporary or permanent custody outside his or her home;

(2) For not less than 6 consecutive months, have been eligible to receive maintenance pursuant to Part E of Title IV of the Social Security Act, 42 U.S.C. §§ 670 et seq., while residing with the relative of the child;

(3) Not have as an option for permanent placement the return to the home or the adoption of the child;

(4) Demonstrate a strong attachment to the relative;

(5) If the child is 14 years of age or older, be consulted regarding the guardianship arrangement; and

(6) Meet any other requirements for eligibility set forth in 42 U.S.C. §§ 671 and 673.

(b) A relative of the child must:

(1) Demonstrate a strong commitment to caring for the child permanently;

(2) Be a provider of ~~family~~ foster care as defined in NRS 424.017;

(3) Enter into a written agreement for assistance with an agency which provides child welfare services before the relative is appointed as the legal guardian of the child;

(4) Be appointed as the legal guardian of the child by a court of competent jurisdiction and comply with any requirements imposed by the court; and

(5) Meet any other requirements for eligibility set forth in 42 U.S.C. §§ 671 and 673.

2. If the sibling of a child who is eligible for assistance pursuant to the Program is not eligible for such assistance, the sibling may be placed with the child who is eligible for assistance upon approval of the agency which provides child welfare services and the relative. In such a case, payments may be made for the sibling so placed as if the sibling is eligible for the Program.

Sec. 61. NRS 392.210 is hereby amended to read as follows:

392.210 1. Except as otherwise provided in subsection 2, a parent, guardian or other person who has control or charge of any child and to whom notice has been given of the child's truancy as provided in NRS 392.130 and 392.140, and who fails to prevent the child's subsequent truancy within that school year, is guilty of a misdemeanor.

2. A person who is licensed pursuant to NRS 424.030 to conduct a ~~[family foster home, a specialized foster home or a group]~~ foster home is liable pursuant to subsection 1 for a child in his or her foster care only if the person has received notice of the truancy of the child as provided in NRS 392.130 and 392.140, and negligently fails to prevent the subsequent truancy of the child within that school year.

Sec. 62. NRS 442.405 is hereby amended to read as follows:

442.405 1. The agency which provides child welfare services shall inquire, during its initial contact with a natural parent of a child who is to be placed in a family foster home, about consumption of alcohol or substance abuse by the mother of the child during pregnancy. The information obtained from the inquiry must be:

(a) Provided to the provider of ~~[family]~~ foster care pursuant to NRS 424.038; and

(b) Reported to the Health Division on a form prescribed by the Health Division. The report must not contain any identifying information and may be used only for statistical purposes.

2. As used in this section, "family foster home" has the meaning ascribed to it in NRS 424.013.

Sec. 63. NRS 477.030 is hereby amended to read as follows:

477.030 1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:

(a) The prevention of fire.

(b) The storage and use of:

(1) Combustibles, flammables and fireworks; and

(2) Explosives in any commercial construction, but not in mining or the control of avalanches,

↳ under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for

any purpose. As used in this paragraph, “public assembly” means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

(d) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.

↳ Except as otherwise provided in subsection 12, the regulations of the State Fire Marshal apply throughout the State, but except with respect to state-owned or state-occupied buildings, the State Fire Marshal’s authority to enforce them or conduct investigations under this chapter does not extend to a school district except as otherwise provided in NRS 393.110, or a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where the State Fire Marshal is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.

2. The State Fire Marshal may:

(a) Set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this State, including the threads used on fire hose couplings and hydrant fittings; and

(b) Adopt regulations based on nationally recognized standards setting forth the requirements for fire departments to provide training to firefighters using techniques or exercises that involve the use of fire or any device that produces or may be used to produce fire.

3. The State Fire Marshal shall cooperate with the State Forester Firewarden in the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of NRS 472.040 and the mitigation of the risk of a fire hazard from vegetation in counties within or partially within the Lake Tahoe Basin and the Lake Mead Basin.

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from ~~family foster homes, specialized foster homes and group~~ foster homes.

5. The State Fire Marshal shall coordinate all activities conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United States pursuant to that act.

6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

(a) Investigate any fire which occurs in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature.

(b) Investigate any fire which occurs in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.

(c) Cooperate with the Commissioner of Insurance, the Attorney General and the Fraud Control Unit established pursuant to NRS 228.412 in any investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.

(d) Cooperate with any local fire department in the investigation of any report received pursuant to NRS 629.045.

(e) Provide specialized training in investigating the causes of fires if requested to do so by the chief officer of an organized fire department.

7. The State Fire Marshal shall put the National Fire Incident Reporting System into effect throughout the State and publish at least annually a summary of data collected under the System.

8. The State Fire Marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.

9. The State Fire Marshal shall:

(a) Except as otherwise provided in subsection 12 and NRS 393.110, assist in checking plans and specifications for construction;

(b) Provide specialized training to local fire departments; and

(c) Assist local governments in drafting regulations and ordinances,

↪ on request or as the State Fire Marshal deems necessary.

10. Except as otherwise provided in this subsection, in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of the State Fire Marshal's authority or duties if the local government's personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.

11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:

- (a) Commercial trucking;
- (b) Environmental crimes;
- (c) Explosives and pyrotechnics;
- (d) Drugs or other controlled substances; or
- (e) Any similar activity specified by the State Fire Marshal.

12. Except as otherwise provided in this subsection, any regulations of the State Fire Marshal concerning matters relating to building codes, including, without limitation, matters relating to the construction, maintenance or safety of buildings, structures and property in this State:

(a) Do not apply in a county whose population is 700,000 or more which has adopted a code at least as stringent as the International Fire Code and the International Building Code, published by the International Code Council. To maintain the exemption from the applicability of the regulations of the State Fire Marshal pursuant to this subsection, the code of the county must be at least as stringent as the most recently published edition of the International Fire Code and the International Building Code within 1 year after publication of such an edition.

(b) Apply in a county described in paragraph (a) with respect to state-owned or state-occupied buildings or public schools in the county and in those local jurisdictions in the county in which the State Fire Marshal is requested to exercise that authority by the chief executive officer of that jurisdiction. As used in this paragraph, “public school” has the meaning ascribed to it in NRS 385.007.

Assemblywoman Dondero Loop moved that the Assembly concur in the Senate Amendment No. 839 to Assembly Bill No. 348.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

The amendment removes the ability of licensing authority to charge and collect certain fees from a foster care agency.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 345.

The following Senate amendment was read:

Amendment No. 882.

AN ACT relating to wildlife; requiring that the wildlife in this State be managed according to the best science available; **revising provisions relating to the authorized use of certain money in the Wildlife Fund**

Account in the State General Fund; requiring the Board of Wildlife Commissioners to establish policies for certain programs, activities and research relating to predatory wildlife; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Legislature has declared that wildlife in this State is part of the natural resources belonging to the people of the State of Nevada and that preserving, protecting, managing and restoring wildlife in this State contributes immeasurably to the aesthetic, recreational and economic aspects of those natural resources. (NRS 501.100) **Section 1** of this bill revises the legislative declaration to require that the wildlife in this State be managed according to the best science available.

Under existing law, in addition to the fee for a game tag, the Department of Wildlife charges an additional fee of \$3 for processing each application for a game tag, the revenue from which must be deposited into the Wildlife Fund Account in the State General Fund and be used by the Department for costs related to: (1) programs for the management and control of injurious predatory wildlife; (2) wildlife management activities relating to the protection of certain game animals and wildlife habitat; and (3) research to determine successful techniques for managing and controlling predatory wildlife. Any program developed or wildlife management activity or research conducted must be developed or conducted under the guidance of the Board of Wildlife Commissioners. (NRS 501.181, 502.253) **Section 2** of this bill requires **the Department to use at least 50 percent of the money credited to the Wildlife Fund Account from the additional \$3 processing fee for use related to the management and control of injurious predatory wildlife other than research.** **Section 2 further requires** the Commission, in providing guidance relating to any wildlife management activity, the development of a program to control any species of predatory wildlife or any research concerning that species, to establish a policy for the activity, program or research that specifies the goals and required results of the activity, program or research.

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

Section 1. NRS 501.100 is hereby amended to read as follows:

501.100 1. Wildlife in this State not domesticated and in its natural habitat is part of the natural resources belonging to the people of the State of Nevada ~~and~~ ***and must be managed according to the best science available.***

2. The preservation, protection, management and restoration of wildlife within the State contribute immeasurably to the aesthetic, recreational and economic aspects of these natural resources.

Sec. 2. NRS 502.253 is hereby amended to read as follows:

502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of \$3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and , *except as otherwise provided in subsection 2,* used by the Department for costs related to:

(a) Programs for the management and control of *, and research relating to, injurious predatory wildlife for the benefit of all other species of* wildlife;

(b) Wildlife management activities relating to the protection of nonpredatory game animals, sensitive wildlife species and *other species of game animals which are historically subject to or are at risk of excessive predation by predatory wildlife, and* related wildlife habitat;

(c) Conducting research, as needed, to determine successful techniques for managing and controlling predatory wildlife, including studies necessary to ensure effective programs for the management and control of injurious predatory wildlife; and

(d) Programs for the education of the general public concerning the management and control of predatory wildlife.

2. ~~The~~ *Each year, the Department of Wildlife shall use at least 50 percent of the money credited to the Wildlife Fund Account, from revenue received pursuant to subsection 1, for the uses described in paragraph (a) of that subsection other than research.*

3. *Except as otherwise provided in subsection 2, the* Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State Department of Agriculture to develop and carry out the programs described in subsection 1.

~~3.1~~ 4. Any program developed or wildlife management activity or research conducted pursuant to this section must be developed or conducted under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

~~4.1~~ *In providing guidance for the development of a program to control any species of predatory wildlife or for conducting any wildlife management activity or research concerning that species, the Commission shall establish a policy for the program, activity or research. Each policy must specify the goals and required results of the program, activity or research, including, without limitation, provisions:*

(a) *Setting forth a specific geographic area in this State in which the program, activity or research must be conducted;*

(b) *Setting forth the reasons for conducting the program, activity or research in the geographic area;*

(c) Setting forth the estimated population or density of each species of predatory wildlife and the location of the estimated population or density in the geographic area which must be included in the program, activity or research; and

(d) Requiring the submission of a report to the Commission upon the completion of the program, activity or research setting forth the results of the program, activity or research and the extent to which the program, activity or research achieved the goals and required results established for the program, activity or research.

5. The money in the Wildlife Fund Account remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 3. (Deleted by amendment.)

Sec. 4. This act becomes effective on July 1, 2013.

Assemblyman Daly moved that the Assembly concur in the Senate Amendment No. 882 to Assembly Bill No. 345.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Amendment 882 specifies that at least 50 percent of the money credited to the Wildlife Fund Account from the \$3 game tag fee must be used specifically for predator control.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 346.

The following Senate amendment was read:

Amendment No. 883.

AN ACT relating to mining; requiring certain plans for reclamation of an exploration project or mining operation to provide for public nonmotorized access to the water level of a pit lake; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who applies for a permit for a mining operation from the Division of Environmental Protection of the State Department of Conservation and Natural Resources must file with the Division a plan for the reclamation of any land damaged as a result of the mining operation. (NRS 519A.210) Existing law also requires a person who applies for a permit to engage in an exploration project to agree in writing to assume responsibility for the reclamation of any surface area damaged as a result of the exploration project. (NRS 519A.190) Existing law imposes certain requirements on a plan for reclamation regarding the timing of reclamation activities, the provision of vegetative cover and the stability of the land disturbed by the mining operation or exploration project. The operator of the mining operation or exploration project may request from the

Division an exception for open pits and rock faces which may not be feasible to reclaim. If such an exception is granted, the Division must require the operator to take sufficient measures to ensure public safety. (NRS 519A.230) **Section 3** of this bill requires that a plan for reclamation of an exploration project or mining operation must provide for the reclamation of a pit lake if the pit lake will have a predicted filled surface area of more than 200 acres. The plan for reclamation for such a pit lake must **if feasible, and subject to the right of the landowner to determine the final and ultimate use of the premises,** provide for at least one point of public nonmotorized access for traffic to the water level of the pit lake. **Section 3** also provides that certain past or present owners, operators, lessees or occupants of the premises for which public access to a pit lake is provided pursuant to a plan for reclamation owe no duty to keep the premises safe or to give warning of certain hazardous conditions, and do not incur liability for certain injuries that may occur on the premises in certain circumstances. **Section 4** of this bill requires that an operator who has an ongoing reclamation plan on file with the Division before October 1, 2013, and whose mining operation or exploration project resulted in or included a pit lake provide, ~~[if feasible,]~~ on or before July 1, 2014, **if feasible, and subject to the right of the landowner to determine the final and ultimate use of the premises,** for at least one point of public nonmotorized access to the pit lake as required in **section 3**.

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. NRS 519A.230 is hereby amended to read as follows:

519A.230 1. A plan for reclamation must provide:

(a) That reclamation activities, particularly those relating to the control of erosion, must be conducted simultaneously with the mining operation to the extent practicable, and otherwise must be initiated promptly upon the completion or abandonment of the mining operation in any area that will not be subject to further disturbance. Reclamation activities must be completed within the time set by the regulations adopted by the Commission pursuant to NRS 519A.160.

(b) For vegetative cover if appropriate to the future use of the land.

(c) For the reclamation of all land disturbed by the exploration project or mining operation to a stability comparable to that of adjacent areas.

2. The operator may request the Division to grant an exception for open pits and rock faces which may not be feasible to reclaim. If an exception is granted, *other than for a pit lake for which public access is provided in a*

plan for reclamation pursuant to subsection 3, the Division shall require the operator to take sufficient measures to ensure public safety.

3. ~~For~~ Except as otherwise provided in this subsection, for a pit lake that will have a predicted filled surface area of more than 200 acres, a plan for reclamation must provide, in consultation with the operator and each landowner, including any federal land manager, and, if feasible, for at least one point of public nonmotorized access to the water level of the pit lake when the pit in which the pit lake is located reaches at least 90 percent of its predicted maximum capacity. This subsection:

(a) Must not be construed to impede the ability of any landowner, including any federal land manager, of any premises on which a pit lake is located to determine the final and ultimate use of those premises;

(b) Does not require any landowner, including any federal land manager, who is consulted pursuant to this subsection to agree to allow access to any pit lake; and

(c) Does not alter any contract or agreement entered into before October 1, 2013, between an operator and a landowner, including any federal land manager.

4. A protected person with respect to any premises for which public access to a pit lake is provided in a plan for reclamation pursuant to subsection 3 owes no duty to keep the premises, including, without limitation, the access area and the pit lake and its surroundings, safe for entry or use by any other person for participation in any activity, or to give a warning of any hazardous condition, activity or use of the premises to any person entering the premises.

5. If a protected person gives permission to another person to access or engage in any activity with respect to any premises specified in subsection 4, the protected person does not thereby extend any assurance that the premises are safe for that activity or any other purpose or assume responsibility for or incur any liability for any injury to any person or property caused by any act of a person to whom the permission is granted. The provisions of this subsection do not confer any liability upon a protected person for any injury to any other person or property, whether actual or implied, or create a duty of care or ground of liability for any injury to any person or property.

6. Except in the case of an emergency, an operator shall not depart from an approved plan for reclamation without prior written approval from the Division.

~~4.~~ 7. Reclamation activities must be economically and technologically practicable in achieving a safe and stable condition suitable for the use of the land.

8. As used in this section:

(a) *“Pit lake” means a body of water that has resulted, after the completion of an exploration project or mining operation, from an open pit that has penetrated the water table of the area in which the pit is located.*

(b) *“Protected person” means any past or present:*

(1) *Owner of any estate or interest in any premises for which public access to a pit lake is provided in a plan for reclamation pursuant to subsection 3;*

(2) *Operator of all or any part of the premises, including, without limitation, any entity that has conducted or is conducting a mining operation or any reclamation activity with respect to the premises;*

(3) *Lessee or occupant of all or any part of the premises; or*

(4) *Contractor, subcontractor, employee or agent of any such owner, operator, lessee or occupant.*

Sec. 4. 1. On or before July 1, 2014, a plan for reclamation of an exploration project or mining operation filed with the Division of Environmental Protection of the State Department of Conservation and Natural Resources before October 1, 2013, that includes a pit lake having a filled surface area of more than 200 acres must provide, in consultation with the operator of the exploration project or mining operation and each landowner, including any federal land manager, and, if feasible, for at least one point of public nonmotorized access to the water level of the pit lake when the pit in which the pit lake is located reaches at least 90 percent of its predicted maximum capacity. If it is determined that such access is warranted, the plan for reclamation may be amended and refiled. **This subsection:**

(a) Must not be construed to impede the ability of any landowner, including any federal land manager, of any premises on which a pit lake is located to determine the final and ultimate use of those premises;

(b) Does not require any landowner, including any federal land manager, who is consulted pursuant to this subsection to agree to allow access to any pit lake; and

(c) Does not alter any contract or agreement entered into before October 1, 2013, between an operator and a landowner, including any federal land manager.

2. As used in this section, “pit lake” has the meaning ascribed to it in subsection 8 of NRS 519A.230, as amended by section 3 of this act.

Assemblyman Daly moved that the Assembly concur in the Senate Amendment No. 883 to Assembly Bill No. 346.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Amendment 883 clarifies that any owner of a pit lake may make the final determination in the ultimate use of the property and provides that any private property owner who is consulted regarding access to the pit lake is under no obligation to allow access to that pit lake.

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 Bill No. 441; Assembly Joint Resolution No. 1; Senate Bills Nos. 18, 76, 90, 209, 236, 246, 258, 267, 373, 392, 419, 421, 440, 441, 448, 449, 453, 457, 458, 468, 496, 497, 503, 505, 506, 507, 509.

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 Diana Sweeney.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Ester Bennett Elementary School: Michael Abina, Jose Andrade, Marlen Badillo Delgado, Abigail Barrera, Sofia Burgueno Canizales, Jaidyn Carlile, Aileen Cruz, Camille Daliposon, Casey Duby, Ricardo Amboa Collazo, Brandon Garcia Jr., Saiyuri Garcia, Hannah Gastelum, Cristina Gomez, Olivia Hollender, Jesus Infante Bautista, Ali Jabir, Mariela Lopez, Breanna Malenke, Ana Nunez, Alyssa Pelley, Jose Plascencia Puentes, Jasmine Renteria, Eric Reyes, Zane Rojas-Ryan, Jose Serafin Martinez, Shaun Taddei, Kiley Tietjen, Nathan Vernacchio, Valeria Vitela Medina, Ramon Zarate Rios, Abram Zavala, Kiaya Benton, Tracie Jutras, Filberto Rosas Heredia, Sonia Aguilar Martinez, Bianca Arellano Cruz, Hannah Baniqued, Levi Brown, Nathan Choate, Tyler Daliposon, Eduardo Garcia Ceja, Carina Garcia Medina, Daniela Garcia Navarro, Jordan Getty, Angel Gomez, Wendy Guerrero-Aguirre, Joseph Gunyah, Koby Haynes, Oscar Hernandez Payan, Ana Hilliard-Carrillo, Guadalupe Infante Bautista, John Kennedy, Jonathan Lopez Martinez, Yosberany Lopez Rodriguez, Christian Lopez Vargas, Jorge Morales, Joshua Morey, Eric Ochoa Alas, Nathan Parkyn, Yoxeline Plascencia Puentes, Angel Randolph Garcia, Mason Rector, Yesenia Renteria, Jonathan Salazar Cervantes, Shea Sanchez, Jesus Velazquez Caro, Gabrielle Ann Winder, Lisa Thomas, Katherine Hoffman, Liz Abina, Yesenia Osuza, Monica Reyes, Jorge Hidalgo, Steve Daliposon, Marea Garcia, Rachel Garza, Juana Gracia, Edith Suená, Karen Rojas-Ryan, Gary Jackson, Ma Del Refugio Garcia,

Alvin Sanchez, John Medina, Loriann Welch, Jose Medina, Judy Wood-Nunez, and Colleen Parkyn.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Laurie Livermore and the following students and chaperones from Borderwich-Bray Elementary: Cadence Bay, Nate Conrad, Hunder Del Fiorentino, Talia Diez, Hayden rench, Adita Gopinath, Richard Johnson, Julia Kaiser, Adam Leonard, Norissa Lockhart, Dawson Main, Cole McKee, Eduardo Medina, Ramon Montez, Hailee Olson, Anirudh Praveen, William Ramirez Flores, Benjamin Ramirez, Kylee Randall, Jose Rivera, Joshua Shortt, Christian Starling, Jimena Tapia-Gonzalez, Natalyn Wakeling, Katelynn Webb, Sage Wells, Nicole Medeiros, Laura Main, and Kristina Britt.

Assemblyman Horne moved that the Assembly adjourn until Wednesday, May 29, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:30 p.m.

Approved:

MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG

Chief Clerk of the Assembly