

Assembly Bill No. 499–Committee on Judiciary

CHAPTER.....

AN ACT relating to statutes; ratifying certain technical corrections made to sections of NRS; correcting the effective dates of certain provisions; correcting and clarifying certain provisions and repealing certain provisions of Statutes of Nevada; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

**Section 1** of this bill corrects an error in chapter 504, Statutes of Nevada 2009 (S.B. 394), at page 3076, which provides for the licensing of dealers, manufacturers and lessors of off-highway vehicles. Section 58.8 of S.B. 394, which was added to that bill by chapter 28, Statutes of Nevada 2011 (A.B. 464), at page 125, amended section 28 of S.B. 394 (codified as NRS 490.210), at page 3090, to cause a reference to the social security number of an applicant for such a license to expire by limitation upon the repeal of certain federal requirements relating to the enforcement of child support. However, section 58.8 of S.B. 394 inadvertently failed to cause two related references to section 24 of S.B. 394 (codified as NRS 490.330), at page 3088, which also expires by limitation upon the repeal of those federal requirements, to expire at the same time. To correct this technical error, section 58.8 of S.B. 394 has been revised as necessary to cause those references to section 24 of S.B. 394 to expire by limitation upon the repeal of those federal requirements.

**Section 2** of this bill corrects an error in chapter 100, Statutes of Nevada 2011 (S.B. 74), at page 437. Although S.B. 74 changed the designation of the Fund for Renewable Energy, Energy Efficiency and Energy Conservation Loans to the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans, S.B. 74 inadvertently failed to account for NRS 701.565, which defined the term “Fund” for the purposes of the subhead of NRS relating to the former Fund for Renewable Energy, Energy Efficiency and Energy Conservation Loans. To correct this technical error, S.B. 74 has been revised as necessary to repeal NRS 701.565.

**Section 3** of this bill corrects an error in chapter 113, Statutes of Nevada 2011 (A.B. 73), at page 503. Although section 5 of A.B. 73 (codified as NRS 535.035), at page 507, authorizes the State Engineer to enter any land where a dam is situated to carry out his or her duties regarding dams, A.B. 73 inadvertently failed to amend accordingly NRS 535.040, which provides that the performance by the State Engineer of similar duties under other statutes does not constitute a warranty concerning the impounded water. To correct this technical error, A.B. 73 has been revised as necessary to include an appropriate reference to section 5 of A.B. 73 in NRS 535.040.

**Section 4** of this bill corrects errors in chapter 156, Statutes of Nevada 2011 (A.B. 213), at page 714, which provides for the issuance by the Nevada Gaming Commission of a preliminary finding of suitability. In particular:

1. Section 2 of A.B. 213, at page 715, which amended subsection 2 of NRS 463.310 to authorize the State Gaming Control Board to initiate a hearing before the Commission to limit, condition, suspend or revoke such a preliminary finding of suitability or to fine a person or entity found preliminarily suitable, inadvertently failed to amend that section to authorize the Commission to take those actions. To correct this technical error, section 2 of A.B. 213 has been amended as necessary to include that authority in the provisions of subsections 4 and 6 of NRS 463.310.



2. A.B. 213 inadvertently failed to amend NRS 463.339, which requires an applicant for licensing, registration, a finding of suitability or any other required approval or consent to make a full informational disclosure to the Board and the Commission, to require an applicant for a preliminary finding of suitability to make the same disclosure. A.B. 213 has therefore been revised as necessary to require that disclosure.

**Section 5** of this bill corrects an error in chapter 194, Statutes of Nevada 2011 (S.B. 196), at page 878. S.B. 196, which repealed the prospective expiration of the Program of Empowerment Schools (NRS 386.700-386.780), inadvertently failed to repeal the prospective expiration of certain amendments to the provisions of that Program that are not intended to expire. To correct this technical error, S.B. 196 has been amended as necessary to repeal the prospective expiration of sections 23 and 25 of chapter 422, Statutes of Nevada 2009, at pages 2327 and 2330, respectively, which amended NRS 386.730 and 386.740, respectively.

**Section 6** of this bill corrects an error in chapter 252, Statutes of Nevada 2011 (S.B. 190), at page 1084, which provides for the licensure of music therapists. Section 14 of S.B. 190 (codified as NRS 640D.120), at page 1087, which was included in that bill to comply with certain federal requirements relating to the enforcement of child support and was intended to expire by limitation 2 years after the repeal of those federal requirements, was inadvertently not made to expire. To correct this technical error, section 35 of S.B. 190, at page 1100, which contains the effective dates for the provisions of S.B. 190, has been amended as necessary to cause section 14 of that bill to expire at the appropriate time.

**Section 7** of this bill corrects an error in chapter 273, Statutes of Nevada 2011 (A.B. 289), at page 1497, which provides for the licensure of dietitians. Section 26 of A.B. 289 (codified as NRS 640E.200), at page 1503, which was included in that bill to comply with certain federal requirements relating to the enforcement of child support and was intended to expire by limitation 2 years after the repeal of those federal requirements, was inadvertently not made to expire. To correct this technical error, section 65 of A.B. 289, at page 1522, which contains the effective dates for the provisions of A.B. 289, has been amended as necessary to cause section 26 of that bill to expire at the appropriate time.

**Section 8** of this bill corrects errors in chapter 289, Statutes of Nevada 2011 (A.B. 413), at page 1619. In particular:

1. Although NRS 338.515, as amended by section 1 of A.B. 413, at page 1619, sets specific limits on the amounts of retainage which may be withheld by a public body from a contractor on a public works project, A.B. 413 inadvertently failed to amend accordingly NRS 338.525, which authorizes the public body to withhold a reasonable amount to cover the contractor's failure to comply with the contract or an applicable building code, law or regulation. To correct this technical error, A.B. 413 has been revised as necessary to clarify the application of the specific requirements of NRS 338.515 to the more general provisions of NRS 338.525.

2. Although NRS 338.555, as amended by section 3 of A.B. 413, at page 1622, sets specific limits on the amounts of retainage which may be withheld by a contractor from a subcontractor on a public works project, A.B. 413 inadvertently failed to amend accordingly NRS 338.560, which authorizes the contractor to withhold a reasonable amount to cover the subcontractor's failure to comply with the subcontract or an applicable building code, law or regulation. To correct this technical error, A.B. 413 has been revised as necessary to clarify the application of the specific requirements of NRS 338.555 to the more general provisions of NRS 338.560.



3. Although NRS 338.595, as amended by section 5 of A.B. 413, at page 1623, sets specific limits on the amounts of retainage which may be withheld by a subcontractor from another subcontractor or a supplier on a public works project, A.B. 413 inadvertently failed to amend accordingly NRS 338.600, which authorizes the subcontractor to withhold a reasonable amount to cover the other subcontractor's or supplier's failure to comply with the subcontract or an applicable building code, law or regulation. To correct this technical error, A.B. 413 has been revised as necessary to clarify the application of the specific requirements of NRS 338.595 to the more general provisions of NRS 338.600.

**Section 9** of this bill corrects an error in chapter 309, Statutes of Nevada 2011 (A.B. 452), at page 1697. Sections 28 and 29 of A.B. 452, at pages 1728 and 1729, respectively, amended former NRS 281A.600 and 281A.610 (now NRS 281.559 and 281.561), respectively, to require certain public officers and candidates for public office to file statements of financial disclosure electronically. Although section 23 of A.B. 452 (codified as NRS 281.572), at page 1725, exempts under certain conditions some of those public officers and candidates from the requirement for electronic filing and allow them to file those statements by alternate means, A.B. 452 inadvertently failed to amend accordingly former NRS 281A.660 (now NRS 281.581), which authorizes the imposition of a civil penalty for a failure to file such a statement in a timely manner, to account for the alternate filing provisions of section 23 of that bill. To correct this technical error, A.B. 452 has been amended as necessary to include references to section 23 of A.B. 452 in former NRS 281A.660.

**Section 10** of this bill corrects an error in the amendment of NRS 40.495 by section 5.5 of chapter 311, Statutes of Nevada 2011 (A.B. 273), at page 1743. NRS 40.495 sets forth various rights of a guarantor, surety or other obligor on a debt secured by a mortgage or deed of trust on real property, other than the mortgagor or grantor of the deed of trust. Although sections 1.2-3.3 of A.B. 273 (codified as NRS 40.4631-40.4639), at pages 1742 and 1743, establish certain limitations on actions by the holders of junior mortgages or liens on real property after a foreclosure sale of the property or a sale of the property in lieu of a foreclosure sale, section 5.5 of A.B. 273 inadvertently failed to clarify the right of a guarantor, surety or other obligee to enforce those limitations. To correct this technical error, section 5.5 of A.B. 273 has been revised as necessary to include a reference to sections 1.2-3.3 of A.B. 273 in subsection 3 of NRS 40.495.

**Section 11** of this bill corrects an error in the amendment of NRS 31.296 by section 12 of chapter 338, Statutes of Nevada 2011 (A.B. 223), at page 1907. NRS 31.296 consists of provisions relating to the garnishment of earnings to enforce a judgment. Section 12 of A.B. 223, which amended NRS 31.296 to require the judgment creditor to provide certain periodic reports to the judgment debtor, the sheriff and each garnishee, inadvertently included an erroneous reference to the issuance of a writ of attachment. To correct this technical error, section 12 of A.B. 223 has been revised as necessary to refer to the issuance of a writ of garnishment.

**Section 12** of this bill corrects errors in chapter 343, Statutes of Nevada 2011 (A.B. 100), at page 1916, which enacted the Uniformed Military and Overseas Absentee Voters Act (codified as chapter 293D of NRS). In particular:

1. Section 42 of A.B. 100, at page 1929, amended NRS 293C.322 to account for the repeal by section 45 of A.B. 100, at page 1931, of former NRS 293C.315, which was superseded by the provisions of chapter 293D of NRS. However, section 42 of A.B. 100 inadvertently failed to replace the superseded reference to NRS 293C.315 contained in subsection 4 of NRS 293C.322 with a needed reference to sections 2-29 of A.B. 100 (codified as chapter 293D of NRS). Section 42 of A.B. 100 has therefore been revised as necessary to correct this technical error.



2. Section 45 of A.B. 100 also repealed former NRS 293.3157, which was also superseded by the provisions of chapter 293D of NRS. However, A.B. 100 inadvertently failed to account for section 23 of chapter 501, Statutes of Nevada 2011 (A.B. 81), at page 3281, which amended NRS 293.333 to incorporate two references to NRS 293.3157. To correct this technical error, section 45 of A.B. 100 has been amended as necessary to repeal section 23 of A.B. 81.

**Section 13** of this bill corrects an error in section 10 of chapter 353, Statutes of Nevada 2011 (A.B. 362), at page 1995, the source of NRS 432A.640. Section 10 of A.B. 362, which requires a local government that operates an out-of-school recreation program to provide copies of the reports of certain inspections, inadvertently failed to clarify that the reports were to be provided to the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services. To correct this technical error, section 10 of A.B. 362 has been revised as necessary to provide that clarification. In accordance with the provisions of chapter 261, Statutes of Nevada 2011 (S.B. 430), at page 1365, which transferred the duties of the Bureau of Services for Child Care to the Health Division of the Department, all of the references to the Bureau set forth in section 10 of A.B. 362 were changed during the codification of NRS 432A.640 to refer to the Health Division.

**Section 14** of this bill corrects an error in the amendment of NRS 294A.365 by section 65 of chapter 365, Statutes of Nevada 2011 (A.B. 82), at page 2120. Although NRS 294A.220 requires committees for political action to report certain expenditures in excess of \$1,000, section 65 of A.B. 82 inadvertently deleted from NRS 294A.365, which sets forth the requirements for the contents of such a report, a pertinent reference to expenditures in excess of that amount. To correct this technical error, section 65 of A.B. 82 has been revised as necessary to restore that reference.

**Section 15** of this bill corrects an error in the amendment of NRS 391.317 by section 5 of chapter 378, Statutes of Nevada 2011 (A.B. 225), at page 2260. Section 5 of A.B. 225, which authorizes a teacher or administrator of a school district to request an expedited arbitration hearing if he or she is deemed to be a probationary employee pursuant to section 1 of that bill (codified as NRS 391.3129), at page 2258, and receives notice that he or she will be dismissed before the completion of the current school year, inadvertently included an inappropriate reference to subsection 1 of NRS 391.317. To correct this technical error, section 5 of A.B. 225 has been revised as necessary to remove that inappropriate reference.

**Section 16** of this bill corrects an error in section 21 of chapter 379, Statutes of Nevada 2011 (A.B. 229), at page 2298. Section 21 of A.B. 229, which was intended to limit the applicability of certain provisions of that bill during the 2011-2013 biennium to certain newly hired teachers and administrators of a school district, inadvertently failed to indicate the inapplicability of those provisions during that biennium to the other licensed employees of a school district. To correct this technical error, section 21 of A.B. 229 has been revised as necessary to clarify that those provisions do not apply to those other licensed employees during that biennium.

**Section 17** of this bill corrects errors in chapter 412, Statutes of Nevada 2011 (A.B. 380), at page 2557. In particular:

1. Section 47 of A.B. 380, at page 2561, which amended NRS 338.1908, inadvertently failed to account for a reference in that section to NRS 338.1907, which expires by limitation on May 1, 2013. To correct this technical error, A.B. 380 has been revised as necessary to cause the repeal of that reference on that date.

2. Section 49 of A.B. 380, at page 2562, which includes provisions extending the prospective expiration of the Wind Energy Systems Demonstration Program



(NRS 701B.400-701B.650) from June 30, 2011, until December 31, 2021, inadvertently failed to extend the prospective expiration of NRS 701B.540, a definition included in the provisions of that Program. To correct this technical error, section 49 of A.B. 380 has been revised as necessary to extend accordingly the prospective expiration of NRS 701B.540.

3. Section 51 of A.B. 380, at page 2563, which amended section 21 of chapter 321, Statutes of Nevada 2009 (S.B. 358), at page 1410, inadvertently failed to account for the technical corrections to section 21 of S.B. 358 that were previously ratified by the Legislature pursuant to section 9 of chapter 28, Statutes of Nevada 2011 (A.B. 464), at page 93. To correct this technical error, section 51 of A.B. 380 has been revised as necessary to include the technical corrections made by section 9 of A.B. 464.

4. Although the provisions of A.B. 380 provide for the prospective expiration of the Solar Energy Systems Incentive Program (NRS 701B.010-701B.290) on December 31, 2021, and similarly extend the prospective expiration of the Wind Energy Systems Demonstration Program (NRS 701B.400-701B.650) and the Waterpower Energy Systems Demonstration Program (NRS 701B.700-701B.880) from June 30, 2011, until December 31, 2021, A.B. 380 inadvertently failed to revise accordingly the superseded provisions of chapter 347, Statutes of Nevada 2011 (A.B. 359), at page 1939, which would have extended the prospective expiration of the Waterpower Energy Systems Demonstration Program until June 30, 2016. To correct this technical error, A.B. 380 has been revised as necessary to amend or repeal, as appropriate, those superseded provisions of A.B. 359 in such a manner as to provide for the prospective expiration of that Program on December 31, 2021.

**Section 18** of this bill corrects an error in section 3 of chapter 444, Statutes of Nevada 2011 (S.B. 371), at page 2670, the source of NRS 432B.4684. Subsection 3 of section 3 of S.B. 371, which contains a list of the persons who may be nominated for appointment and appointed by the court pursuant to NRS 432B.4685 as a person who is legally responsible for the psychiatric care of a child, inadvertently included a flush line that would have required the court appointment of such a person prior to their nomination for that appointment by an agency which provides child welfare services. To correct this technical error, section 3 of S.B. 371 has been revised as necessary to delete that erroneous flush line.

**Section 19** of this bill corrects an error in the amendment of NRS 362.120 by sections 12.5 and 12.7 of chapter 449, Statutes of Nevada 2011 (S.B. 493), at pages 2694 and 2696, respectively. Although section 12 of S.B. 493 (codified as NRS 514A.110), at page 2694, requires the review only by the Mining Oversight and Accountability Commission of certain regulations adopted by the Nevada Tax Commission before the approval of those regulations by the Legislative Commission, sections 12.5 and 12.7 of S.B. 493 inadvertently included a provision that referred to the approval of such a regulation by the Mining Oversight and Accountability Commission. Sections 12.5 and 12.7 of S.B. 493 have therefore been revised as necessary to delete that erroneous provision.

**Section 20** of this bill corrects an error in chapter 456, Statutes of Nevada 2011 (S.B. 314), at page 2817, which provides for the registration of asset management companies and the issuance of permits to engage in asset management. Section 26 of S.B. 314 (codified as NRS 645H.550), at page 2824, which was included in that bill to comply with certain federal requirements relating to the enforcement of child support and was intended to expire by limitation 2 years after the repeal of those federal requirements, was inadvertently not made to expire. To correct this technical error, section 37 of S.B. 314, at page 2834, which contains the effective



dates for the provisions of S.B. 314, has been amended as necessary to cause section 26 of that bill to expire at the appropriate time.

**Section 21** of this bill corrects errors in chapter 479, Statutes of Nevada 2011 (S.B. 427), at page 2935. In particular:

1. Section 17 of S.B. 427, at page 2940, which amended NRS 231.260 to provide for the transfer of duties relating to the Division of Tourism from the former Commission on Tourism to the new Department of Tourism and Cultural Affairs, inadvertently included an inappropriate amendment to a population reference which is unrelated to that transfer of duties. To correct this technical error, section 17 of S.B. 427 has been revised as necessary to delete that inappropriate amendment. In addition, two references in that section to "the Division" have been revised to clarify that the term refers to "the Division of Tourism."

2. Section 52 of S.B. 427, at page 2949, which amended NRS 242.080 to provide for the elimination of the former Department of Information Technology and its replacement by the new Division of Enterprise Information Technology Services of the Department of Administration, inadvertently redesignated the former Communication and Computing Division of that eliminated Department as the Communication and Computing Unit of the new Division of Enterprise Information Technology Services without accordingly redesignating two sub-parts of that Unit. To correct this technical error, section 52 of S.B. 427 has been revised as necessary to redesignate the former Communications Unit and Telecommunications Unit of the former Communication and Computing Division as the new Communications Group and Telecommunications Group, respectively, of the new Communication and Computing Unit. In accordance with this correction, sections 35 and 37 of S.B. 427, at page 2945, which amended the definitions set forth in NRS 233F.045 and 233F.065, respectively, have been revised as necessary to change the respective definitions of "Communications Unit" and "Telecommunications Unit" to "Communications Group" and "Telecommunications Group."

3. Although section 60 of S.B. 427, at page 2953, amended NRS 284.025 to replace the former Department of Personnel with the new Division of Human Resource Management of the Department of Administration, section 25 of S.B. 427, at page 2943, amended NRS 232.215 to provide for the appointment of the Administrator of the new Division by the Director of the Department of Administration and section 26 of S.B. 427, at page 2943, amended NRS 232.2165 to place the Administrator in the unclassified service of the State, S.B. 427 inadvertently failed to amend accordingly NRS 284.075, which provided for the appointment and classification of the former Director of the Department of Personnel (now the Administrator of the new Division), to revise those provisions of NRS 284.075 which either repeated or conflicted with the provisions of sections 25 and 26 of S.B. 427. S.B. 427 has therefore been revised as necessary to amend NRS 284.075 in conformity with the provisions of those other sections.

4. Although section 87 of S.B. 427, at page 2965, amended NRS 341.020 to change the membership of the State Public Works Board from seven appointed members to six appointed members and one ex officio member, S.B. 427 inadvertently failed to clarify the inapplicability to the ex officio member of the provisions of NRS 341.041 and 341.050 regarding the replacement and salary of the members of the Board. S.B. 427 has therefore been revised as necessary to clarify the application of those provisions solely to the appointed members of the Board.

5. Although section 140 of S.B. 427, at page 2989, terminated the Account for Local Cultural Activities by repealing NRS 233C.100, S.B. 427 inadvertently



failed to repeal accordingly NRS 233C.110, which provided for the expenditure of the money in that Account. Section 140 of S.B. 427 has therefore been revised as necessary to repeal NRS 233C.110.

**Section 22** of this bill corrects an error in the amendment of NRS 386.549 by section 6 of chapter 483, Statutes of Nevada 2011 (A.B. 171), at page 3053. Although an amendment to A.B. 171 during the 2011 Session was intended to cause subsection 1 of NRS 386.549, regarding the membership of the governing body of a charter school, to mirror subsection 1 of NRS 386.520, regarding the membership of a committee to form a charter school, the amendment inadvertently failed to include in paragraph (a) of subsection 1 of NRS 386.549 an intended reference to “a teacher or other person.” To correct this technical error, section 6 of A.B. 171 has been revised as necessary to include that omitted reference.

**Section 23** of this bill corrects errors in chapter 485, Statutes of Nevada 2011 (A.B. 473), at page 3068. In particular:

1. Section 9 of A.B. 473, at page 3071, which amended NRS 293.560 to revise the hours of operation of the office of a county clerk during the period for voter registration prior to an election, inadvertently deleted the provisions of subsection 1 of NRS 293.560 prescribing the date upon which registration must close. To correct this technical error, section 9 of A.B. 473 has been revised as necessary to restore the pertinent provisions.

2. Section 13 of A.B. 473, at page 3073, which amended NRS 293C.527 to revise the hours of operation of the office of a city clerk during the period for voter registration prior to an election, inadvertently deleted the provisions of subsection 1 of NRS 293C.527 prescribing the date upon which registration must close. To correct this technical error, section 13 of A.B. 473 has been revised as necessary to restore the pertinent provisions.

**Section 24** of this bill corrects errors in chapter 498, Statutes of Nevada 2011 (A.B. 576), at page 3162. In particular:

1. Section 54 of A.B. 576, at page 3171, which amended NRS 218A.645 to simplify and clarify the provisions of that section in accordance with the definitions added to chapter 218A of NRS by sections 2-31 of A.B. 576 (codified as NRS 218A.003-218A.090), at pages 3162 and 3163, inadvertently failed to delete from subsection 1 of NRS 218A.645 a reference to “elected or appointed” Legislators that was rendered obsolete by the definition of “Legislator” set forth in NRS 218A.072. To correct this technical error, subsection 1 of NRS 218A.645 has been revised as necessary to delete that obsolete reference. In addition, subsection 2 of NRS 218A.645 has been revised to simplify and clarify the references in that subsection to a pre-session orientation conference, and subsection 3 of NRS 218A.645 has been revised as necessary to correct a grammatical error in a reference to the per diem allowance authorized by subsection 2 of that section.

2. Sections 64 and 65 of A.B. 576, at page 3178, which amended NRS 218A.925 and 218A.930, respectively, to clarify the procedure for the issuance and service of, and a hearing on, a legislative citation of a person for contempt, inadvertently failed to refer consistently to that person as being an “alleged” offender. Sections 64 and 65 of A.B. 576 have therefore been revised as necessary to correct this technical error.

**Section 25** of this bill corrects errors in chapter 501, Statutes of Nevada 2011 (A.B. 81), at page 3268. In particular:

1. Section 54 of A.B. 81, at page 3302, inappropriately amended NRS 294A.286, which provides for the establishment of a legal defense fund by a public officer or a candidate for public office, to add a new subsection providing for the use of campaign contributions to pay legal expenses without regard to the establishment of such a legal defense fund. That subsection was therefore moved in



codification to a more appropriate section, NRS 294A.160, which contains other provisions regarding the use of campaign contributions. However, sections 29, 56, 59, 61 and 62 of A.B. 81, at pages 3284, 3303, 3304 and 3305, would have added provisions to NRS 293.4687, 294A.350, 294A.350, 294A.373, 294A.390 and 294A.400, respectively, that were dependent on the inappropriate placement of that subsection in NRS 294A.286. To correct this technical error, A.B. 81 has been revised as necessary to remove those dependent provisions.

2. Sections 61-63 of A.B. 81, at pages 3305 and 3306, which amended NRS 294A.390, 294A.400 and 294A.420, respectively, inadvertently included references regarding the reports required by section 37 of A.B. 81 (codified as NRS 294A.348), at page 3287, which contains no reporting requirements. To correct this technical error, sections 61-63 of A.B. 81 have been revised as necessary to remove those inappropriate references.

**Section 26** of this bill corrects errors in the amendment of NRS 684A.130, 689.235, 689.520, 692B.070, 692B.190 and 697.180 by sections 23, 45, 47, 59, 60 and 122, respectively, of chapter 506, Statutes of Nevada 2011 (A.B. 74), at pages 3365, 3377, 3380, 3389, 3391 and 3417, respectively. Although the amendments contained in sections 23, 45, 47, 59, 60 and 122 of A.B. 74 were made to expire by limitation upon the repeal of certain federal requirements relating to the enforcement of child support, those amendments are unrelated to those federal requirements and were not intended to expire at that time. To correct this technical error, section 132 of A.B. 74, at page 3424, which contains the effective dates for the provisions of A.B. 74, has been revised as necessary to prevent the expiration of those amendments.

**Section 27** of this bill corrects errors in chapter 530, Statutes of Nevada 2011 (S.B. 271), at page 3710, which provides for the withdrawal of the State of Nevada from the Tahoe Regional Planning Compact under certain circumstances. In particular:

1. Section 1.5 of S.B. 271, at page 3711, which amended NRS 277.200 to propose several amendments to the Compact, inadvertently included as part of the existing provisions of the Compact certain amendments proposed in 1997 that have not become effective. To correct this technical error, section 1.5 of S.B. 271 has been revised as necessary to remove those inappropriate provisions.

2. Although section 17.7 of S.B. 271, at page 3739, deleted the effective dates for sections 2 and 3 of chapter 311, Statutes of Nevada 1997 (S.B. 24 of 1997), at pages 1147 and 1169, respectively, which provided for certain contingent amendments to the Compact, S.B. 271 inadvertently failed to repeal those sections as intended. To correct this technical error, section 18 of S.B. 271, at page 3740, has been revised as necessary to repeal sections 2 and 3 of S.B. 24 of 1997.

3. Section 25 of S.B. 271, at page 3743, which contains the effective dates for the provisions of S.B. 271, will cause this State's withdrawal from the Compact to occur on October 1, 2015, unless certain designated events occur before that date, or would have caused that withdrawal to occur on October 1, 2017, if the Governor issues a proclamation pursuant to the provisions of section 23.5 of S.B. 271, at page 3742, before October 1, 2015. However, it was intended that this withdrawal would not occur if the Governor issued that proclamation pursuant to the provisions of section 23.5 of S.B. 271 and those designated events occurred before October 1, 2017. Sections 23.5 and 25 of S.B. 271 have therefore been revised as necessary to clarify those circumstances under which the withdrawal from the Compact would not occur.

4. Section 17.3 of S.B. 271, at page 3739, amended section 3 of chapter 22, Statutes of Nevada 1987 (A.B. 5 of 1987), at page 53, to preclude the provisions of A.B. 5 of 1987, which proposed certain contingent amendments to the Compact,



from ever becoming effective. Section 18 of S.B. 271, at page 3740, accordingly repealed sections 1 and 2 of chapter 442, Statutes of Nevada 1985 (A.B. 675 of 1985), at pages 1257 and 1258, respectively, which proposed certain contingent amendments to NRS 278.792 that were dependent on the amendments to the Compact proposed by A.B. 5 of 1987. However, although the amendment of section 3 of A.B. 5 of 1987 by section 17.3 of S.B. 271 was made to become effective without any contingency, the repeal of sections 1 and 2 of A.B. 675 of 1985 by section 18 of S.B. 271 was inadvertently made to become effective on a contingent basis only. To correct this technical error, section 25 of S.B. 271 has been revised as necessary to cause the repeal of sections 1 and 2 of A.B. 675 of 1985 by subsection 2 of section 18 of S.B. 271 to become effective on the same definite date as the amendment of section 3 of A.B. 5 of 1987 by section 17.3 of S.B. 271.

**Section 28** of this bill corrects errors in several amendments to the Tahoe Regional Planning Compact (codified as NRS 277.200) proposed during past legislative sessions. Although the amendments to the Compact proposed by chapter 22, Statutes of Nevada 1987 (A.B. 5 of 1987), at page 28, were intended to supersede the amendments to the Compact proposed by chapter 224, Statutes of Nevada 1981 (S.B. 347 of 1981), at page 415, as amended by chapter 731, Statutes of Nevada 1981 (S.B. 710 of 1981), at page 1824, and the amendments to the Compact proposed by chapter 450, Statutes of Nevada 1983 (S.B. 441 of 1983), at page 1137, and chapter 274, Statutes of Nevada 1985 (A.B. 433 of 1985), at page 819, those superseded amendments have never been repealed. To correct this technical error, the relevant provisions of S.B. 347 of 1981, S.B. 710 of 1981, S.B. 441 of 1983 and A.B. 433 of 1985 are now being repealed.

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

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

**Section 1.** Section 58.8 of chapter 504, Statutes of Nevada 2009, as added by chapter 28, Statutes of Nevada 2011, at page 125, is hereby amended to read as follows:

Sec. 58.8. Section 28 of this act is hereby amended to read as follows:

Sec. 28. 1. An application for a license for an off-highway vehicle dealer, long-term or short-term lessor or manufacturer must be filed upon forms supplied by the Department . ~~and include the social security number of the applicant.~~ The forms must designate the persons whose names are required to appear thereon. The applicant must furnish:

(a) Such proof as the Department may deem necessary that the applicant is an off-highway vehicle dealer, long-term or short-term lessor or manufacturer.

(b) A fee of \$125.



(c) A fee for the processing of fingerprints. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

(d) For initial licensure, a complete set of the applicant's fingerprints and written permission authorizing the Department 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.

(e) ~~If the applicant is a natural person, the statement required pursuant to section 24 of this act.~~

—~~(f)~~ A certificate of insurance for liability.

2. Upon receipt of the application and when satisfied that the applicant is entitled thereto, the Department shall issue to the applicant a license for an off-highway vehicle dealer, long-term or short-term lessor or manufacturer containing the name of the licensee and the address of his or her established place of business or the address of the main office of a manufacturer without an established place of business in this State.

3. Licenses issued pursuant to this section expire on December 31 of each year. Before December 31 of each year, a licensee must furnish the Department with an application for renewal of his or her license accompanied by an annual fee of \$50. ~~If the applicant is a natural person, the application for renewal also must be accompanied by the statement required pursuant to section 24 of this act.~~ The additional fee for the processing of fingerprints, established by regulation pursuant to paragraph (c) of subsection 1, must be submitted for each applicant whose name does not appear on the original application for the license. The renewal application must be provided by the Department and contain information required by the Department.

**Sec. 2.** Chapter 100, Statutes of Nevada 2011, at page 452, is hereby amended by adding thereto a new section to be designated as sec. 27.5, immediately following sec. 27, to read as follows:

Sec. 27.5. NRS 701.565 is hereby repealed.



**Sec. 3.** Chapter 113, Statutes of Nevada 2011, at page 507, is hereby amended by adding thereto a new section to be designated as sec. 5.5, immediately following sec. 5, to read as follows:

Sec. 5.5. NRS 535.040 is hereby amended to read as follows:

535.040 The provisions of NRS 535.010, 535.020 and 535.030 *and section 5 of this act* and the performance by the State Engineer of the duties of the State Engineer under them do not constitute a warranty in favor of anyone concerning the water to be impounded or diverted.

**Sec. 4.** 1. Section 2 of chapter 156, Statutes of Nevada 2011, at page 715, is hereby amended to read as follows:

Sec. 2. NRS 463.310 is hereby amended to read as follows:

463.310 1. The Board shall make appropriate investigations:

(a) To determine whether there has been any violation of this chapter or chapter 462, 464, 465 or 466 of NRS or any regulations adopted thereunder.

(b) To determine any facts, conditions, practices or matters which it may deem necessary or proper to aid in the enforcement of any such law or regulation.

(c) To aid in adopting regulations.

(d) To secure information as a basis for recommending legislation relating to this chapter or chapter 462, 464, 465 or 466 of NRS.

(e) As directed by the Commission.

2. If, after any investigation the Board is satisfied that

~~that~~ :

(a) *A license, registration, finding of suitability, preliminary finding of suitability, pari-mutuel license or prior approval by the Commission of any transaction for which the approval was required or permitted under the provisions of this chapter or chapter 462, 464 or 466 of NRS should be limited, conditioned, suspended or revoked ~~that~~ ;*  
*or*

*(b) A person or entity which is licensed, registered, found suitable or found preliminarily suitable pursuant to this chapter or chapter 464 of NRS or which previously obtained approval for any act or transaction for which Commission approval was required or permitted under the provisions of this chapter or chapter 464 of NRS should be fined,*



↳ *the Board* shall initiate a hearing before the Commission by filing a complaint with the Commission in accordance with NRS 463.312 and transmit therewith a summary of evidence in its possession bearing on the matter and the transcript of testimony at any investigative hearing conducted by or on behalf of the Board.

3. Upon receipt of the complaint of the Board, the Commission shall review ~~the~~ *the complaint* and all matter presented in support thereof, and shall conduct further proceedings in accordance with NRS 463.3125 to 463.3145, inclusive.

4. After the provisions of subsections 1, 2 and 3 have been complied with, the Commission may:

(a) Limit, condition, suspend or revoke the license of any licensed gaming establishment or the individual license of any licensee without affecting the license of the establishment;

(b) Limit, condition, suspend or revoke any registration, finding of suitability, *preliminary finding of suitability*, pari-mutuel license, or prior approval given or granted to any applicant by the Commission;

(c) Order a licensed gaming establishment to keep an individual licensee from the premises of the licensed gaming establishment or not to pay the licensee any remuneration for services or any profits, income or accruals on the investment of the licensee in the licensed gaming establishment; and

(d) Fine each person or entity, or both, ~~who was~~ *which is* licensed, registered, ~~or~~ found suitable *or found preliminarily suitable* pursuant to this chapter or chapter 464 of NRS or ~~who~~ *which* previously obtained approval for any act or transaction for which Commission approval was required or permitted under the provisions of this chapter or chapter 464 of NRS:

(1) Not less than \$25,000 ~~nor~~ *and not* more than \$250,000 for each separate violation of any regulation adopted pursuant to NRS 463.125 which is the subject of an initial or subsequent complaint; or

(2) Except as otherwise provided in subparagraph (1), ~~of this paragraph,~~ not more than \$100,000 for each separate violation of the provisions of this chapter or chapter 464 or 465 of NRS or of the regulations of the Commission which is the subject of an initial complaint and not more than \$250,000 for each separate violation of the provisions of this



chapter or chapter 464 or 465 of NRS or of the regulations of the Commission which is the subject of any subsequent complaint.

↳ All fines must be paid to the State Treasurer for deposit in the State General Fund.

5. For the second violation of any provision of chapter 465 of NRS by any licensed gaming establishment or individual licensee, the Commission shall revoke the license of the establishment or person.

6. If the Commission limits, conditions, suspends or revokes any license or imposes a fine, or limits, conditions, suspends or revokes any registration, finding of suitability, *preliminary finding of suitability*, pari-mutuel license or prior approval, it shall issue its written order therefor after causing to be prepared and filed its written decision upon which the order is based.

7. Any such limitation, condition, revocation, suspension or fine so made is effective until reversed upon judicial review, except that the Commission may stay its order pending a rehearing or judicial review upon such terms and conditions as it deems proper.

8. Judicial review of any such order or decision of the Commission may be had in accordance with NRS 463.315 to 463.318, inclusive.

2. Chapter 156, Statutes of Nevada 2011, at page 716, is hereby amended by adding thereto a new section to be designated as sec. 3, immediately following sec. 2, to read as follows:

Sec. 3. NRS 463.339 is hereby amended to read as follows:

463.339 An applicant for licensing, registration, finding of suitability, *preliminary finding of suitability* or any approval or consent required by this chapter or chapter 462 of NRS shall make full and true disclosure of all information to the Board, Commission or other relevant governmental authority as necessary or appropriate in the public interest or as required in order to carry out the policies of this state relating to licensing and control of the gaming industry and the operation of charitable lotteries.



**Sec. 5.** Chapter 194, Statutes of Nevada 2011, at page 879, is hereby amended by adding thereto a new section to be designated as sec. 3.5, immediately following sec. 3, to read as follows:

Sec. 3.5. Section 31 of chapter 422, Statutes of Nevada 2009, at page 2339, is hereby amended to read as follows:

Sec. 31. 1. This section and sections 6, 9, 10, 11, 13, 15, 16, 17, 20, 22, 24, 26, 28 and 30 of this act become effective on July 1, 2009.

2. Sections 1, 2, 3.5 and 18 of this act become effective on July 1, 2009, for the purpose of adopting regulations and on July 1, 2010, for all other purposes.

3. Sections 3, 4 to 5.7, inclusive, 7, 8, 12, 14, 14.5, 19, 21, 21.3, 21.7, 23, 25, 25.3, 25.7, 27 and 29 of this act become effective on July 1, 2010.

~~4. Sections 23 and 25 of this act expire by limitation on June 30, 2011.~~

**Sec. 6.** Section 35 of chapter 252, Statutes of Nevada 2011, at page 1100, is hereby amended to read as follows:

Sec. 35. 1. This section, sections 1 to 32, inclusive, and section 34 of this act become effective:

(a) Upon passage and approval for the purpose of issuing licenses to qualified applicants; and

(b) On January 1, 2012, for all other purposes.

2. Section 33 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

3. Sections 14, 22 and 33 of this act expire by limitation 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child



or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

**Sec. 7.** Section 65 of chapter 273, Statutes of Nevada 2011, at page 1522, is hereby amended to read as follows:

Sec. 65. 1. This section and sections 11 and 63 of this act become effective upon passage and approval.

2. Sections 1 to 10, inclusive, 12 to 61, inclusive, 63.5 and 64 of this act become effective on July 1, 2011, for the purpose of adopting regulations and carrying out any other administrative tasks, and on January 1, 2012, for all other purposes.

3. Section 62 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

4. Sections 26, 35 and 62 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.



**Sec. 8.** 1. Chapter 289, Statutes of Nevada 2011, at page 1621, is hereby amended by adding thereto a new section to be designated as sec. 1.5, immediately following section 1, to read as follows:

Sec. 1.5. NRS 338.525 is hereby amended to read as follows:

338.525 1. ~~It~~ **Except as otherwise provided in NRS 338.515, a** public body may, but is not required to, withhold from a progress payment or retainage payment an amount sufficient to pay the expenses the public body reasonably expects to incur as a result of the failure of the contractor to comply with the contract or applicable building code, law or regulation.

2. A public body shall, within 20 days after it receives a progress bill or retainage bill from a contractor, give a written notice to the contractor of any amount that will be withheld pursuant to this section. The written notice must set forth:

(a) The amount of the progress payment or retainage payment that will be withheld from the contractor; and

(b) A detailed explanation of the reason the public body will withhold that amount, including, without limitation, a specific reference to the provision or section of the contract, or any documents related thereto, or the applicable building code, law or regulation with which the contractor has failed to comply.

↳ The written notice must be signed by an authorized agent of the public body.

3. If the public body receives a written notice of the correction of the condition that is the reason for the withholding, signed by an authorized agent of the contractor, the public body shall, after confirming that the condition has been corrected, pay the amount withheld by the public body within 30 days after the public body receives the next progress bill or retainage bill.

2. Section 4 of chapter 289, Statutes of Nevada 2011, at page 1622, is hereby amended to read as follows:

Sec. 4. NRS 338.560 is hereby amended to read as follows:

338.560 1. ~~It~~ **Except as otherwise provided in subsection 2 of NRS 338.555, a** contractor may withhold from a progress payment or retainage payment an amount sufficient to pay:



(a) The expenses the contractor reasonably expects to incur as a result of the failure of his or her subcontractor or supplier to comply with the subcontract or applicable building code, law or regulation.

(b) An amount withheld from payment to the contractor by a public body pursuant to subsection ~~44~~ 8 of NRS 338.515 for a claim for wages against the subcontractor.

2. A contractor shall, within 10 days after the contractor receives:

(a) A progress payment or retainage payment from the public body for an amount that is less than the amount set forth in the applicable progress bill or retainage bill; or

(b) A progress bill or retainage bill from his or her subcontractor or supplier,

↳ give a written notice to his or her subcontractor or supplier of any amount that will be withheld pursuant to this section.

3. The written notice must:

(a) Set forth:

(1) The amount of the progress payment or retainage payment that will be withheld from his or her subcontractor or supplier; and

(2) A detailed explanation of the reason the contractor will withhold that amount, including, without limitation, a specific reference to the provision or section of the subcontract, or documents related thereto, or applicable building code, law or regulation with which his or her subcontractor or supplier has failed to comply; and

(b) Be signed by an authorized agent of the contractor.

4. The contractor shall pay to his or her subcontractor or supplier the amount withheld by the public body or the contractor within 10 days after:

(a) The contractor receives a written notice of the correction of the condition that is the reason for the withholding, signed by an authorized agent of the subcontractor or supplier; or

(b) The public body pays to the contractor the amount withheld,

↳ whichever occurs later.



3. Chapter 289, Statutes of Nevada 2011, at page 1624, is hereby amended by adding thereto a new section to be designated as sec. 5.5, immediately following sec. 5, to read as follows:

Sec. 5.5. NRS 338.600 is hereby amended to read as follows:

338.600 1. ~~1A~~ *Except as otherwise provided in NRS 338.595, a* subcontractor may withhold from a progress payment or retainage payment an amount sufficient to pay the expenses the subcontractor reasonably expects to incur as a result of the failure of his or her subcontractor or supplier to comply with the subcontract or applicable building code, law or regulation.

2. A subcontractor shall, within 10 days after the subcontractor receives:

(a) A progress payment or retainage payment from a contractor for an amount that is less than the amount set forth in the applicable progress bill or retainage bill; or

(b) A progress bill or retainage bill from his or her subcontractor or supplier,

↳ give a written notice to his or her subcontractor or supplier of any amount that will be withheld pursuant to this section.

3. The written notice must:

(a) Set forth:

(1) The amount of the progress payment or retainage payment that will be withheld from his or her subcontractor or supplier; and

(2) A detailed explanation of the reason the subcontractor will withhold that amount, including, without limitation, a specific reference to the provision or section of the subcontract, or documents related thereto, or applicable building code, law or regulation with which the subcontractor or supplier has failed to comply; and

(b) Be signed by an authorized agent of the subcontractor.

4. The subcontractor shall pay to his or her subcontractor or supplier the amount withheld by the public body, contractor or subcontractor within 10 days after:

(a) The subcontractor receives a written notice of the correction of the condition that is the reason for the withholding, signed by an authorized agent of his or her subcontractor or supplier; or

(b) The contractor pays to the subcontractor the amount withheld,

↳ whichever occurs later.



**Sec. 9.** Chapter 309, Statutes of Nevada 2011, at page 1732, is hereby amended by adding thereto a new section to be designated as sec. 33.5, immediately following sec. 33, to read as follows:

Sec. 33.5. NRS 281A.660 is hereby amended to read as follows:

281A.660 1. If the Secretary of State receives information that a candidate for public office or public officer willfully fails to file a statement of financial disclosure or willfully fails to file a statement of financial disclosure in a timely manner pursuant to NRS 281A.600 or 281A.610, *or section 23 of this act*, the Secretary of State may, after giving notice to that person 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 for public office or public officer who willfully fails to file a statement of financial disclosure or willfully fails to file a statement of financial disclosure in a timely manner pursuant to NRS 281A.600 or 281A.610 *or section 23 of this act* is subject to a civil penalty 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. The amount of the civil penalty is:

(a) If the statement is filed not more than 10 days after the applicable deadline set forth in subsection 1 of NRS 281A.600 or subsection 1 of NRS 281A.610, *or section 23 of this act*, \$25.

(b) If the statement is filed more than 10 days but not more than 20 days after the applicable deadline set forth in subsection 1 of NRS 281A.600 or subsection 1 of NRS 281A.610, *or section 23 of this act*, \$50.

(c) If the statement is filed more than 20 days but not more than 30 days after the applicable deadline set forth in subsection 1 of NRS 281A.600 or subsection 1 of NRS 281A.610, *or section 23 of this act*, \$100.

(d) If the statement is filed more than 30 days but not more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281A.600, ~~or~~ subsection 1 of NRS 281A.610 ~~or~~ *or section 23 of this act*, \$250.



(e) If the statement is not filed or is filed more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281A.600 or subsection 1 of NRS 281A.610, *or section 23 of this act*, \$2,000.

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. As used in this section, “willfully” means intentionally and knowingly.

**Sec. 10.** Section 5.5 of chapter 311, Statutes of Nevada 2011, at page 1743, is hereby amended to read as follows:

Sec. 5.5. NRS 40.495 is hereby amended to read as follows:

40.495 1. The provisions of NRS 40.475 and 40.485 may be waived by the guarantor, surety or other obligor only after default.

2. Except as otherwise provided in subsection ~~4~~ 5, a guarantor, surety or other obligor, other than the mortgagor or grantor of a deed of trust, may waive the provisions of NRS 40.430. If a guarantor, surety or other obligor waives the provisions of NRS 40.430, an action for the enforcement of that person’s obligation to pay, satisfy or purchase all or part of an indebtedness or obligation secured by a mortgage or lien upon real property may be maintained separately and independently from:

(a) An action on the debt;

(b) The exercise of any power of sale;

(c) Any action to foreclose or otherwise enforce a mortgage or lien and the indebtedness or obligations secured thereby; and

(d) Any other proceeding against a mortgagor or grantor of a deed of trust.

3. If the obligee maintains an action to foreclose or otherwise enforce a mortgage or lien and the indebtedness or obligations secured thereby, the guarantor, surety or other obligor may assert any legal or equitable defenses provided



pursuant to the provisions of NRS 40.451 to 40.463, inclusive **H**, and sections 1.2 to 3.3, inclusive, of this act.

4. *If, before a foreclosure sale of real property, the obligee commences an action against a guarantor, surety or other obligor, other than the mortgagor or grantor of a deed of trust, to enforce an obligation to pay, satisfy or purchase all or part of an indebtedness or obligation secured by a mortgage or lien upon the real property:*

*(a) The court must hold a hearing and take evidence presented by either party concerning the fair market value of the property as of the date of the commencement of the action. Notice of such hearing must be served upon all defendants who have appeared in the action and against whom a judgment is sought, or upon their attorneys of record, at least 15 days before the date set for the hearing.*

*(b) After the hearing, if the court awards a money judgment against the guarantor, surety or other obligor who is personally liable for the debt, the court must not render judgment for more than:*

*(1) The amount by which the amount of the indebtedness exceeds the fair market value of the property as of the date of the commencement of the action; or*

*(2) If a foreclosure sale is concluded before a judgment is entered, the amount that is the difference between the amount for which the property was actually sold and the amount of the indebtedness which was secured, whichever is the lesser amount.*

5. The provisions of NRS 40.430 may not be waived by a guarantor, surety or other obligor if the mortgage or lien:

(a) Secures an indebtedness for which the principal balance of the obligation was never greater than \$500,000;

(b) Secures an indebtedness to a seller of real property for which the obligation was originally extended to the seller for any portion of the purchase price;

(c) Is secured by real property which is used primarily for the production of farm products as of the date the mortgage or lien upon the real property is created; or

(d) Is secured by real property upon which:

(1) The owner maintains the owner's principal residence;

(2) There is not more than one residential structure;  
and

(3) Not more than four families reside.



***6. As used in this section, "foreclosure sale" has the meaning ascribed to it in NRS 40.462.***

**Sec. 11.** Section 12 of chapter 338, Statutes of Nevada 2011, at page 1907, is hereby amended to read as follows:

Sec. 12. NRS 31.296 is hereby amended to read as follows:

31.296 1. Except as otherwise provided in subsection 3, if the garnishee indicates in the garnishee's answer to garnishee interrogatories that the garnishee is the employer of the defendant, the writ of garnishment served on the garnishee shall be deemed to continue for 120 days or until the amount demanded in the writ is satisfied, whichever occurs earlier.

2. In addition to the fee set forth in NRS 31.270, a garnishee is entitled to a fee from the plaintiff of \$3 per pay period, not to exceed \$12 per month, for each withholding made of the defendant's earnings. This subsection does not apply to the first pay period in which the defendant's earnings are garnished.

3. If the defendant's employment by the garnishee is terminated before the writ of garnishment is satisfied, the garnishee:

(a) Is liable only for the amount of earned but unpaid, disposable earnings that are subject to garnishment.

(b) Shall provide the plaintiff or the plaintiff's attorney with the last known address of the defendant and the name of any new employer of the defendant, if known by the garnishee.

***4. The judgment creditor who caused the writ of garnishment to issue pursuant to NRS 31.260 shall prepare an accounting and provide a report to the judgment debtor, the sheriff and each garnishee every 120 days which sets forth, without limitation, the amount owed by the judgment debtor, the costs and fees allowed pursuant to NRS 18.160 and any accrued interest and costs on the judgment. The report must advise the judgment debtor of the judgment debtor's right to request a hearing pursuant to NRS 18.110 to dispute any accrued interest, fee or other charge. The judgment creditor must submit this accounting with each subsequent application for writ made by the judgment creditor concerning the same debt.***



**Sec. 12.** 1. Section 42 of chapter 343, Statutes of Nevada 2011, at page 1929, is hereby amended to read as follows:

Sec. 42. NRS 293C.322 is hereby amended to read as follows:

293C.322 1. Except as otherwise provided in subsection 2 and ~~NRS 293C.315;~~ *sections 2 to 29, inclusive, of this act*, if the request for an absent ballot is made by mail or facsimile machine, the city clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed on the official absent ballot:

- (a) An absent ballot;
- (b) A return envelope;
- (c) An envelope or similar device into which the ballot is inserted to ensure its secrecy; *and*
- (d) ~~An identification envelope, if applicable pursuant to NRS 293C.315; and~~
- ~~(e)~~ Instructions.

2. If the city clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the city clerk may use a facsimile machine to send an absent ballot and instructions to the voter. The voter may mail the absent ballot to the city clerk or submit the absent ballot by facsimile machine.

3. The return envelope sent pursuant to subsection 1 must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 or 2 and ~~NRS 293C.315;~~ *sections 2 to 29, inclusive, of this act.*

5. Before depositing a ballot with the United States Postal Service or sending a ballot by facsimile machine, the city clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, the registered voter's precinct or district, the number of the ballot and any remarks the city clerk finds appropriate.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsection 2.



2. Section 45 of chapter 343, Statutes of Nevada 2011, at page 1931, is hereby amended to read as follows:

Sec. 45. NRS 293.106, 293.3155, 293.3157, 293.501 and 293C.315 *and section 23 of chapter 501, Statutes of Nevada 2011, at page 3281*, are hereby repealed.

**Sec. 13.** Section 10 of chapter 353, Statutes of Nevada 2011, at page 1995, is hereby amended to read as follows:

Sec. 10. *1. A local government that operates an out-of-school recreation program shall provide the Bureau with a copy of each report of an inspection conducted by a governmental entity that is authorized to conduct an inspection of the facility where the program is operated, including, without limitation, the report of an inspection by a local building department, a fire department, the State Fire Marshal or a district board of health.*

*2. The Bureau shall establish a schedule for the submission of such reports which requires submission of a report of an on-site inspection once every 2 years and shall provide a checklist to the local government which identifies the reports that must be submitted to the Bureau.*

*3. The Bureau shall not require any additional inspections of the facility of an out-of-school recreation program which complies with the provisions of this section.*

**Sec. 14.** Section 65 of chapter 365, Statutes of Nevada 2011, at page 2120, is hereby amended to read as follows:

Sec. 65. 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 ~~and 294A.283~~ 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 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 expense or expenditure and the date on which the expense was incurred or the expenditure was made.

2. The categories of expense or expenditure for use on the report of 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) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid; and
- (j) Other miscellaneous expenses.

3. Each report of expenses or expenditures described in subsection 1 must list the disposition of any unspent campaign contributions using the categories set forth in subsection 2 of NRS 294A.160 ~~+~~ *or subsection 4 of NRS 294A.286.*

**Sec. 15.** Section 5 of chapter 378, Statutes of Nevada 2011, at page 2260, is hereby amended to read as follows:

Sec. 5. NRS 391.317 is hereby amended to read as follows:

391.317 1. At least 15 days before recommending to a board that it demote, dismiss or not reemploy a postprobationary employee, or dismiss or demote a probationary employee, the superintendent shall give written notice to the employee, by registered or certified mail, of the superintendent's intention to make the recommendation.

2. The notice must:

(a) Inform the licensed employee of the grounds for the recommendation.

(b) Inform the employee that, if a written request therefor is directed to the superintendent within 10 days after receipt of the notice, the employee is entitled to a hearing before a hearing officer ~~+~~ *pursuant to NRS 391.315 to 391.3194, inclusive, or if the employee is deemed to be a probationary employee pursuant to section 1 of this act and dismissal of the employee will occur before the completion of the current school year, the employee may request an expedited hearing pursuant to subsection 3.*

(c) Refer to chapter 391 of NRS.

*3. If an employee who is deemed to be a probationary employee pursuant to section 1 of this act receives notice that he or she will be dismissed before the completion of the current school year, the employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration*



*Association or its successor organization. If the employee elects to proceed under the expedited procedures, the provisions of NRS 391.3161, 391.3192 and 391.3193 do not apply.*

**Sec. 16.** Section 21 of chapter 379, Statutes of Nevada 2011, at page 2298, is hereby amended to read as follows:

Sec. 21. The provisions of section 9 of this act, NRS 391.311 to 391.3125, inclusive, as amended by sections 10 to 13, inclusive, of this act, NRS 391.3127, as amended by section 15 of this act, NRS 391.313, as amended by section 17 of this act, NRS 391.317, as amended by section 18 of this act, and NRS 391.3197, as amended by section 19 of this act ~~to apply to all:~~

~~1. Teachers~~ :

*1. Except as otherwise provided in subsection 2 and notwithstanding the provisions of section 23 of this act, do not apply to any teachers, administrators or other licensed employees of a school district before July 1, 2013.*

*2. Apply on July 1, 2011, to:*

*(a) All teachers* who are initially employed by a school district on or after July 1, 2011.

~~2. A~~

*(b) Each* new employee who is hired by a school district as an administrator on or after July 1, 2011.

~~3. A~~

*(c) Each* postprobationary teacher who is employed as an administrator on or after July 1, 2011.

**Sec. 17.** 1. Chapter 412, Statutes of Nevada 2011, at page 2561, is hereby amended by adding thereto a new section to be designated as sec. 46.5, immediately following sec. 46, to read as follows:

Sec. 46.5. NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

~~(a) Be developed with input from one or more energy retrofit coordinators designated pursuant to NRS 338.1907, if any.~~



~~(b)~~ Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(II) The Renewable Energy School Pilot Program created by NRS 701B.350;

(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or

(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.

~~(e)~~ (b) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Director of the Office of Energy and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection 12 of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;



- (2) Fuel cells;
- (3) Geothermal energy;
- (4) Solar energy;
- (5) Waterpower; and
- (6) Wind.

↳ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

2. Section 47 of chapter 412, Statutes of Nevada 2011, at page 2561, is hereby amended to read as follows:

Sec. 47. NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in ~~one or more of the following programs:~~

~~(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(II) The *the* Renewable Energy School Pilot Program created by NRS 701B.350. †;~~

~~(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or~~

~~(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820. ‡~~

(b) Include a list of potential funding sources for use in implementing the projects, including, without limitation,



money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Director of the Office of Energy and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection 12 of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

- (1) Biomass;
- (2) Fuel cells;
- (3) Geothermal energy;
- (4) Solar energy;
- (5) Waterpower; and
- (6) Wind.

↳ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

3. Section 49 of chapter 412, Statutes of Nevada 2011, at page 2562, is hereby amended to read as follows:

Sec. 49. Section 113 of chapter 509, Statutes of Nevada 2007, at page 2999, is hereby amended to read as follows:

Sec. 113. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations and taking such other actions as are necessary to carry out the provisions of this act; and

(b) For all other purposes besides those described in paragraph (a):

(1) For this section and sections 1, 30, 32, 36 to 46, inclusive, 49, 51 to 61, inclusive, 107, 109, 110 and 111 of this act, upon passage and approval.



(2) For sections 1.5 to 29, inclusive, 43.5, 47, 51.3, 51.7, 108, 112 and 112.5 of this act, on July 1, 2007.

(3) For sections 62 to 106, inclusive, of this act, on October 1, 2007.

(4) For sections 31, 32.3, 32.5, 32.7, 33, 34 and 35 of this act, on January 1, 2009.

(5) For section 48 of this act, on January 1, 2010.

(6) For section 50 of this act, on January 1, 2011.

2. Sections 62 to ~~106,~~ **75, inclusive, 76 to 82, inclusive, 85 to 94, inclusive, and 95 to 105,** inclusive, of this act expire by limitation on ~~June 30, 2011,~~ **December 31, 2021.**

4. Section 51 of chapter 412, Statutes of Nevada 2011, at page 2563, is hereby amended to read as follows:

Sec. 51. Section 21 of chapter 321, Statutes of Nevada 2009, **as amended by section 9 of chapter 28, Statutes of Nevada 2011,** at page ~~1410,~~ **93,** is hereby amended to read as follows:

Sec. 21. 1. This section and sections 1 to 1.51, inclusive, 1.55 to 19.7, inclusive, and 19.9 to 20.9, inclusive, of this act become effective upon passage and approval.

2. Sections 1.85, 1.87, 1.92, 1.93, 1.95 and 4.3 to 9, inclusive, of this act expire by limitation on ~~June 30, 2011,~~

~~3. Sections 1.53 and 19.8 of this act become effective on July 1, 2011.~~ **December 31, 2021.**

5. Chapter 412, Statutes of Nevada 2011, at page 2563, is hereby amended by adding thereto a new section to be designated as sec. 51.5, immediately following sec. 51, to read as follows:

Sec. 51.5. Section 12 of chapter 347, Statutes of Nevada 2011, at page 1944, is hereby amended to read as follows:

Sec. 12. 1. This section and sections ~~9, 10 and 11 of this act become effective upon passage and approval.~~

~~2. Sections~~ 1 to 8.5, inclusive, of this act become effective on July 1, 2011.

~~3.~~ **2.** Sections 1 and 2 of this act expire by limitation on ~~June 30, 2016,~~ **December 31, 2021.**

6. Section 52 of chapter 412, Statutes of Nevada 2011, at page 2563, is hereby amended to read as follows:

Sec. 52. 1. NRS 701B.010, 701B.020, 701B.030, 701B.040, 701B.050, 701B.055, 701B.060, 701B.070, 701B.080, 701B.090, 701B.100, 701B.110, 701B.120,



701B.130, 701B.140, 701B.150, 701B.160, 701B.170, 701B.180, 701B.200, 701B.210, 701B.220, 701B.230, 701B.240, 701B.250, 701B.255, 701B.260, 701B.265, 701B.280 and 701B.290 are hereby repealed.

2. Sections 1.53 and 19.8 of chapter 321, Statutes of Nevada 2009, at pages 1372 and 1408, respectively, *and sections 9, 10 and 11 of chapter 347, Statutes of Nevada 2011, at page 1944*, are hereby repealed.

7. Section 54 of chapter 412, Statutes of Nevada 2011, at page 2563, is hereby amended to read as follows:

Sec. 54. 1. This section and sections 1, 3 to 42, inclusive, 44, 45, 46, 48 to ~~51.4~~ *51.5*, inclusive, subsection 2 of section 52 and section 53 of this act become effective upon passage and approval.

2. *Section 46.5 of this act becomes effective on May 1, 2013.*

3. Sections 2, 43, 47 and subsection 1 of section 52 of this act become effective on January 1, 2022.

**Sec. 18.** Section 3 of chapter 444, Statutes of Nevada 2011, at page 2670, is hereby amended to read as follows:

Sec. 3. 1. *If a child who is in the custody of an agency which provides child welfare services has a prescription for a psychotropic medication upon entering the custody of the agency or if the agency determines that a child may be in need of psychiatric care, the agency shall nominate, pending appointment by a court pursuant to section 7 of this act, a person who is legally responsible for the psychiatric care of the child. A person nominated pursuant to this subsection shall be deemed to be the person who is legally responsible for the psychiatric care of the child pending approval by a court pursuant to section 7 of this act.*

2. *Upon nominating a person who is legally responsible for the psychiatric care of a child pursuant to this section, the agency which provides child welfare services shall petition the court with jurisdiction over the child for the appointment of the nominee as the person who is legally responsible for the psychiatric care of the child. A petition filed pursuant to this subsection may be heard by the court at the next hearing of the court conducted pursuant to NRS 432B.410 to 432B.590, inclusive, and section 7 of this act or at a hearing for the express purpose of appointing a person pursuant to section 7 of this act.*



*3. The person who is legally responsible for the psychiatric care of a child may be a parent or legal guardian of the child or, if a parent or legal guardian of the child is not able or willing to act as the person who is legally responsible for the psychiatric care of the child:*

- (a) The attorney for the child;*
- (b) The guardian ad litem of the child;*
- (c) The foster parent or other provider of substitute care for the child;*
- (d) An employee of the agency which provides child welfare services; or*
- (e) Any other person who a court determines is qualified to carry out the duties and responsibilities prescribed by NRS 432B.197 and sections 2 to 6, inclusive, of this act and any policies adopted pursuant thereto.*

**Sec. 19.** 1. Section 12.5 of chapter 449, Statutes of Nevada 2011, at page 2694, is hereby amended to read as follows:

Sec. 12.5. NRS 362.120 is hereby amended to read as follows:

362.120 1. The Department shall, from the statement filed pursuant to NRS 362.110 and from all obtainable data, evidence and reports, compute in dollars and cents the gross yield and net proceeds of the calendar year immediately preceding the year in which the statement is filed.

2. The gross yield must include the value of any mineral extracted which was:

- (a) Sold;
- (b) Exchanged for any thing or service;
- (c) Removed from the State in a form ready for use or sale; or
- (d) Used in a manufacturing process or in providing a service,  
↳ during that period.

3. The net proceeds are ascertained and determined by subtracting from the gross yield the following deductions for costs incurred during that period, and none other:

- (a) The actual cost of extracting the mineral **H<sub>2</sub>**, *which is limited to direct costs for activities performed in the State of Nevada.*
- (b) The actual cost of transporting the mineral to the place or places of reduction, refining and sale.
- (c) The actual cost of reduction, refining and sale.



(d) The actual cost of ~~marketing and~~ delivering the mineral. ~~and the conversion of the mineral into money.~~

(e) The actual cost of maintenance and repairs of:

(1) All machinery, equipment, apparatus and facilities used in the mine.

(2) All milling, refining, smelting and reduction works, plants and facilities.

(3) All facilities and equipment for transportation except those that are under the jurisdiction of the Public Utilities Commission of Nevada or the Nevada Transportation Authority.

~~(f) The actual cost of fire insurance on the machinery, equipment, apparatus, works, plants and facilities mentioned in paragraph (e).~~

~~(g)~~ Depreciation of the original capitalized cost of the machinery, equipment, apparatus, works, plants and facilities mentioned in paragraph (e). The annual depreciation charge consists of amortization of the original cost in a manner prescribed by regulation of the Nevada Tax Commission. The probable life of the property represented by the original cost must be considered in computing the depreciation charge.

~~(h) All money expended for premiums for industrial insurance, and the actual cost of hospital and medical attention and accident benefits and group insurance for all employees.~~

~~(i)~~ (g) All money paid as contributions or payments under the unemployment compensation law of the State of Nevada, as contained in chapter 612 of NRS, all money paid as contributions under the Social Security Act of the Federal Government, and all money paid to either the State of Nevada or the Federal Government under any amendment to either or both of the statutes mentioned in this paragraph.

~~(j)~~ (h) *The costs of employee travel which occurs within the State of Nevada and which is directly related to mining operations within the State of Nevada.*

*(i) The costs of Nevada-based corporate services relating to paragraphs (e) to (h), inclusive.*

*(j) The actual cost of developmental work in or about the mine or upon a group of mines when operated as a unit ~~f~~*

*~~(k)~~, which is limited to work that is necessary to the operation of the mine or group of mines.*



*(k) The costs of reclamation work in the years the reclamation work occurred, including, without limitation, costs associated with the remediation of a site.*

*(l) All money paid as royalties by a lessee or sublessee of a mine or well, or by both, in determining the net proceeds of the lessee or sublessee, or both.*

4. Royalties deducted by a lessee or sublessee constitute part of the net proceeds of the minerals extracted, upon which a tax must be levied against the person to whom the royalty has been paid.

5. Every person acquiring property in the State of Nevada to engage in the extraction of minerals and who incurs any of the expenses mentioned in subsection 3 shall report those expenses and the recipient of any royalty to the Department on forms provided by the Department. *The Department shall report annually to the Mining Oversight and Accountability Commission the expenses and deductions of each mining operation in the State of Nevada.*

6. The several deductions mentioned in subsection 3 do not include any expenditures for salaries, or any portion of salaries, of any person not actually engaged in:

- (a) The working of the mine;
- (b) The operating of the mill, smelter or reduction works;
- (c) The operating of the facilities or equipment for transportation;
- (d) Superintending the management of any of those operations; ~~for~~
- (e) The State of Nevada, in office, clerical or engineering work necessary or proper in connection with any of those operations ~~for~~; or

*(f) Nevada-based corporate services.*

7. *The following expenses are specifically excluded from any deductions from the gross yield:*

- (a) The costs of employee housing.*
- (b) Except as otherwise provided in paragraph (h) of subsection 3, the costs of employee travel.*
- (c) The costs of severing the employment of any employees.*
- (d) Any dues paid to a third-party organization or trade association to promote or advertise a product.*
- (e) Expenses relating to governmental relations or to compensate a natural person or entity to influence legislative decisions.*



*(f) The costs of mineral exploration.*

*(g) Any federal, state or local taxes.*

*8. As used in this section, "Nevada-based corporate services" means corporate services which are performed in the State of Nevada from an office located in this State and which directly support mining operations in this State, including, without limitation, accounting functions relating to mining operations at a mine site in this State such as payroll, accounts payable, production reporting, cost reporting, state and local tax reporting and recordkeeping concerning property.*

2. Section 12.7 of chapter 449, Statutes of Nevada 2011, at page 2696, is hereby amended to read as follows:

Sec. 12.7. NRS 362.120 is hereby amended to read as follows:

362.120 1. The Department shall, from the statement filed pursuant to NRS 362.110 and from all obtainable data, evidence and reports, compute in dollars and cents the gross yield and net proceeds of the calendar year immediately preceding the year in which the statement is filed.

2. The gross yield must include the value of any mineral extracted which was:

(a) Sold;

(b) Exchanged for any thing or service;

(c) Removed from the State in a form ready for use or sale; or

(d) Used in a manufacturing process or in providing a service,

↳ during that period.

3. The net proceeds are ascertained and determined by subtracting from the gross yield the following deductions for costs incurred during that period, and none other:

(a) The actual cost of extracting the mineral, which is limited to direct costs for activities performed in the State of Nevada.

(b) The actual cost of transporting the mineral to the place or places of reduction, refining and sale.

(c) The actual cost of reduction, refining and sale.

(d) The actual cost of delivering the mineral.

(e) The actual cost of maintenance and repairs of:

(1) All machinery, equipment, apparatus and facilities used in the mine.



(2) All milling, refining, smelting and reduction works, plants and facilities.

(3) All facilities and equipment for transportation except those that are under the jurisdiction of the Public Utilities Commission of Nevada or the Nevada Transportation Authority.

(f) Depreciation of the original capitalized cost of the machinery, equipment, apparatus, works, plants and facilities mentioned in paragraph (e). The annual depreciation charge consists of amortization of the original cost in a manner prescribed by regulation of the Nevada Tax Commission. The probable life of the property represented by the original cost must be considered in computing the depreciation charge.

*(g) All money expended for premiums for industrial insurance, and the actual cost of hospital and medical attention and accident benefits and group insurance for employees actually engaged in mining operations within the State of Nevada.*

(h) All money paid as contributions or payments under the unemployment compensation law of the State of Nevada, as contained in chapter 612 of NRS, all money paid as contributions under the Social Security Act of the Federal Government, and all money paid to either the State of Nevada or the Federal Government under any amendment to either or both of the statutes mentioned in this paragraph.

~~(h)~~ (i) The costs of employee travel which occurs within the State of Nevada and which is directly related to mining operations within the State of Nevada.

~~(i)~~ (j) The costs of Nevada-based corporate services relating to paragraphs (e) to ~~(h)~~ (i), inclusive.

~~(j)~~ (k) The actual cost of developmental work in or about the mine or upon a group of mines when operated as a unit, which is limited to work that is necessary to the operation of the mine or group of mines.

~~(k)~~ (l) The costs of reclamation work in the years the reclamation work occurred, including, without limitation, costs associated with the remediation of a site.

~~(l)~~ (m) All money paid as royalties by a lessee or sublessee of a mine or well, or by both, in determining the net proceeds of the lessee or sublessee, or both.

4. Royalties deducted by a lessee or sublessee constitute part of the net proceeds of the minerals extracted, upon which



a tax must be levied against the person to whom the royalty has been paid.

5. Every person acquiring property in the State of Nevada to engage in the extraction of minerals and who incurs any of the expenses mentioned in subsection 3 shall report those expenses and the recipient of any royalty to the Department on forms provided by the Department. The Department shall report annually to the Mining Oversight and Accountability Commission the expenses and deductions of each mining operation in the State of Nevada.

6. The several deductions mentioned in subsection 3 do not include any expenditures for salaries, or any portion of salaries, of any person not actually engaged in:

- (a) The working of the mine;
- (b) The operating of the mill, smelter or reduction works;
- (c) The operating of the facilities or equipment for transportation;
- (d) Superintending the management of any of those operations;
- (e) The State of Nevada, in office, clerical or engineering work necessary or proper in connection with any of those operations; or
- (f) Nevada-based corporate services.

7. The following expenses are specifically excluded from any deductions from the gross yield:

- (a) The costs of employee housing.
- (b) Except as otherwise provided in paragraph ~~(h)~~ (i) of subsection 3, the costs of employee travel.
- (c) The costs of severing the employment of any employees.
- (d) Any dues paid to a third-party organization or trade association to promote or advertise a product.
- (e) Expenses relating to governmental relations or to compensate a natural person or entity to influence legislative decisions.
- (f) The costs of mineral exploration.
- (g) Any federal, state or local taxes.

8. As used in this section, "Nevada-based corporate services" means corporate services which are performed in the State of Nevada from an office located in this State and which directly support mining operations in this State, including, without limitation, accounting functions relating to mining operations at a mine site in this State such as payroll,



accounts payable, production reporting, cost reporting, state and local tax reporting and recordkeeping concerning property.

**Sec. 20.** Section 37 of chapter 456, Statutes of Nevada 2011, at page 2834, is hereby amended to read as follows:

Sec. 37. 1. This section, sections 1 to 34, inclusive, and section 36 of this act become effective:

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

(b) On October 1, 2011, for all other purposes.

2. Section 35 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment of the support of one or more children,

↪ are repealed by the Congress of the United States.

3. Sections **26**, 30 and 35 of this act expire by limitation 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

**Sec. 21.** 1. Section 17 of chapter 479, Statutes of Nevada 2011, at page 2940, is hereby amended to read as follows:

Sec. 17. NRS 231.260 is hereby amended to read as follows:

231.260 The ~~{Commission on Tourism,}~~ **Department**, through ~~{its}~~ **the** Division of Tourism, shall:



1. Promote this State so as to increase the number of domestic and international tourists.

2. Promote special events *and exhibitions* which are designed to increase tourism.

3. Develop a State Plan to Promote Travel and Tourism in Nevada.

4. Develop a comprehensive program of marketing and advertising, for both domestic and international markets, which publicizes travel and tourism in Nevada in order to attract more visitors to this State or lengthen their stay.

5. Provide and administer grants of money or matching grants to political subdivisions of the State, to fair and recreation boards, and to local or regional organizations which promote travel and tourism, to assist them in:

(a) Developing local programs for marketing and advertising which are consistent with the State Plan.

(b) Promoting specific events and attractions in their communities.

(c) Evaluating the effectiveness of the local programs and events.

↳ Each recipient must provide an amount of money, at least equal to the grant, for the same purpose, except, in a county whose population is less than 50,000, the ~~{Commission}~~ *Division of Tourism* may, if convinced that the recipient is financially unable to do so, provide a grant with less than equal matching money provided by the recipient.

6. Coordinate and assist the programs of travel and tourism of counties, cities, local and regional organizations for travel and tourism, fair and recreation boards and transportation authorities in the State. Local governmental agencies which promote travel and tourism shall coordinate their promotional programs with those of the ~~{Commission}~~ *Division of Tourism*.

7. Encourage cooperation between public agencies and private persons who have an interest in promoting travel and tourism in Nevada.

8. Compile or obtain by contract, keep current and disseminate statistics and other marketing information on travel and tourism in Nevada.

9. Prepare and publish ~~{, with the assistance of the Division of Publications}~~ brochures, travel guides, directories and other materials which promote travel and tourism in Nevada.



*10. Publish or cause to be published a magazine to be known as the Nevada Magazine. The Nevada Magazine must contain materials which educate the general public about this State and thereby foster awareness and appreciation of Nevada's heritage, culture, historical monuments, natural wonders and natural resources.*

2. Section 35 of chapter 479, Statutes of Nevada 2011, at page 2945, is hereby amended to read as follows:

Sec. 35. NRS 233F.045 is hereby amended to read as follows:

233F.045 “Communications ~~{Unit}~~ **Group**” means the Communications ~~{Unit}~~ **Group** of the Communication and Computing ~~{Division}~~ **Unit** of the ~~{Department}~~ **Division**.

3. Section 37 of chapter 479, Statutes of Nevada 2011, at page 2945, is hereby amended to read as follows:

Sec. 37. NRS 233F.065 is hereby amended to read as follows:

233F.065 “Telecommunications ~~{Unit}~~ **Group**” means the Telecommunications ~~{Unit}~~ **Group** of the Communication and Computing ~~{Division}~~ **Unit** of the ~~{Department}~~ **Division**.

4. Section 52 of chapter 479, Statutes of Nevada 2011, at page 2949, is hereby amended to read as follows:

Sec. 52. NRS 242.080 is hereby amended to read as follows:

242.080 1. The **Division of Enterprise Information Technology Services of the** Department ~~{of Information Technology}~~ is hereby created.

2. The ~~{Department}~~ **Division** consists of the ~~{Director}~~ **Administrator** and the:

(a) ~~{Programming—Division}~~ **Enterprise Application Services Unit**.

(b) Communication and Computing ~~{Division}~~ **Unit**.

(c) Office of Information Security.

3. A Communications ~~{Unit}~~ **Group** and a Telecommunications ~~{Unit}~~ **Group** are hereby created within the Communication and Computing ~~{Division}~~ **Unit** of the ~~{Department}~~ **Division**.



5. Chapter 479, Statutes of Nevada 2011, at page 2953, is hereby amended by adding thereto a new section to be designated as sec. 61.5, immediately following sec. 61, to read as follows:

Sec. 61.5. NRS 284.075 is hereby amended to read as follows:

284.075 The ~~{Director}~~ **Administrator:**

~~1. {Must be appointed by, is responsible to and serves at the pleasure of the Governor.~~

~~2. Is in the unclassified service of the State.~~

~~3.~~ Shall not engage in any other gainful employment or occupation.

~~{4.}~~ **2.** Must be selected with special reference to the person's training, experience, capacity and interest in the field of personnel administration. The knowledge and abilities of the person selected as the ~~{Director}~~ **Administrator** should include:

(a) A comprehensive knowledge of the principles and practices of personnel administration.

(b) A working knowledge of job and salary classification methods.

(c) An extensive knowledge of the organization and operations of state departments, agencies and institutions, and of statutes and regulations concerning government personnel.

(d) An extensive knowledge of principles of public organization and administration.

(e) Administrative ability in the direction of staff analyses of government salaries and positions, and in the maintenance of effective working relationships with all state officials concerned with personnel.

(f) Ability to organize and present clearly oral and written reports of findings and recommendations.

~~{5.}~~ **3.** Must have progressively responsible experience in personnel administration in an amount to be determined by the Commission and have been graduated from an accredited 4-year college or university, or have an equivalent combination of experience in personnel administration or training, substituting 2 years of experience for 1 year of training.



6. Chapter 479, Statutes of Nevada 2011, at page 2965, is hereby amended by adding thereto new sections to be designated as secs. 87.3 and 87.5, respectively, immediately following sec. 87, to read as follows:

Sec. 87.3. NRS 341.041 is hereby amended to read as follows:

341.041 1. If ~~†~~ *an appointed* member of the Board fails to attend three successive meetings of the Board, the Board shall provide notice of that fact, in writing, to the appointing authority who appointed that member.

2. The notice must be provided to the appointing authority within 5 days after the third successive meeting that the member fails to attend.

3. Upon receipt of the notice, the appointing authority may appoint a person to replace the member in the same manner as filling a vacancy on the Board.

Sec. 87.5. NRS 341.050 is hereby amended to read as follows:

341.050 1. Each *appointed* member of the Board is entitled to receive a salary of not more than \$80 per day, as fixed by the Board, while engaged in the business of the Board.

2. Except as otherwise provided in this subsection, while engaged in the business of the Board, each member and employee of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowances and travel expenses must be paid from money appropriated for the use of the Board, to the extent such money is available.

7. Section 140 of chapter 479, Statutes of Nevada 2011, at page 2989, is hereby amended to read as follows:

Sec. 140. NRS 231.280, 231.350, 233C.100, **233C.110**, 233F.058, 242.041, 331.040, 331.095, 331.103, 331.104, 331.105, 341.015, 341.149, 378.008, 378.0086 and 378.0089 are hereby repealed.

**Sec. 22.** Section 6 of chapter 483, Statutes of Nevada 2011, at page 3053, is hereby amended to read as follows:

Sec. 6. NRS 386.549 is hereby amended to read as follows:

386.549 1. The governing body of a charter school ~~†~~  
~~—(a) Must†~~ *must* consist of:

~~†(1) At least three teachers, as defined in subsection 5;~~

~~or~~



~~—(2) Two teachers, as defined in subsection 5, and one person~~

*(a) One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing.*

~~(b) One member who previously held a license to teach pursuant to chapter 391 of NRS:~~

*(1) Satisfies the qualifications of paragraph (a); or*

*(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing.* ~~including, without limitation, a retired teacher.~~

~~—(b)~~

*(c) One parent or legal guardian of a pupil enrolled in the charter school who is not a teacher or an administrator at the charter school.*

~~May consist of,~~

*(d) Two members who possess knowledge and experience in one or more of the following areas:*

*(1) Accounting;*

*(2) Financial services;*

*(3) Law; or*

*(4) Human resources.*

*2. In addition to the members who serve pursuant to subsection 1, the governing body of a charter school may include, without limitation, parents and representatives of nonprofit organizations and businesses. Not more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business. A majority of the members of the governing body must reside in this State. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change.*

~~2.]~~ *3. A person may serve on the governing body only if the person submits an affidavit to the Department indicating that the person:*

*(a) Has not been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude.*

*(b) Has read and understands material concerning the roles and responsibilities of members of governing bodies of*



charter schools and other material designed to assist the governing bodies of charter schools, if such material is provided to the person by the Department.

~~{3.}~~ 4. The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

~~{4.}~~ 5. The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which the charter school is located. *Upon an affirmative vote of a majority of the membership of the governing body, each member is entitled to receive a salary of not more than \$80 for attendance at each meeting, as fixed by the governing body, not to exceed payment for more than one meeting per month.*

~~{5.}~~ 6. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS ~~{.}~~ *or who previously held such a license and is retired, as long as his or her license was held in good standing;* and

(b) Has at least 2 years of experience as an employed teacher.

↳ The term does not include a person who is employed as a substitute teacher.

**Sec. 23.** 1. Section 9 of chapter 485, Statutes of Nevada 2011, at page 3071, is hereby amended to read as follows:

Sec. 9. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, registration must close ~~{at 9 p.m.}~~ on the third Tuesday preceding any primary or general election and ~~{at 9 p.m.}~~ on the third Saturday preceding any recall or special election, except that if a recall or special election is held on the same day as a primary or general election, registration must close ~~{at 9 p.m.}~~ on the third Tuesday preceding the day of the elections.

2. ~~{The}~~ *For a primary or special election, the* office of the county clerk must be open ~~{from 9 a.m. to 5 p.m. and from}~~ *until* 7 p.m. ~~{to 9 p.m., including Saturdays,}~~



last 2 days ~~before the close of~~ *on which* registration ~~is~~ *according to the following schedule:*

~~—(a) is open.~~ In a county whose population is less than 100,000, the office of the county clerk ~~must be open during the last day before registration closes.~~

~~—(b) In all other counties, the office of the county clerk must be open during the last 5 days before registration closes.~~ *may close at 5 p.m. during the last 2 days before registration closes if approved by the board of county commissioners.*

3. *For a general election:*

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

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

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

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

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

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

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

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

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

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

~~4~~ 5. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.



~~5.1~~ 6. For the period beginning on the fifth Sunday preceding any primary or general election and ending on the third Tuesday preceding any primary or general election, an elector may register to vote only by appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035.

~~6.1~~ 7. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

2. Section 13 of chapter 485, Statutes of Nevada 2011, at page 3073, is hereby amended to read as follows:

Sec. 13. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, registration must close ~~at 9 p.m.~~ on the third Tuesday preceding any primary city election or general city election and ~~at 9 p.m.~~ on the third Saturday preceding any recall or special election, except that if a recall or special election is held on the same day as a primary city election or general city election, registration must close ~~at 9 p.m.~~ on the third Tuesday preceding the day of the elections.

2. ~~The~~ *For a primary city election or special city election, the* office of the city clerk must be open ~~from 9 a.m. to 5 p.m. and from~~ *until* 7 p.m. ~~to 9 p.m., including Saturdays,~~ during the last 2 days ~~before the close of registration before a primary city election or general city election, according to the following schedule:~~

~~—(a) In a city whose population is less than 25,000, the office of the city clerk must be open during the last 3 days before registration closes.~~

~~—(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 5 days before registration closes.~~ *on which registration is open. In a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. if approved by the governing body of the city.*

3. *For a general election:*

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



*(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which registration is open, according to the following schedule:*

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

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

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

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

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

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

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

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

~~4.~~ 5. For the period beginning on the fifth Sunday preceding any primary city election or general city election and ending on the third Tuesday preceding any primary city election or general city election, an elector may register to vote only by appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520.

~~5.~~ 6. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

**Sec. 24.** 1. Section 54 of chapter 498, Statutes of Nevada 2011, at page 3171, is hereby amended to read as follows:

Sec. 54. NRS 218A.645 is hereby amended to read as follows:

218A.645 1. The per diem ~~expense~~ allowance and the travel and telephone expenses of ~~Senators, Assemblymen and Assemblywomen elected or appointed and~~ *Legislators* in attendance at any *regular or special* session or pre-session orientation conference of the Legislature must be allowed in the manner set forth in this section.



2. For initial travel from the Legislator's home to Carson City, Nevada, to attend a *regular or special* session or pre-session orientation conference of the Legislature, and for return travel from Carson City, Nevada, to the Legislator's home upon adjournment sine die of a *regular or special* session or termination of a pre-session orientation conference, ~~{of the Legislature, each Senator, Assemblyman and Assemblywoman}~~ *each Legislator* is entitled to receive:

(a) A per diem expense allowance, not to exceed the maximum rate established by the Federal Government for the Carson City area, for 1 day's travel to and 1 day's travel from the *regular or special* session or *pre-session orientation* conference.

(b) Travel expenses.

3. In addition to the per diem *allowance* and travel expenses authorized by subsection 2, each ~~{Senator, Assemblyman and Assemblywoman}~~ *Legislator* is entitled to receive a supplemental allowance which must not exceed:

(a) A total of \$10,000 during each regular session ~~{of the Legislature}~~ for:

(1) The Legislator's actual expenses in moving to and from Carson City for the *regular* session;

(2) Travel to and from the Legislator's home or temporary residence or for traveling to and from legislative committee and subcommittee meetings or hearings or for individual travel within the State which relates to legislative business;

(3) If the Legislator rents furniture for the Legislator's temporary residence rather than moving similar furniture from the Legislator's home, the cost of renting that furniture not to exceed the amount that it would have cost to move the furniture to and from the Legislator's home; and

(4) If:

(I) The Legislator's home is more than 50 miles from Carson City; and

(II) The Legislator maintains temporary quarters in or near Carson City for which the Legislator has entered into a lease or other agreement for occupancy during a regular ~~{Legislative}~~ session,

↳ the cost of such additional housing, paid at the end of each month during the ~~{Legislative}~~ *regular* session, beginning the month of the first day of the ~~{Legislative}~~ *regular* session and ending the month of the adjournment sine die of the



~~Legislative~~ *regular* session, in an amount that is the fair market rent for a one bedroom unit in Carson City as published by the United States Department of Housing and Urban Development prorated for the number of days of the month that the Legislator actually maintained the temporary quarters in or near Carson City. For the purposes of this subparagraph, any day before the first day of the ~~Legislative~~ *regular* session or after the day of the adjournment sine die of the ~~Legislative~~ *regular* session may not be counted as a day for which the Legislator actually maintained such temporary quarters; and

(b) A total of \$1,200 during each special session ~~of the Legislature~~ for travel to and from the Legislator's home or temporary residence or for traveling to and from legislative committee and subcommittee meetings or hearings or for individual travel within the State which relates to legislative business.

4. Each ~~Senator, Assemblyman and Assemblywoman~~ *Legislator* is entitled to receive a per diem expense allowance, not to exceed the maximum rate established by the Federal Government for the Carson City area ~~for~~ :

(a) *For* each day that the Legislature is in *regular or special* session or in a pre-session orientation conference ; and ~~for~~

(b) *For* each day that the Legislator attends a meeting of a standing committee of which the Legislator is a member when the Legislature has adjourned for more than 4 days.

5. Each ~~Senator, Assemblyman and Assemblywoman~~ *Legislator* who maintains temporary quarters in or near Carson City for which the Legislator has entered into a lease or other agreement for continuous occupancy for the duration of a ~~Legislative~~ *regular or special* session is entitled to receive a lodging allowance equal to that portion of the expense allowance which the Legislative Commission designates by rule as being allocated to lodging, for not more than 14 days in each period in which:

(a) The Legislature has adjourned until a time certain; and

(b) The ~~Senator, Assemblyman or Assemblywoman~~ *Legislator* is not entitled to a per diem ~~expense~~ allowance pursuant to subsection 4.

6. In addition to the per diem ~~expense~~ allowance authorized by subsection 4 and the lodging allowance authorized by subsection 5, each ~~Senator, Assemblyman and~~



~~Assemblywoman~~ **Legislator** who maintains temporary quarters in or near Carson City for which the Legislator has entered into a lease or other agreement for continuous occupancy for the duration of a ~~legislative~~ **regular or special** session is entitled to receive a lodging allowance equal to that portion of the expense allowance which the Legislative Commission designates by rule as being allocated to lodging, for not more than 17 days in each period in which:

(a) The Legislature has adjourned for more than 4 days; and

(b) The ~~Senator, Assemblyman or Assemblywoman~~ **Legislator** must obtain temporary lodging in a location that a standing committee of which the Legislator is a member is meeting.

7. Each ~~Senator, Assemblyman and Assemblywoman~~ **Legislator** is entitled to receive a lodging allowance equal to that portion of the expense allowance which the Legislative Commission designates by rule as being allocated to lodging, for not more than 6 days in each period in which:

(a) The Legislature has adjourned for more than 4 days; and

(b) The ~~Senator, Assemblyman or Assemblywoman~~ **Legislator** must obtain temporary lodging in a location that a standing committee of which the Legislator is a member is meeting,

↳ if the ~~Senator, Assemblyman or Assemblywoman~~ **Legislator** is not entitled to the per diem ~~expense~~ allowance authorized by subsection 4 or the lodging allowances authorized by subsections 5 and 6.

8. Each ~~Senator, Assemblyman and Assemblywoman~~ **Legislator** is entitled to receive a telephone allowance of ~~not~~ :

(a) **Not** more than \$2,800 for the payment of tolls and charges incurred by the Legislator in the performance of official business during each regular session ; ~~of the Legislature~~ and ~~not~~

(b) **Not** more than \$300 during each special session . ~~of the Legislature.~~

9. An employee of the Legislature assigned to serve a standing committee is entitled to receive the travel expenses and per diem allowance provided for state officers and employees generally if the employee is required to attend a hearing of the committee outside Carson City.



10. Claims for per diem expense allowances authorized by subsection 4 and lodging allowances authorized by subsections 5, 6 and 7 must be paid once each week during a ~~Legislative~~ *regular or special* session and upon completion of a pre-session orientation conference.

11. A claim for travel expenses authorized by subsection 2 or 3 must not be paid unless the ~~Senator, Assemblyman or Assemblywoman~~ *Legislator* submits a signed statement affirming:

(a) The date of the travel; and

(b) The places of departure and arrival and, if the travel is by private conveyance, the actual miles traveled. If the travel is not by private conveyance, the claim must include a receipt or other evidence of the expenditure.

12. Travel expenses authorized by subsections 2 and 3 are limited to:

(a) If the travel is by private conveyance, a rate equal to the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax. If two or more Legislators travel in the same private conveyance, the Legislator who provided or arranged for providing the transportation is presumed entitled to reimbursement.

(b) If the travel is not by private conveyance, the actual amount expended.

↳ Transportation must be by the most economical means, considering total cost, time spent in transit and the availability of state-owned automobiles.

2. Section 64 of chapter 498, Statutes of Nevada 2011, at page 3178, is hereby amended to read as follows:

Sec. 64. NRS 218A.925 is hereby amended to read as follows:

218A.925 1. Either House ~~of the Legislature~~ may imprison for contempt any person who interferes with the legislative process while the Legislature is in a *regular or special* session. Such imprisonment ~~shall~~ *must* not extend beyond the final adjournment of the *regular or special* session.

2. If the contempt is committed before the House, any member *of the House* may offer a resolution that the alleged offender be cited for contempt. If the resolution is adopted ~~by the House, a citation shall issue.~~ *by the House, the House shall issue a citation.*



3. If the contempt is committed before a committee of the House or a joint committee or commission which includes members of the House, during a ~~legislative~~ **regular or special** session, ~~the resolution to cite for contempt may be offered by~~ any member of the House who is a member of the committee or commission ~~it~~ **may offer a resolution that the alleged offender be cited for contempt**, but only if the resolution is first approved by a majority vote of the committee or commission. ~~A citation shall then issue if~~ **If** the resolution is adopted by the House ~~it~~ **, the House shall issue a citation.**

4. The citation ~~shall~~ **must** be served personally on each **alleged** offender named in the resolution ~~it and shall~~ **and must** contain:

(a) A statement of the terms or substance of the offense or offenses which caused the citation to be issued; and

(b) A statement of the time and place of the hearing before the House.

5. The citation may be served by any peace officer or by the Sergeant at Arms or any regularly appointed ~~assistants of the~~ **Assistant** Sergeant at Arms ~~of the House.~~

3. Section 65 of chapter 498, Statutes of Nevada 2011, at page 3178, is hereby amended to read as follows:

Sec. 65. NRS 218A.930 is hereby amended to read as follows:

218A.930 1. The time and place **stated in the citation** for **the** hearing ~~shall allow~~ **must afford** the alleged offender **a** reasonable opportunity to prepare an appropriate defense.

2. The alleged offender is entitled at the hearing:

(a) To the assistance of counsel.

(b) To present witnesses **and offer evidence** on ~~this or her~~ **the alleged offender's** behalf.

(c) To argue orally in person or by counsel, within such reasonable limits as may be imposed by the presiding officer of the House, and to submit written arguments.

**Sec. 25.** 1. Section 29 of chapter 501, Statutes of Nevada 2011, at page 3284, is hereby amended to read as follows:

Sec. 29. (Deleted by amendment.)

2. Section 56 of chapter 501, Statutes of Nevada 2011, at page 3303, is hereby amended to read as follows:

Sec. 56. (Deleted by amendment.)



3. Section 59 of chapter 501, Statutes of Nevada 2011, at page 3304, is hereby amended to read as follows:

Sec. 59. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design a single form 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.283, 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.

2. The form designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each person, committee, political party ~~†~~ and group ~~†and business entity†~~ that is required to file a report described in subsection 1.

4. The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party ~~†~~ or group ~~†or business entity†~~ that is required to use the form.

4. Section 61 of chapter 501, Statutes of Nevada 2011, at page 3305, is hereby amended to read as follows:

Sec. 61. 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 a business entity that wishes to engage in certain political activity pursuant to NRS 294A.377.†~~

4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286; or



5. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283 or 294A.360 and the reporting of contributions received by and expenditures made from a legal defense fund pursuant to NRS 294A.286,

↳ shall furnish the candidate 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, 294A.280, 294A.283 or 294A.360 relating to the making, accepting or reporting of campaign contributions, 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.

5. Section 62 of chapter 501, Statutes of Nevada 2011, at page 3305, is hereby amended to read as follows:

Sec. 62. 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.283 and 294A.286, 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 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 a candidate other than the person.
  - (b) Group of persons ~~for business entity~~ 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 candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

- (b) A committee for political action, political party ~~H~~ or committee sponsored by a political party ~~for business entity~~ which makes an expenditure on behalf of a candidate or group of candidates.

6. The contributions in excess of \$1,000 made to and the expenditures exceeding \$1,000 made by a:

- (a) Person or group of persons organized formally or informally ~~including a business entity~~ who advocates the passage or defeat of a question or group of questions on the ballot and who receives or expends money in an amount in excess of \$10,000 for such advocacy, except as otherwise provided in paragraph (b).

- (b) Person or group of persons organized formally or informally ~~including a business entity~~ who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, including, without limitation, the initiation or circulation thereof, and who receives or expends money in an amount in excess of \$10,000 for such advocacy.

7. The total contributions received by and expenditures made from a legal defense fund.

6. Section 63 of chapter 501, Statutes of Nevada 2011, at page 3306, is hereby amended to read as follows:

- Sec. 63. NRS 294A.420 is hereby amended to read as follows:

- 294A.420 1. If the Secretary of State receives information that a person 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.227,~~ 294A.230, 294A.270, 294A.280, 294A.283, 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 person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of ~~NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.227, 294A.230, 294A.270, 294A.280, 294A.283, 294A.286, 294A.300, 294A.310 or 294A.360~~ *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 person or entity has reported its contributions, 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.



**Sec. 26.** Section 132 of chapter 506, Statutes of Nevada 2011, at page 3424, is hereby amended to read as follows:

Sec. 132. 1. This section and sections 9.5 and 51.9 of this act become effective upon passage and approval.

2. Sections 1 to 9, inclusive, 10 to 51.7, inclusive, 52 to 56, inclusive, and 58 to 131, inclusive, of this act become effective:

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

(b) On October 1, 2011, for all other purposes.

3. Section 57 of this act becomes effective on January 1, 2013.

4. Sections ~~123, 24, 25, 45, 47, 59, 60 and 122~~ **24 and 25** of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↳ are repealed by the Congress of the United States.

**Sec. 27.** 1. Section 1.5 of chapter 530, Statutes of Nevada 2011, at page 3711, is hereby amended to read as follows:

Sec. 1.5. NRS 277.200 is hereby amended to read as follows:

277.200 The Tahoe Regional Planning Compact is as follows:

## **Tahoe Regional Planning Compact**

### **ARTICLE I. Findings and Declarations of Policy**

(a) It is found and declared that:

(1) The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region.



(2) The public and private interests and investments in the region are substantial.

(3) The region exhibits unique environmental and ecological values which are irreplaceable.

(4) By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distribution and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.

(5) Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.

(6) Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural and public health values provided by the Lake Tahoe Basin.

(7) There is a public interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region.

(8) Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the states of California and Nevada, and the Federal Government.

(9) In recognition of the public investment and multistate and national significance of the recreational values, the Federal Government has an interest in the acquisition of recreational property and the management of resources in the region to preserve environmental and recreational values, and the Federal Government should assist the states in fulfilling their responsibilities.

(10) In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region's natural endowment and its man-made environment.

(b) In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities



while providing opportunities for orderly growth and development consistent with such capacities.

(c) The Tahoe Regional Planning Agency shall interpret and administer its plans, ordinances, rules and regulations in accordance with the provisions of this compact.

## ARTICLE II. Definitions

As used in this compact:

(a) "Region," includes Lake Tahoe, the adjacent parts of Douglas and Washoe counties and Carson City, which for the purposes of this compact shall be deemed a county, lying within the Tahoe Basin in the State of Nevada, and the adjacent parts of the Counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside of the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15 North, Range 16 East, M.D.B. & M. The region defined and described herein shall be as precisely delineated on official maps of the agency.

(b) "Agency" means the Tahoe Regional Planning Agency.

(c) "Governing body" means the governing board of the Tahoe Regional Planning Agency.

(d) "Regional plan" means the long-term general plan for the development of the region.

(e) "Planning commission" means the advisory planning commission appointed pursuant to subdivision (h) of Article III.

(f) "Gaming" means to deal, operate, carry on, conduct, maintain or expose for play any banking or percentage game played with cards, dice or any mechanical device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, faro, monte, roulette, keno, bingo, fantan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, stud poker, draw poker or slot machine, but does not include social games played solely for drinks, or cigars or cigarettes



served individually, games played in private homes or residences for prizes or games operated by charitable or educational organizations, to the extent excluded by applicable state law.

(g) "Restricted gaming license" means a license to operate not more than 15 slot machines on which a quarterly fee is charged pursuant to NRS 463.373 and no other games.

(h) "Project" means an activity undertaken by any person, including any public agency, if the activity may substantially affect the land, water, air, space or any other natural resources of the region.

(i) "Environmental threshold carrying capacity" means an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region. Such standards shall include but not be limited to standards for air quality, water quality, soil conservation, vegetation preservation and noise.

(j) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

(k) "Areas open to public use" means all of the areas within a structure housing gaming under a nonrestricted license except areas devoted to the private use of guests.

(l) "Areas devoted to private use of guests" means hotel rooms and hallways to serve hotel room areas, and any parking areas. A hallway serves hotel room areas if more than 50 percent of the areas on each side of the hallway are hotel rooms.

(m) "Nonrestricted license" means a gaming license which is not a restricted gaming license.

### **ARTICLE III. Organization**

(a) There is created the Tahoe Regional Planning Agency as a separate legal entity.

The governing body of the agency shall be constituted as follows:

(1) California delegation:

(A) One member appointed by each of the County Boards of Supervisors of the Counties of El Dorado and Placer and one member appointed by the City Council of the City of



South Lake Tahoe. Any such member may be a member of the county board of supervisors or city council, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) Two members appointed by the Governor of California, one member appointed by the Speaker of the Assembly of California and one member appointed by the Senate Rules Committee of the State of California. The members appointed pursuant to this subparagraph shall not be residents of the region and shall represent the public at large within the State of California.

(2) Nevada delegation:

(A) One member appointed by each of the boards of county commissioners of Douglas and Washoe counties and one member appointed by the board of supervisors of Carson City. Any such member may be a member of the board of county commissioners or board of supervisors, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) One member appointed by the governor of Nevada, the secretary of state of Nevada or his designee, and the director of the state department of conservation and natural resources of Nevada or his designee. Except for the secretary of state and the director of the state department of conservation and natural resources, the members or designees appointed pursuant to this subparagraph shall not be residents of the region. All members appointed pursuant to this subparagraph shall represent the public at large within the State of Nevada.

(C) One member appointed for a 1-year term by the six other members of the Nevada delegation. If at least four members of the Nevada delegation are unable to agree upon the selection of a seventh member within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body for that state the governor of the State of Nevada shall make such an appointment. The member appointed pursuant to this subparagraph may, but is not required to, be a resident of the region within the State of Nevada.

(3) If any appointing authority under paragraph (1)(A), (1)(B), (2)(A) or (2)(B) fails to make such an appointment within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing



body, the governor of the state in which the appointing authority is located shall make the appointment. The term of any member so appointed shall be 1 year.

(4) The position of any member of the governing body shall be deemed vacant if such a member is absent from three consecutive meetings of the governing body in any calendar year.

(5) Each member and employee of the agency shall disclose his economic interests in the region within 10 days after taking his seat on the governing board or being employed by the agency and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. As used in this paragraph, "economic interests" means:

(A) Any business entity operating in the region in which the member or employee has a direct or indirect investment worth more than \$1,000;

(B) Any real property located in the region in which the member or employee has a direct or indirect interest worth more than \$1,000;

(C) Any source of income attributable to activities in the region, other than loans by or deposits with a commercial lending institution in the regular course of business, aggregating \$250 or more in value received by or promised to the member within the preceding 12 months; or

(D) Any business entity operating in the region in which the member or employee is a director, officer, partner, trustee, employee or holds any position of management.

↪ No member or employee of the agency shall make, or attempt to influence, an agency decision in which he knows or has reason to know he has an economic interest. Members and employees of the agency must disqualify themselves from making or participating in the making of any decision of the agency when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the economic interests of the member or employee.

(b) The members of the agency shall serve without compensation, but the expenses of each member shall be met by the body which he represents in accordance with the law of that body. All other expenses incurred by the governing body in the course of exercising the powers conferred upon it



by this compact unless met in some other manner specifically provided, shall be paid by the agency out of its own funds.

(c) Except for the secretary of state and director of the state department of conservation and natural resources of Nevada and the member appointed pursuant to subdivision (a)(2)(C), the members of the governing body serve at the pleasure of the appointing authority in each case, but each appointment shall be reviewed no less often than every 4 years. Members may be reappointed.

(d) The governing body of the agency shall meet at least monthly. All meetings shall be open to the public to the extent required by the law of the State of California or the State of Nevada, whichever imposes the greater requirement, applicable to local governments at the time such meeting is held. The governing body shall fix a date for its regular monthly meeting in such terms as "the first Monday of each month," and shall not change such date more often than once in any calendar year. Notice of the date so fixed shall be given by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region. Notice of any special meeting, except an emergency meeting, shall be given by so publishing the date and place and posting an agenda at least 5 days prior to the meeting.

(e) The position of a member of the governing body shall be considered vacated upon his loss of any of the qualifications required for his appointment and in such event the appointing authority shall appoint a successor.

(f) The governing body shall elect from its own members a chairman and vice chairman, whose terms of office shall be 2 years, and who may be reelected. If a vacancy occurs in either office, the governing body may fill such vacancy for the unexpired term.

(g) Four of the members of the governing body from each state constitute a quorum for the transaction of the business of the agency. The voting procedures shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, ~~the vote of~~ at least ~~four of the~~ **nine** members of ~~each state agreeing with the vote of at least four members of the other state shall be~~



~~required~~ *the governing body must agree* to take action. If ~~[there is no vote of at least four of the members from one state agreeing with the vote of at least four of the members of the other state on the actions specified in this paragraph,]~~ *at least nine votes in favor of such action are not cast*, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least ~~five~~ *four* members from the state in which the project is located and the affirmative vote of at least nine members of the *entire* governing body are required. If at least ~~five~~ *four* members of the governing body from the state in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

↳ Whenever under the provisions of this compact or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any project, public or private, the agency shall take final action by vote, whether to approve, to require modification or to reject such project, within 180 days after the application for such project is accepted as complete by the agency in compliance with the agency's rules and regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If a final action by vote does not take place within 180 days, the applicant may bring an action in a court of competent jurisdiction to compel a vote unless he has agreed to an extension. This provision does not limit the right of any person to obtain judicial review of agency action under subdivision (h) of Article VI. The vote of each member of the governing body shall be individually recorded. The governing body shall adopt its own rules, regulations and procedures.

(h) An advisory planning commission shall be appointed by the agency. The commission shall include: the chief



planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of Douglas County, Washoe County and Carson City in Nevada, the executive officer of the Lahontan Regional Water Quality Control Board of the State of California, the executive officer of the Air Resources Board of the State of California, the director of the state department of conservation and natural resources of the State of Nevada, the administrator of the division of environmental protection in the state department of conservation and natural resources of the State of Nevada, the administrator of the Lake Tahoe Management Unit of the United States Forest Service, and at least four lay members with an equal number from each state, at least half of whom shall be residents of the region. Any official member may designate an alternate.

The term of office of each lay member of the advisory planning commission shall be 2 years. Members may be reappointed.

The position of each member of the advisory planning commission shall be considered vacated upon loss of any of the qualifications required for appointment, and in such an event the appointing authority shall appoint a successor.

The advisory planning commission shall elect from its own members a chairman and a vice chairman, whose terms of office shall be 2 years and who may be reelected. If a vacancy occurs in either office, the advisory planning commission shall fill such vacancy for the unexpired term.

A majority of the members of the advisory planning commission constitutes a quorum for the transaction of the business of the commission. A majority vote of the quorum present shall be required to take action with respect to any matter.

(i) The agency shall establish and maintain an office within the region, and for this purpose the agency may rent or own property and equipment. Every plan, ordinance and other record of the agency which is of such nature as to constitute a public record under the law of either the State of California or the State of Nevada shall be open to inspection and copying during regular office hours.

(j) Each authority charged under this compact or by the law of either state with the duty of appointing a member of the governing body of the agency shall by certified copy of its



resolution or other action notify the Secretary of State of its own state of the action taken.

#### **ARTICLE IV. Personnel**

(a) The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff and legal counsel as may be necessary to execute the powers and functions provided for under this compact or in accordance with any intergovernmental contracts or agreements the agency may be responsible for administering.

(b) Agency personnel standards and regulations shall conform insofar as possible to the regulations and procedures of the civil service of the State of California or the State of Nevada, as may be determined by the governing body of the agency; and shall be regional and bistate in application and effect; provided that the governing body may, for administrative convenience and at its discretion, assign the administration of designated personnel arrangements to an agency of either state, and provided that administratively convenient adjustments be made in the standards and regulations governing personnel assigned under intergovernmental agreements.

(c) The agency may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the agency terms and conditions of employment similar to those enjoyed by employees of California and Nevada generally.

#### **ARTICLE V. Planning**

(a) In preparing each of the plans required by this article and each amendment thereto, if any, subsequent to its adoption, the planning commission after due notice shall hold at least one public hearing which may be continued from time to time, and shall review the testimony and any written recommendations presented at such hearing before recommending the plan or amendment. The notice required by this subdivision shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general



throughout the region and in each county a portion of whose territory lies within the region.

The planning commission shall then recommend such plan or amendment to the governing body for adoption by ordinance. The governing body may adopt, modify or reject the proposed plan or amendment, or may initiate and adopt a plan or amendment without referring it to the planning commission. If the governing body initiates or substantially modifies a plan or amendment, it shall hold at least one public hearing thereon after due notice as required in this subdivision.

If a request is made for the amendment of the regional plan by:

(1) A political subdivision a part of whose territory would be affected by such amendment; or

(2) The owner or lessee of real property which would be affected by such amendment,

↳ the governing body shall complete its action on such amendment within 180 days after such request is accepted as complete according to standards which must be prescribed by ordinance of the agency.

(b) The agency shall develop, in cooperation with the states of California and Nevada, environmental threshold carrying capacities for the region. The agency should request the President's Council on Environmental Quality, the United States Forest Service and other appropriate agencies to assist in developing such environmental threshold carrying capacities. Within 18 months after the effective date of the amendments to this compact, the agency shall adopt environmental threshold carrying capacities for the region.

(c) Within 1 year after the adoption of the environmental threshold carrying capacities for the region, the agency shall amend the regional plan so that, at a minimum, the plan and all of its elements, as implemented through agency ordinances, rules and regulations, achieves and maintains the adopted environmental threshold carrying capacities. Each element of the plan shall contain implementation provisions and time schedules for such implementation by ordinance. The planning commission and governing body shall continuously review and maintain the regional plan ***and, in so doing, shall ensure that the regional plan reflects changing economic conditions and the economic effect of regulation on commerce.*** The regional plan shall consist of a



diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan.

The regional plan shall be a single enforceable plan and includes all of the following correlated elements:

(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to an indication or allocation of maximum population densities and permitted uses.

(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to parkways, highways, transportation facilities, transit routes, waterways, navigation facilities, public transportation facilities, bicycle facilities, and appurtenant terminals and facilities for the movement of people and goods within the region. The goal of transportation planning shall be:

(A) To reduce dependency on the automobile by making more effective use of existing transportation modes and of public transit to move people and goods within the region; and

(B) To reduce to the extent feasible air pollution which is caused by motor vehicles.

↳ Where increases in capacity are required, the agency shall give preference to providing such capacity through public transportation and public programs and projects related to transportation. The agency shall review and consider all existing transportation plans in preparing its regional transportation plan pursuant to this paragraph.

The plan shall provide for an appropriate transit system for the region.

The plan shall give consideration to:

(A) Completion of the Loop Road in the states of Nevada and California;

(B) Utilization of a light rail mass transit system in the South Shore area; and

(C) Utilization of a transit terminal in the Kingsbury Grade area.



↳ Until the regional plan is revised, or a new transportation plan is adopted in accordance with this paragraph, the agency has no effective transportation plan.

(3) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the basin, including but not limited to, soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.

(4) A recreation plan for the development, utilization, and management of the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas, areas for skiing and other recreational facilities.

(5) A public services and facilities plan for the general location, scale and provision of public services and facilities, which, by the nature of their function, size, extent and other characteristics are necessary or appropriate for inclusion in the regional plan.

In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the state, federal and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region.

(d) The regional plan shall provide for attaining and maintaining federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.

The agency may, however, adopt air or water quality standards or control measures more stringent than the applicable state implementation plan or the applicable federal, state, or local standards for the region, if it finds that such additional standards or control measures are necessary to achieve the purposes of this compact. Each element of the regional plan, where applicable, shall, by ordinance, identify the means and time schedule by which air and water quality standards will be attained.

(e) Except for the Regional Transportation Plan of the California Tahoe Regional Planning Agency, the regional



plan, ordinances, rules and regulations adopted by the California Tahoe Regional Planning Agency in effect on July 1, 1980, shall be the regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency for that portion of the Tahoe region located in the State of California. Such plan, ordinance, rule or regulation may be amended or repealed by the governing body of the agency. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency's plans, ordinances, rules and regulations referred to in this subdivision shall continue to be applicable unless amended or repealed by the governing body of the agency. No provision of the regional plan, ordinances, rules and regulations of the California Tahoe Regional Planning Agency referred to in this subdivision shall apply to that portion of the region within the State of Nevada, unless such provision is adopted for the Nevada portion of the region by the governing body of the agency.

(f) The regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency apply to that portion of the region within the State of Nevada.

(g) The agency shall adopt ordinances prescribing specific written findings that the agency must make prior to approving any project in the region. These findings shall relate to environmental protection and shall insure that the project under review will not adversely affect implementation of the regional plan and will not cause the adopted environmental threshold carrying capacities of the region to be exceeded.

(h) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan, in a form suitable to assure a consistent view of developmental trends and other relevant information for the availability of and use by other agencies of government and by private organizations and individuals concerned.

(i) Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdictions located outside the region, but contiguous to its boundaries. In formulating and implementing the regional plan, the agency shall seek the cooperation and consider the recommendations of counties



and cities and other agencies of local government, of state and federal agencies, of educational institutions and research organizations, whether public or private, and of civic groups and private persons.

#### **ARTICLE VI. Agency's Powers**

(a) The governing body shall adopt all necessary ordinances, rules, and regulations to effectuate the adopted regional plan. Except as otherwise provided in this compact, every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the region. Any political subdivision or public agency may adopt and enforce an equal or higher requirement applicable to the same subject of regulation in its territory. The regulations of the agency shall contain standards including but not limited to the following: water purity and clarity; subdivision; zoning; tree removal; solid waste disposal; sewage disposal; land fills, excavations, cuts and grading; piers, harbors, breakwaters or channels and other shoreline developments; waste disposal in shoreline areas; waste disposal from boats; mobile-home parks; house relocation; outdoor advertising; floodplain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible without diminishing the effectiveness of the regional plan, the ordinances, rules, regulations and policies shall be confined to matters which are general and regional in application, leaving to the jurisdiction of the respective states, counties and cities the enactment of specific and local ordinances, rules, regulations and policies which conform to the regional plan.

The agency shall prescribe by ordinance those activities which it has determined will not have substantial effect on the land, water, air, space or any other natural resources in the region and therefore will be exempt from its review and approval.

Every ordinance adopted by the agency shall be published at least once by title in a newspaper or combination of newspapers whose circulation is general throughout the region. Except an ordinance adopting or amending the regional plan, no ordinance shall become effective until 60 days after its adoption. Immediately after its adoption, a copy of each ordinance shall be transmitted to the governing body



of each political subdivision having territory within the region.

(b) No project other than those to be reviewed and approved under the special provisions of subdivisions (d), (e), (f) and (g) may be developed in the region without obtaining the review and approval of the agency and no project may be approved unless it is found to comply with the regional plan and with the ordinances, rules and regulations enacted pursuant to subdivision (a) to effectuate that plan.

The agency may approve a project in the region only after making the written findings required by this subdivision or subdivision (g) of Article V. Such findings shall be based on substantial evidence in the record.

Before adoption by the agency of the ordinances required in subdivision (g) of Article V, the agency may approve a project in the region only after making written findings on the basis of substantial evidence in the record that the project is consistent with the regional plan then in effect and with applicable plans, ordinances, regulations, and standards of federal and state agencies relating to the protection, maintenance and enhancement of environmental quality in the region.

(c) The legislatures of the states of California and Nevada find that in order to make effective the regional plan as revised by the agency, it is necessary to halt temporarily works of development in the region which might otherwise absorb the entire capability of the region for further development or direct it out of harmony with the ultimate plan. Subject to the limitation provided in this subdivision, from the effective date of the amendments to this compact until the regional plan is amended pursuant to subdivision (c) of Article V, or until May 1, 1983, whichever is earlier:

(1) Except as otherwise provided in this paragraph, no new subdivision, planned unit development, or condominium project may be approved unless a complete tentative map or plan has been approved before the effective date of the amendments to this compact by all agencies having jurisdiction. The subdivision of land owned by a general improvement district, which existed and owned the land before the effective date of the amendments to this compact, may be approved if subdivision of the land is necessary to avoid insolvency of the district.



(2) Except as provided in paragraph (3), no apartment building may be erected unless the required permits for such building have been secured from all agencies having jurisdiction, prior to the effective date of the amendments to this compact.

(3) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize the construction of a greater number of new residential units within the region than were authorized within the region by building permits issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third of that number may be issued by each such city or county. For purposes of this paragraph a "residential unit" means either a single family residence or an individual residential unit within a larger building, such as an apartment building, a duplex or a condominium.

The legislatures find the respective numbers of residential units authorized within the region during the calendar year 1978 to be as follows:

|  |     |
|--|-----|
| 1. City of South Lake Tahoe and El Dorado County (combined)..... | 252 |
| 2. Placer County.....  | 278 |
| 3. Carson City.....  | -0- |
| 4. Douglas County.....   | 339 |
| 5. Washoe County.....  | 739 |

(4) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize construction of a greater square footage of new commercial buildings within the region than were authorized within the region by building permits for commercial purposes issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third the amount of that square footage may be issued by each such city or county.

The legislatures find the respective square footages of commercial buildings authorized within the region during calendar year 1978 to be as follows:



|  |        |
|--|--------|
| 1. City of South Lake Tahoe and El Dorado County (combined)..... | 64,324 |
| 2. Placer County.....  | 23,000 |
| 3. Carson City.....  | -0-    |
| 4. Douglas County.....   | 57,354 |
| 5. Washoe County.....  | 50,600 |

(5) No structure may be erected to house gaming under a nonrestricted license.

(6) No facility for the treatment of sewage may be constructed or enlarged except:

(A) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the Clean Water Act, 33 U.S.C. §§ 1251 et seq., and the applicable state law for control of water pollution;

(B) To accommodate development which is not prohibited or limited by this subdivision; or

(C) In the case of Douglas County Sewer District # 1, to modify or otherwise alter sewage treatment facilities existing on the effective date of the amendments to this compact so that such facilities will be able to treat the total volume of effluent for which they were originally designed, which is 3.0 million gallons per day. Such modification or alteration is not a "project"; is not subject to the requirements of Article VII; and does not require a permit from the agency. Before commencing such modification or alteration, however, the district shall submit to the agency its report identifying any significant soil erosion problems which may be caused by such modifications or alterations and the measures which the district proposes to take to mitigate or avoid such problems.

The moratorium imposed by this subdivision does not apply to work done pursuant to a right vested before the effective date of the amendments to this compact. Notwithstanding the expiration date of the moratorium imposed by this subdivision, no new highway may be built or existing highway widened to accommodate additional continuous lanes for automobiles until the regional transportation plan is revised and adopted.

The moratorium imposed by this subdivision does not apply to the construction of any parking garage which has been approved by the agency prior to May 4, 1979, whether that approval was affirmative or by default. The provisions of this paragraph are not an expression of legislative intent that



any such parking garage, the approval of which is the subject of litigation which was pending on the effective date of the amendments to this compact, should or should not be constructed. The provisions of this paragraph are intended solely to permit construction of such a parking garage if a judgment sustaining the agency's approval to construct that parking garage has become final and no appeal is pending or may lawfully be taken to a higher court.

(d) Subject to the final order of any court of competent jurisdiction entered in litigation contesting the validity of an approval by the Tahoe Regional Planning Agency, whether that approval was affirmative or by default, if that litigation was pending on May 4, 1979, the agency and the states of California and Nevada shall recognize as a permitted and conforming use:

(1) Every structure housing gaming under a nonrestricted license which existed as a licensed gaming establishment on May 4, 1979, or whose construction was approved by the Tahoe Regional Planning Agency affirmatively or deemed approved before that date. The construction or use of any structure to house gaming under a nonrestricted license not so existing or approved, or the enlargement in cubic volume of any such existing or approved structure is prohibited.

(2) Every other nonrestricted gaming establishment whose use was seasonal and whose license was issued before May 4, 1979, for the same season and for the number and type of games and slot machines on which taxes or fees were paid in the calendar year 1978.

(3) Gaming conducted pursuant to a restricted gaming license issued before May 4, 1979, to the extent permitted by that license on that date.

↳ The area within any structure housing gaming under a nonrestricted license which may be open to public use (as distinct from that devoted to the private use of guests and exclusive of any parking area) is limited to the area existing or approved for public use on May 4, 1979. Within these limits, any external modification of the structure which requires a permit from a local government also requires approval from the agency. The agency shall not permit restaurants, convention facilities, showrooms or other public areas to be constructed elsewhere in the region outside the structure in order to replace areas existing or approved for public use on May 4, 1979.



(e) Any structure housing licensed gaming may be rebuilt or replaced to a size not to exceed the cubic volume, height and land coverage existing or approved on May 4, 1979, without the review or approval of the agency or any planning or regulatory authority of the State of Nevada whose review or approval would be required for a new structure.

(f) The following provisions apply to any internal or external modification, remodeling, change in use, or repair of a structure housing gaming under a nonrestricted license which is not prohibited by Article VI (d):

(1) The agency's review of an external modification of the structure which requires a permit from a local government is limited to determining whether the external modification will do any of the following:

(A) Enlarge the cubic volume of the structure;

(B) Increase the total square footage of area open to or approved for public use on May 4, 1979;

(C) Convert an area devoted to the private use of guests to an area open to public use;

(D) Increase the public area open to public use which is used for gaming beyond the limits contained in paragraph (3); and

(E) Conflict with or be subject to the provisions of any of the agency's ordinances that are generally applicable throughout the region.

↳ The agency shall make this determination within 60 days after the proposal is delivered to the agency in compliance with the agency's rules or regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If an external modification is determined to have any of the effects enumerated in subparagraphs (A) through (C), it is prohibited. If an external modification is determined to have any of the effects enumerated in subparagraph (D) or (E), it is subject to the applicable provisions of this compact. If an external modification is determined to have no such effect, it is not subject to the provisions of this compact.

(2) Except as provided in paragraph (3), internal modification, remodeling, change in use or repair of a structure housing gaming under a nonrestricted license is not a project and does not require the review or approval of the agency.



(3) Internal modification, remodeling, change in use or repair of areas open to public use within a structure housing gaming under a nonrestricted license which alone or in combination with any other such modification, remodeling, change in use or repair will increase the total portion of those areas which is actually used for gaming by more than the product of the total base area, as defined below, in square feet existing on or approved before August 4, 1980, multiplied by 15 percent constitutes a project and is subject to all of the provisions of this compact relating to projects. For purposes of this paragraph and the determination required by Article VI (g), base area means all of the area within a structure housing gaming under a nonrestricted license which may be open to public use, whether or not gaming is actually conducted or carried on in that area, except retail stores, convention centers and meeting rooms, administrative offices, kitchens, maintenance and storage areas, rest rooms, engineering and mechanical rooms, accounting rooms and counting rooms.

(g) In order to administer and enforce the provisions of paragraphs (d), (e) and (f) the State of Nevada, through its appropriate planning or regulatory agency, shall require the owner or licensee of a structure housing gaming under a nonrestricted license to provide:

(1) Documents containing sufficient information for the Nevada agency to establish the following relative to the structure:

- (A) The location of its external walls;
- (B) Its total cubic volume;
- (C) Within its external walls, the area in square feet open or approved for public use and the area in square feet devoted to or approved for the private use of guests on May 4, 1979;
- (D) The amount of surface area of land under the structure; and
- (E) The base area as defined in paragraph (f)(3) in square feet existing on or approved before August 4, 1980.

(2) An informational report whenever any internal modification, remodeling, change in use, or repair will increase the total portion of the areas open to public use which is used for gaming.

The Nevada agency shall transmit this information to the Tahoe Regional Planning Agency.



(h) Gaming conducted pursuant to a restricted gaming license is exempt from review by the agency if it is incidental to the primary use of the premises.

(i) The provisions of subdivisions (d) and (e) are intended only to limit gaming and related activities as conducted within a gaming establishment, or construction designed to permit the enlargement of such activities, and not to limit any other use of property zoned for commercial use or the accommodation of tourists, as approved by the agency.

(j) Legal actions arising out of or alleging a violation of the provisions of this compact, of the regional plan or of an ordinance or regulation of the agency or of a permit or a condition of a permit issued by the agency are governed by the following provisions:

(1) This subdivision applies to:

(A) Actions arising out of activities directly undertaken by the agency.

(B) Actions arising out of the issuance to a person of a lease, permit, license or other entitlement for use by the agency.

(C) Actions arising out of any other act or failure to act by any person or public agency.

↳ Such legal actions may be filed and the provisions of this subdivision apply equally in the appropriate courts of California and Nevada and of the United States.

(2) Venue lies:

(A) If a civil or criminal action challenges an activity by the agency or any person which is undertaken or to be undertaken upon a parcel of real property, in the state or federal judicial district where the real property is situated.

(B) If an action challenges an activity which does not involve a specific parcel of land (such as an action challenging an ordinance of the agency), in any state or federal court having jurisdiction within the region.

(3) Any aggrieved person may file an action in an appropriate court of the State of California or Nevada or of the United States alleging noncompliance with the provisions of this compact or with an ordinance or regulation of the agency. In the case of governmental agencies, "aggrieved person" means the Tahoe Regional Planning Agency or any state, federal or local agency. In the case of any person other than a governmental agency who challenges an action of the Tahoe Regional Planning Agency, "aggrieved person" means



any person who has appeared, either in person, through an authorized representative, or in writing, before the agency at an appropriate administrative hearing to register objection to the action which is being challenged, or who had good cause for not making such an appearance.

(4) A legal action arising out of the adoption or amendment of the regional plan or of any ordinance or regulation of the agency, or out of the granting or denial of any permit, shall be commenced within 60 days after final action by the agency. All other legal actions shall be commenced within 65 days after discovery of the cause of action.

(5) In any legal action filed pursuant to this subdivision which challenges an adjudicatory act or decision of the agency to approve or disapprove a project, the scope of judicial inquiry shall extend only to whether there was prejudicial abuse of discretion. Prejudicial abuse of discretion is established if the agency has not proceeded in a manner required by law or if the act or decision of the agency was not supported by substantial evidence in light of the whole record. In making such a determination the court shall not exercise its independent judgment on evidence but shall only determine whether the act or decision was supported by substantial evidence in light of the whole record. In any legal action filed pursuant to this subdivision which challenges a legislative act or decision of the agency (such as the adoption of the regional plan and the enactment of implementing ordinances), the scope of the judicial inquiry shall extend only to the questions of whether the act or decision has been arbitrary, capricious or lacking substantial evidentiary support or whether the agency has failed to proceed in a manner required by law. *In addition, there is a rebuttable presumption that a regional plan adopted, amended, formulated or maintained pursuant to this compact is in conformance with the requirements applicable to this compact, and a party challenging the regional plan has the burden of showing that it is not in conformance with the requirements applicable to this compact.*

(6) The provisions of this subdivision do not apply to any legal proceeding pending on the date when this subdivision becomes effective. Any such legal proceeding shall be conducted and concluded under the provisions of law which were applicable prior to the effective date of this subdivision.



(7) The security required for the issuance of a temporary restraining order or preliminary injunction based upon an alleged violation of this compact or any ordinance, plan, rule or regulation adopted pursuant thereto is governed by the rule or statute applicable to the court in which the action is brought, unless the action is brought by a public agency or political subdivision to enforce its own rules, regulations and ordinances in which case no security shall be required.

(k) The agency shall monitor activities in the region and may bring enforcement actions in the region to ensure compliance with the regional plan and adopted ordinances, rules, regulations and policies. If it is found that the regional plan, or ordinances, rules, regulations and policies are not being enforced by a local jurisdiction, the agency may bring action in a court of competent jurisdiction to ensure compliance.

(l) Any person who violates any provision of this compact or of any ordinance or regulation of the agency or of any condition of approval imposed by the agency is subject to a civil penalty not to exceed \$5,000. Any such person is subject to an additional civil penalty not to exceed \$5,000 per day, for each day on which such a violation persists. In imposing the penalties authorized by this subdivision, the court shall consider the nature of the violation and shall impose a greater penalty if it was willful or resulted from gross negligence than if it resulted from inadvertence or simple negligence.

(m) The agency is hereby empowered to initiate, negotiate and participate in contracts and agreements among the local governmental authorities of the region, or any other intergovernmental contracts or agreements authorized by state or federal law.

(n) Each intergovernmental contract or agreement shall provide for its own funding and staffing, but this shall not preclude financial contributions from the local authorities concerned or from supplementary sources.

(o) Every record of the agency, whether public or not, shall be open for examination to the Legislature and Controller of the State of California and the legislative auditor of the State of Nevada.

(p) Approval by the agency of any project expires 3 years after the date of final action by the agency or the effective date of the amendments to this compact, whichever is later, unless construction is begun within that time and diligently



pursued thereafter, or the use or activity has commenced. In computing the 3-year period any period of time during which the project is the subject of a legal action which delays or renders impossible the diligent pursuit of that project shall not be counted. Any license, permit or certificate issued by the agency which has an expiration date shall be extended by that period of time during which the project is the subject of such legal action as provided in this subdivision.

(q) The governing body shall maintain a current list of real property known to be available for exchange with the United States or with other owners of real property in order to facilitate exchanges of real property by owners of real property in the region.

#### **ARTICLE VII. Environmental Impact Statements**

(a) The Tahoe Regional Planning Agency when acting upon matters that have a significant effect on the environment shall:

(1) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment;

(2) Prepare and consider a detailed environmental impact statement before deciding to approve or carry out any project. The detailed environmental impact statement shall include the following:

(A) The significant environmental impacts of the proposed project;

(B) Any significant adverse environmental effects which cannot be avoided should the project be implemented;

(C) Alternatives to the proposed project;

(D) Mitigation measures which must be implemented to assure meeting standards of the region;

(E) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

(F) Any significant irreversible and irretrievable commitments of resources which would be involved in the proposed project should it be implemented; and

(G) The growth-inducing impact of the proposed project;



(3) Study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources;

(4) Make available to states, counties, municipalities, institutions and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the region's environment; and

(5) Initiate and utilize ecological information in the planning and development of resource-oriented projects.

(b) Prior to completing an environmental impact statement, the agency shall consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes. The public shall be consulted during the environmental impact statement process and views shall be solicited during a public comment period not to be less than 60 days.

(c) Any environmental impact statement required pursuant to this article need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the public, such as information contained in an environmental impact report prepared pursuant to the California Environmental Quality Act or a federal environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. However, such information or data shall be briefly described in the environmental impact statement and its relationship to the environmental impact statement shall be indicated.

In addition, any person may submit information relative to a proposed project which may be included, in whole or in part, in any environmental impact statement required by this article.

(d) In addition to the written findings specified by agency ordinance to implement the regional plan, the agency shall make either of the following written findings before



approving a project for which an environmental impact statement was prepared:

(1) Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level; or

(2) Specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the environmental impact statement on the project.

↳ A separate written finding shall be made for each significant effect identified in the environmental impact statement on the project. All written findings must be supported by substantial evidence in the record.

(e) The agency may charge and collect a reasonable fee from any person proposing a project subject to the provisions of this compact in order to recover the estimated costs incurred by the agency in preparing an environmental impact statement under this article.

(f) The agency shall adopt by ordinance a list of classes of projects which the agency has determined will not have a significant effect on the environment and therefore will be exempt from the requirement for the preparation of an environmental impact statement under this article. Prior to adopting the list, the agency shall make a written finding supported by substantial evidence in the record that each class of projects will not have a significant effect on the environment.

#### **ARTICLE VIII. Finances**

(a) On or before September 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The agency shall apportion \$75,000 of this amount among the counties within the region on the same ratio to the total sum required as the full cash valuation of taxable property within the region in each county bears to the total full cash valuation of taxable property within the region. In addition, each county within the region in California shall pay \$18,750 to the agency and each county within the region in Nevada, including Carson City, shall pay \$12,500 to the agency, from any funds



available therefor. The State of California and the State of Nevada may pay to the agency by July 1 of each year any additional sums necessary to support the operations of the agency pursuant to this compact. If additional funds are required, the agency shall make a request for the funds to the states of California and Nevada. Requests for state funds must be apportioned two-thirds from California and one-third from Nevada. Money appropriated shall be paid within 30 days.

(b) The agency may fix and collect reasonable fees for any services rendered by it.

(c) The agency shall submit an itemized budget to the states for review with any request for state funds, shall be strictly accountable to any county in the region and the states for all funds paid by them to the agency and shall be strictly accountable to all participating bodies for all receipts and disbursement.

(d) The agency is authorized to receive gifts, donations, subventions, grants, and other financial aids and funds; but the agency may not own land except as provided in subdivision (i) of Article III.

(e) The agency shall not obligate itself beyond the moneys due under this article for its support from the several counties and the states for the current fiscal year, plus any moneys on hand or irrevocably pledged to its support from other sources. No obligation contracted by the agency shall bind either of the party states or any political subdivision thereof.

#### **ARTICLE IX. Transportation District**

(a) The Tahoe transportation district is hereby established as a special purpose district. The boundaries of the district are coterminous with those of the region.

(b) The business of the district shall be managed by a board of directors consisting of:

(1) One member of the county board of supervisors of each of the counties of El Dorado and Placer;

(2) One member of the city council of the City of South Lake Tahoe;

(3) One member each of the board of county commissioners of Douglas County and of Washoe County;

(4) One member of the board of supervisors of Carson City;



(5) The director of the California Department of Transportation; and

(6) The director of the department of transportation of the State of Nevada.

↳ Any director may designate an alternate.

(c) The vote of at least five of the directors must agree to take action. If at least five votes in favor of an action are not cast, an action of rejection shall be deemed to have been taken.

(d) The Tahoe transportation district may in accordance with the adopted transportation plan:

(1) Own and operate a public transportation system to the exclusion of all other publicly owned transportation systems in the region.

(2) Acquire upon mutually agreeable terms any public transportation system or facility owned by a county, city or special purpose district within the region.

(3) Hire the employees of existing public transportation systems that are acquired by the district without loss of benefits to the employees, bargain collectively with employee organizations, and extend pension and other collateral benefits to employees.

(4) Fix the rates and charges for transit services provided pursuant to this subdivision.

(5) Issue revenue bonds and other evidence of indebtedness.

(6) By resolution, determine and propose for adoption a tax for the purpose of obtaining services of the district. The tax proposed must be general and of uniform operation throughout the region, and may not be graduated in any way. The district is prohibited from imposing an ad valorem tax, a tax measured by gross or net receipts on business, a tax or charge that is assessed against people or vehicles as they enter or leave the region, and any tax, direct or indirect, on gaming tables and devices. Any such proposition must be submitted to the voters of the district and shall become effective upon approval of two-thirds of the voters voting on the proposition. The revenues from any such tax must be used for the service for which it was imposed, and for no other purpose.

(7) Provide service from inside the region to convenient airport, railroad and interstate bus terminals without regard to the boundaries of the region.



(e) The legislatures of the states of California and Nevada may, by substantively identical enactments, amend this article.

#### ARTICLE X. Miscellaneous

(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. Except as provided in subdivision (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

(b) The agency shall have such additional powers and duties as may hereafter be delegated or imposed upon it from time to time by the action of the Legislature of either state concurred in by the Legislature of the other.

(c) A state party to this compact may withdraw therefrom by enacting a statute repealing the compact. Notice of withdrawal shall be communicated officially and in writing to the Governor of the other state and to the agency administrators. This provision is not severable, and if it is held to be unconstitutional or invalid, no other provision of this compact shall be binding upon the State of Nevada or the State of California.

(d) No provision of this compact shall have any effect upon the allocation, distribution or storage of interstate waters or upon any appropriate water right.

2. Section 18 of chapter 530, Statutes of Nevada 2011, at page 3740, is hereby amended to read as follows:

Sec. 18. 1. NRS 244.153, 266.263, 267.123, 268.099, 269.123, 277.190, 277.200, 277.210, 277.215, 278.025, 278.826, 309.385 and 318.103 are hereby repealed.

2. Sections 1 and 2 of chapter 442, Statutes of Nevada 1985, at pages 1257 and 1258, respectively, and *sections 2*



*and 3 of chapter 311, Statutes of Nevada 1997, at pages 1147 and 1169, respectively,* are hereby repealed.

3. NRS 277.220 is repealed effective upon:

(a) Payment of all of the outstanding obligations of the Account for the Tahoe Regional Planning Agency created by NRS 277.220; and

(b) Transfer of the remaining balance, if any, in the Account for the Tahoe Regional Planning Agency to the Account for the Nevada Tahoe Regional Planning Agency created by section 3 of this act, as required by section 21 of this act.

3. Section 23.5 of chapter 530, Statutes of Nevada 2011, at page 3742, is hereby amended to read as follows:

Sec. 23.5. If all of the events described in *paragraph (a) of subsection 44 6* of section 25 of this act have not yet taken place as of July 1, 2015, the Governor, on or after that date, but before October 1, 2015:

1. Shall assess whether it is likely that all of the events described in *paragraph (a) of subsection 44 6* of section 25 of this act will take place in the reasonably foreseeable future; and

2. May, if the Governor determines it is likely that all of the events described in *paragraph (a) of subsection 44 6* of section 25 of this act will take place in the reasonably foreseeable future, issue a proclamation to that effect. ~~If the Governor issues the proclamation described in this subsection, sections 1, 2 to 22, inclusive, and 24 of this act must not become effective until October 1, 2017.~~

4. Section 25 of chapter 530, Statutes of Nevada 2011, at page 3743, is hereby amended to read as follows:

Sec. 25. 1. This section, ~~and~~ sections 17.3 ~~44 and~~ 17.7, *subsection 2 of section 18, and sections 22.5, 23 and 23.5* of this act become effective upon passage and approval.

2. Section 22.5 of this act expires by limitation on January 1, 2013.

3. Section 1.5 of this act becomes effective upon proclamation by the Governor of this State of:

(a) The enactment by the State of California of amendments that are substantially identical to the amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act; and



(b) The approval of the amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act pursuant to Public Law 96-551.

4. Except as otherwise provided in ~~{subsection 5,}~~ *subsections 5 and 6*, sections 1 ~~{,}~~ *and 2 to 17, inclusive, subsections 1 and 3 of section 18, and sections 19 to 22, inclusive,* and 24 of this act become effective on October 1, 2015. ~~{, unless, by that date, all of the following events have occurred:~~

~~—(a) The State of California has enacted amendments that are substantially identical to the amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act;~~

~~—(b) The amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act have been approved pursuant to Public Law 96-551; and~~

~~—(c) The governing board of the Tahoe Regional Planning Agency has adopted an update to the 1987 Regional Plan.}~~

5. ~~{}~~ *Except as otherwise provided in subsection 6*, in the event that the Governor of this State issues a proclamation pursuant to section 23.5 of this act, sections 1 ~~{,}~~ *and 2 to 17, inclusive, subsections 1 and 3 of section 18, and sections 19 to 22, inclusive,* and 24 of this act become effective on October 1, 2017.

6. *Sections 1 and 2 to 17, inclusive, subsections 1 and 3 of section 18, and sections 19 to 22, inclusive, and 24 of this act do not become effective if:*

*(a) All of the following events occur before October 1, 2015:*

*(1) The State of California enacts amendments that are substantially identical to the amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act;*

*(2) The amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act are approved pursuant to Public Law 96-551; and*

*(3) The governing board of the Tahoe Regional Planning Agency adopts an update to the 1987 Regional Plan; or*

*(b) The Governor of this State issues a proclamation pursuant to section 23.5 of this act and all of the events described in paragraph (a) occur before October 1, 2017.*



**Sec. 28.** Sections 1 and 2 of chapter 224, Statutes of Nevada 1981, at pages 415 and 436, respectively, sections 1, 2 and 3 of chapter 731, Statutes of Nevada 1981, at pages 1824 and 1825, sections 1, 2 and 3 of chapter 450, Statutes of Nevada 1983, at pages 1137, 1158 and 1159, respectively, and sections 1, 2 and 3 of chapter 274, Statutes of Nevada 1985, at pages 819 and 841, are hereby repealed.

**Sec. 29.** This act becomes effective upon passage and approval.







